

# **BYLAWS OF THE HAMPTON BAR ASSOCIATION, INC. HAMPTON, VIRGINIA**

## **PREAMBLE**

### **Statement of Purpose**

The purpose and objectives of the Hampton Bar Association, Inc. (the "Corporation") are:

- (1) To foster and promote high standards of efficiency, integrity, and professional ethics and
- (2) To support the canons of professional and judicial ethics.

### **ARTICLE 1: NAME**

Section 1. The name of the Corporation shall be the Hampton Bar Association, Inc.

### **ARTICLE 2: MEMBERS**

Section 1. The Corporation shall be composed of three classes of members, i.e., honorary members, active members, and associate members.

### **ARTICLE 3: HONORARY MEMBERS**

Section 1. Resident Justices of the Supreme Court of Virginia, the Virginia Court of Appeals, the Judges of all Courts of the City of Hampton, Peninsula resident United States Magistrates, and retired judges and attorneys shall be eligible for honorary membership in the Corporation, provided such judge or attorney shall otherwise meet the requirements of membership other than the active practice of law.

Section 2. Honorary members shall be elected by a majority vote of all the active members present at a regular meeting.

Section 3. Honorary members shall be entitled to all the privileges of the Corporation, except that of voting.

#### **ARTICLE 4: ACTIVE MEMBERS**

Section 1. All persons of good moral character who are licensed to practice law in the Commonwealth of Virginia and (i) maintain their primary office for the practice of law in the City of Hampton, Virginia, and are individually licensed to practice law by the City of Hampton, Virginia, or (ii) are individually exempt from acquiring such a license because of employment by the City of Hampton, the Commonwealth of Virginia or a political subdivision thereof, the United States government or an agency thereof, or a Legal Aid Society and who maintain an office in the City of Hampton shall be eligible for active membership, or (iii) maintain their primary residence in the City of Hampton, Virginia. The Board of Directors shall have jurisdiction to hear and determine whether an individual meets the criteria set forth above.

Section 2. Application for election to Active membership in the Corporation shall be by letter to the Board of Directors, accompanied by payment of dues for the current year. Such letter shall be delivered or mailed to the Secretary and shall contain a statement that the applicant has read the Code of Ethics of the Virginia State Bar as well as the Bylaws of this Corporation. Initial eligibility for active membership shall be determined by the Board of Directors.

Section 3. The annual dues of active members shall be as determined by the Board of Directors. All dues are due on or before January 31 of each year. If paid subsequent to January 31<sup>st</sup> of such year, the dues (except for new members in which case dues shall be prorated) of each active member shall be the amount of the annual dues established by the Board of Directors plus a TWENTY-FIVE DOLLAR (\$25.00) late fee. The Board of Directors, by unanimous vote of all present, may increase or decrease the dues for the succeeding year, subject to the approval of a majority of the voting members at any meeting called for that purpose.

Section 4. Only active members shall be eligible to serve as officers, directors, or committee members of the Corporation or to vote on any matter before the Corporation.

**ARTICLE 5: ASSOCIATE MEMBERS**

Section 1. Any person of good moral character, qualified to practice law before the highest court of any state of the United States of America or the Supreme Court of the United States of America, shall be eligible for associate membership in the Corporation.

Section 2. Applicants for associate membership shall make application and be elected in the same manner as Active Members as provided in Article 4, Section 2.

Section 3. Associate members shall be entitled to all privileges of the Corporation except that of voting.

Section 4. The dues of associate members shall be the same as those of active members, as set forth in Article 4, Section 3.

**ARTICLE 6: FINANCE**

Section 1. The membership may be subject to a special assessment recommended by the Board of Directors and adopted by the voting members at any meeting called for that purpose, provided that written notice shall be sent via United States Postal Service, electronic mail or facsimile transmission by the Secretary at least seven (7) days prior to such meeting to the postal or e-mail address of such members on record with the Corporation.

Section 2. The Treasurer of the Corporation shall be charged with the duty of collecting all dues and special assessments. Dues shall be due and payable on or before the last day of January of each calendar year. Special Assessments are due within thirty (30) days from the date of assessment.

Section 3. The Treasurer of the Corporation is delegated the authority to make expenditures from the funds of the Corporation for any current bills and operating costs. No other expenditures shall be made without the approval of the Board of Directors.

Section 4. The Treasurer of the Corporation shall have the authority to deposit monies of the Corporation in any federally insured bank within the City of Hampton, Virginia, and in such checking or savings accounts as the Treasurer deems best. The Board of Directors, at its discretion, may direct the Treasurer to deposit such monies in interest bearing accounts. All such accounts shall be in the name of the Hampton Bar Association, Inc. Checks and withdrawal slips are subject to the signature of the Treasurer of the Corporation.

Section 5. When the funds of the Corporation exceed the sum of \$15,000.00, the Treasurer shall make a special report to the Board of Directors. The Board of Directors shall have the authority to invest such funds considered by them to be in excess of the need for current expenses and operating costs.

Section 6. In the event the Corporation undertakes a special project that requires the accumulation of funds, then such funds shall be deposited by the Treasurer of the Corporation in a special account especially designated. If there is more than one special project, then there shall be a separate account for each special project.

#### **ARTICLE 7: MEETINGS**

Section 1. The annual meeting of the members shall be held in December of each year. The Secretary shall give at least seven (7) days written notice of such meeting to all members, and such notice shall state that it is the annual meeting.

Section 2. The banquet for the installation of officers shall be held in January of each year at such time and place as may be designated by the Board of Directors with the approval of the President.

Section 3. Regular meetings of the members shall be as scheduled by the President. At least seven (7) days written notice of the meeting shall be given to all members. The time and place of any regular meeting may be altered at the discretion of the President. The Board of Directors may cancel or change the date and time of regular meetings as it deems necessary.

Section 4. Special meetings of the active members may be held at any time and place upon the call of the President, upon the call of any three members of the Board of Directors, or any five (5) active members. Not less than seven (7) days notice, in writing, shall be given by the Secretary to each active member stating the purpose of such meeting. If the Secretary fails to issue said notice, then said notice may be given by those members or directors requesting said meeting.

Section 5. At all meetings, twenty percent (20%) of the active members shall constitute a quorum for the transaction of business. If a quorum be thus present, a majority of those voting shall decide any question unless otherwise herein provided. A quorum shall be deemed present unless objection is raised prior to the consideration of any question before the Corporation.

Section 6. Upon all questions of procedure at meetings not covered by these bylaws, the general principles of parliamentary procedure shall govern.

Section 7. Unless otherwise stated herein, any notices required to be sent to members shall be via United States Postal Service, electronic mail, facsimile transmission or the attorney's mailbox located inside the Office of the Circuit Court Clerk.

## **ARTICLE 8: OFFICERS**

Section 1. The officers of the Corporation shall be a President, a President-Elect, a Secretary and a Treasurer.

Section 2. All officers shall be elected at the annual meeting in December and shall serve a term of one (1) year commencing at the officers' installation. The President-Elect for the previous year shall become the President of the Corporation and the new President-Elect shall perform the duties as set out in Section 4 of this Article. Any officer may be removed for cause by vote of not less than two-thirds (2/3) of the Board of Directors, but only after notice and a hearing. There may be an appeal to the active membership from such removal by such officer of the Corporation. The President shall call a special meeting of the active membership, with written notice given, at the request of such officer to consider such removal. At such special meeting, a vote of the majority of the active members present is required to reinstate such officer.

Section 3. The President shall preside at all meetings, have general supervision of the affairs of the Corporation, and shall be an ex officio member of the Board of Directors. The President shall not be eligible to succeed himself/herself.

Section 4. In the absence of or vacation of office by the President, the President-Elect shall exercise all of the powers and duties of the President's office.

Section 5. The Secretary shall issue notice of all meetings, keep minutes of all meetings, maintain membership records, serve as doorkeeper, and sign with the President all instruments requiring his/her signature, unless otherwise ordered by the Board of Directors.

Section 6. The Treasurer shall have custody of all funds and securities of the Corporation, shall deposit all funds in the name of the Corporation in a federally insured account,

shall sign all checks drawn thereon, shall notify the secretary of any member whose dues are not current in accordance with Article 21, and shall be the general officer of the Corporation.

Section 7. All officers shall serve without compensation.

### **ARTICLE 9: DIRECTORS**

Section 1. For management of the affairs of the Corporation there shall be a board of eight (8) directors, including the President, who shall be its Chairman and the three (3) other officers. The officers who are directors of the Corporation shall serve for one (1) year term. The other four members of the Board of Directors shall be elected from the membership at large. The Directors at Large shall serve for a term of two (2) years next following their installation, with two Directors at Large being elected each year to serve a two (2) year term.

Section 2. Directors may be removed for cause by a majority vote of the active membership of record.

Section 3. Vacancies of officers and directors occurring during the year may be filled by the Board.

Section 4. Meetings of the Board may be held upon the call of the President, or any three (3) Directors.

Section 5. One day's written or actual notice of the meeting of the Board shall be given by the President to each Board member stating the purpose of the meeting.

Section 6. A majority of the Directors shall constitute a quorum for the transaction of business.

Section 7. All Directors shall serve without compensation.

## **ARTICLE 10 : COMMITTEES**

Section 1. The Corporation recognizes the need to have committees handle specific needs of the Corporation.

Section 2. The President shall establish committees as needed. Such committees may be, but are not limited to, the following: Judicial Liaison, Continuing Legal Education, and Judicial Selection.

## **ARTICLE 11 : SUSPENSION AND EXPULSION**

Section 1. Dues and fees herein provided shall be payable as stated. If such dues or other indebtedness due from a member of the Corporation are not paid, such members shall not have the privilege of voting at any meeting unless such dues are paid at least twenty-four (24) hours prior to the date and time of the meeting. If such dues or other indebtedness are not paid by July 1<sup>st</sup> of the year in which they become due and payable, such member shall be dropped automatically from membership in said Corporation ten (10) days after being sent written notice from the Treasurer, and no member so dropped shall be reinstated to membership until such dues or other indebtedness have been paid in accordance with this article.

Section 2. Any member of the Corporation whose license to practice law has been suspended or revoked shall cease automatically to be a member of the HAMPTON BAR ASSOCIATION, INC. and shall not be reinstated to membership until such license to practice law has been reinstated and any delinquent and current dues paid.

Section 3. The Board of Directors shall have jurisdiction to hear and determine any charges made against a member for a breach of any Bylaw of this Corporation.

**ARTICLE 12 : JUDICIAL ENDORSEMENT**

Section 1. In the event of a judicial vacancy occurring, or the confirmed announcement of a vacancy to occur, within those judicial offices set forth in Article 2 of the Judicial Endorsement Procedures of the Hampton Bar Association, the President of the Hampton Bar Association shall give notice to the active members of the association that the Judicial Endorsement Procedures shall be in effect for the purpose of endorsing a candidate or candidates for such office. The procedures to be followed in deciding the endorsement shall be the Judicial Endorsement Procedures presented to the Bar by the Judicial Endorsement Task Force. Said Judicial Endorsement Procedures are hereby incorporated by reference and made a part of the Bylaws of the Hampton Bar Association, Inc., in haec verba, as adopted on July 20, 1999 by the membership of the Hampton Bar Association.

**ARTICLE 13 : AMENDMENT**

Section 1. These by-laws may be amended at any regular meeting or special meeting called for that purpose by a two-thirds (2/3) vote of the members present and voting, provided that in either case written notice of the proposed amendments has been given to all members entitled to vote at least seven (7) days prior to such meeting.

**ARTICLE 14: SUSPENSION OF THE BY-LAWS**

Section 1. These by-laws may not be suspended, in whole or in part.

DATED: \_\_\_\_\_

\_\_\_\_\_

**HAMPTON BAR ASSOCIATION**  
**JUDICIAL ENDORSEMENT PROCEDURES**

**ARTICLE ONE**

**GUIDELINES**

[Adopted July 20, 1999; Amended October 31, 2000; Amended November 28, 2001; Amended September 18, 2008]

**I. PURPOSE**

The purpose of these Rules of Procedures is to establish orderly procedures for Hampton Bar Association members in the process of endorsing candidates for judicial office in courts in which members practice; to assure that qualified candidates for judicial offices have ready access to a procedure to solicit support for their candidacies; to assure that the Association's endorsements for judicial offices are established and transmitted promptly to the appropriate authorities; and to promote the legitimate interests of the Bar, the courts, and the public.

**II. DEFINITIONS**

As used in these Rules; the term "**Active Bar Members**" shall refer to active members in good standing of the Hampton Bar Association (Bylaws, Article 4, Section 1); the term "**Lay Citizen Members**" shall refer to adult resident members of the City of Hampton, Virginia, not affiliated with the legal community; the term "**Association**" shall refer to the Hampton Bar Association; the term "**President**" shall refer to the President of the Hampton Bar Association; the term "**President-Elect**" shall refer to President-Elect of the Hampton Bar Association; the term "**Secretary**" shall refer to the Secretary of the Hampton Bar Association; the term "**Board of Directors**" shall refer to the eight directors of the Hampton Bar Association (Bylaws, Article 9, Sections 1-7); the term "**Committee**" shall refer to the Judicial Selection Committee of the Hampton Bar Association; the term "**Chair**" shall refer to the Chairperson of the Judicial Selection Committee of the Hampton Bar Association.

The term "**Questionnaire**" shall refer to a list of questions prepared in accordance with Local Rule 98-2 adopted by the Circuit Court of the City of Hampton, Virginia, on June 17, 1998, seeking specific information from the candidate to aid the Committee in determining the qualifications of the candidate for endorsement by the Association for the judicial office sought; attached hereto as **APPENDIX A**.

### **III. COMMITTEE MEMBERSHIP**

#### **A. COMPOSITION**

1. Membership on the Judicial Selection Committee shall be composed of nine members, six of whom shall be Active Bar Members in good standing with the Hampton Bar Association and three of whom shall be Lay Citizen Members who are adult residents of the City of Hampton, Virginia, not affiliated with the legal community, with the President and President-Elect serving *ex officio*, without voting privileges except as hereinafter set forth.

#### **B. ELECTION**

1. All members of the Judicial Selection Committee shall be nominated by the President and elected by the Board of Directors of the Hampton Bar Association for a three-year term.
2. Of the initial six Active Bar Members of the Association elected to the Committee, the President shall designate two to serve a term of one year; two to serve a term of two year; and two to serve a term of three years.
3. Of the initial three Lay Citizen Members, the President shall designate one to serve a term of one year; one to serve a term of two years; and one to serve a term of three years.
4. Active Bar and Lay Citizen Members shall be elected thereafter to serve a three-year term as vacancies occur but shall not be eligible for reelection to a consecutive term; however, the initial members elected for a one or two-year term shall be eligible for reelection to a three-year term. Should a vacancy occur, the President shall nominate and the Board of Directors shall elect a new member to serve the remainder of an unexpired term.
5. Upon election of the initial Committee, the President shall designate one of the two Active Bar Members serving a one-year term as Chair; and, shall designate one of the four Active Bar Members serving a two- or three-year term as Chair-Designate to serve as Chair the following year. Each year thereafter the President-Elect shall designate one of the two Active Bar Members with two years remaining on his/her term to serve as Chair-Designate; such Active Bar Member will serve as Chair the following year. He/she will assume the duties of the Chair when the Chair is absent. In that event, the President will appoint a temporary Chair-Designate. Subsequent to the initial Committee, both the Chair and the Chair-Designate must have previously served at least one year as an Active Bar Member of the Committee.
6. Hampton Bar Association active members in good standing who are interested in serving on the Judicial Selection Committee shall complete a

formal application for appointment to the Committee. The application form shall contain an acknowledgment by the applicant that he/she understands the time commitment that will be required of Committee members and he/she agrees to execute the Confidentiality Agreement with respect to the screening process. The application form shall provide for the applicant to specify his/her area(s) of practice; the percentage of his/her practice which consists of litigation; the court or courts in which he/she appears with regularity; and the year of his/her admission to the Bar of this Commonwealth.

7. Residents of the City of Hampton who are eighteen years or older; are not affiliated with the legal community, including courts, and are interested in serving as a Lay Citizen Member on the Judicial Selection Committee, must complete an application and submit it to the President. Members of the Hampton Bar Association may submit to the President the names and addresses of prospective Lay Citizen Members. The President shall mail applications to the prospective members and invite their participation.
8. The Lay Citizen Member application form shall contain an acknowledgment by the applicant that he/she understands the time commitment that will be required of Committee members and that he/she agrees to execute a Confidentiality Agreement with respect to the screening process. The application form shall provide for the applicant to specify his/her occupation; employer; educational background; whether affiliated with the legal community, including courts; the names of community organizations to which he/she belongs; and any other facts which the applicant feels will assist the Board of Directors in electing Lay Citizen Members.
9. Applications shall be reviewed by the President who shall recommend nominees to the Board of Directors. The President may recommend persons other than applicants set forth in Article One, Section III, paragraph B, subparagraph 6-8, who are deemed worthy and qualified to be considered
10. The application forms shall be substantially in the forms set forth in **APPENDIX B**, *Active Bar Member Application*, and **APPENDIX C**, *Lay Citizen Member Application* attached hereto.
11. In recommending and electing members of the Committee, the President and Board of Directors shall be guided by the principle that the membership of the Committee shall be diverse. Such diversity shall include, but not be limited to:
  - a. Type of practice or occupation;
  - b. Size of firm or employer;

- c. Membership in other organizations;
- d. Area of the city where applicant resides; and,
- e. Other factors which reflect diversity considerations.

**C. DUTIES**

1. On or before October 1 of each year the Hampton Bar Association President shall inform the members of the General Assembly representing Hampton, and the appointing Circuit Court Judges of Hampton, of:
  - a. The rules of the Judicial Selection Committee;
  - b. The names, addresses, and occupations of the Committee members and officers of the Association;
  - c. The known or anticipated judicial vacancies the Committee will address during the President's remaining term of office and the next President's term of one calendar year.
2. On or before October 1 of each year the Judicial Selection Committee Chair shall convene an orientation meeting of all Committee members to review the rules, procedures, and known or anticipated judicial vacancies.
3. The Chair shall give timely notice of meetings to all Committee members. Seven Committee members, including the President, shall constitute a quorum. A majority of votes cast shall govern..

**D. CONFIDENTIALITY**

1. All members shall keep the Judicial Selection Committee deliberative process as to each judicial candidate strictly ***confidential***. There shall be no discussion of candidates' qualifications by any member of the Committee with anyone when the Committee is convened or writing Executive Summaries, including a member of the Hampton General Assembly Delegation, Hampton Circuit Court Judges, or any other party charged with making or recommending judicial selections.
2. As a prerequisite to becoming a member of the Judicial Selection Committee, Committee applicants must sign the Confidentiality Agreement appended to these rules as **APPENDIX D**. Any member of the Committee may recommend to the President of the Hampton Bar Association the removal of any Committee member who fails to abide by the terms of the Confidentiality Agreement. Any member removed from the Committee for this reason will be prohibited from service on the Committee at any time thereafter.

## **ARTICLE TWO**

### **JUDICIAL VACANCIES**

These procedures govern all judicial vacancies occurring within the City of Hampton Circuit Court, General District Court, Juvenile and Domestic Relations District Court, the Virginia Court of Appeals, the Virginia Supreme Court, the United States District Court for the Eastern District of Virginia, including within its Newport News and Norfolk Divisions, the Bankruptcy Court, and the United States Magistrates' Court, Norfolk and Newport News.

## **ARTICLE THREE**

### **JUDICIAL CANDIDACY**

#### **I. DECLARATION OF CANDIDACY**

- A. Any attorney, duly licensed to practice law in the Commonwealth and a resident of the City of Hampton, whether or not a member of the Association, desiring to be considered for endorsement for a judicial office by the Association shall submit his/her resume to the Association in accordance with ARTICLE FOUR, SECTION I. The candidate shall thereafter submit a completed Questionnaire, Local Rule 98-2, obtained from the President, together with a statement of his/her intent to seek judicial office, to the Association, in care of the Chair of the Judicial Selection Committee or the President of the Bar, as soon as possible after the submission of his/her resume, but in any event not less than forty-eight hours prior to the time set for interview by the Committee.

#### **II. NOTICE OF JUDICIAL VACANCY**

- A. As soon as the President is made aware of a vacancy in a judicial office, the President shall forthwith notify the Chair of the Committee, the members of the Association, and the Presidents of the Specialty Bars recognized by the Virginia State Bar of the vacancy. The Notice of Vacancy shall also state:

*"Any person having information or comments to offer the Judicial Selection Committee regarding the qualifications or character of any person requesting endorsement for the judicial office should address his/her comments to the Judicial Selection Committee in care of the Chairperson, Judicial Selection Committee, Hampton Bar Association, P. O. Box 1801, Hampton, Virginia 23669. Information submitted to or received by the Committee is confidential."*

## ARTICLE FOUR

### COMMITTEE SCREENING OF CANDIDATES

#### I. STATEMENT OF QUALIFICATION BY CANDIDATE

- A. A candidate for a judicial office shall deliver to the Chair of the Judicial Selection Committee **ten copies** of a resume of qualifications for distribution to the Committee. All resumes of candidates shall be available for examination and copying by any member of the Association.

#### II. JUDICIAL COMMITTEE QUESTIONNAIRE

- A. The Committee shall receive any and all statements of intent to be considered for the judicial office and any and all completed Questionnaires. The Questionnaire of the Association, in accordance with Local Rule 98-2, affixed hereto as **APPENDIX A**, shall be made available in the President's office and shall be completed by the person desiring to be considered for endorsement for the judicial vacancy by the Association. The information submitted in the Questionnaire, supporting materials, letters, oral reports and documents, if any, shall be held in **strict confidence**, except with respect to the candidate, the Committee, and the Board of Directors. The Questionnaire shall be completed in full and the candidate shall submit **ten copies** of the Questionnaire to the Chair of the Judicial Selection Committee when directed by the Judicial Selection Committee, but in no event later than forty-eight hours prior to the time set for his/her interview by the Committee, unless this requirement is waived by the Committee.
- B. A candidate from whom the Committee has received a Declaration of Intent and Questionnaire may withdraw from consideration at any time prior to the commencement of voting by the Committee.

#### III. INTERVIEW OF CANDIDATES FOR JUDICIAL OFFICE

- A. All persons who file a fully completed application and consent to consideration by the Association shall be interviewed by the Committee, provided at least seven (7) Committee members are present. The Judicial Selection Committee shall also be provided with the results of all prior rankings for any judicial candidate who has appeared before the Committee in previous years for a position on the same court.
- B. After the Committee interviews a judicial candidate, the candidate shall be excused to allow the Committee the opportunity to conduct a caucus immediately after the interview. In the event there are any specific incidents, events, or issues that cause concern to a committee member regarding the candidate's qualifications, the committee member shall describe the specific incident, event, or issue to the whole Committee during the caucus. Thereafter, the candidate shall be given the opportunity to return to the room to discuss the same with the Committee. Each candidate will be asked to provide a telephone number where

he/she can be reached by the Committee should such a specific incident, event, or issue be disclosed later during the Committee's deliberations.

- C. A Judicial Selection Committee member shall recuse him/herself from participating in screening of all candidates for a vacancy or vacancies if the committee member:
1. is a candidate or anticipates becoming a candidate for the vacancy or vacancies; or,
  2. has had a personal, professional, or adversary relationship with any judicial candidate which could result in bias or prejudice on the part of the committee member; or,
  3. is related by blood or marriage to any candidate; or,
  4. is a business or professional partner of any candidate; or,
  5. is affiliated with the same law firm or the same legal department or office as a candidate.

The membership of the Committee shall be disclosed to the candidates prior to the interview process. If any candidate believes a Committee member ought to recuse him/herself, the candidate shall immediately notify the Chair in writing and state his/her reasons for the requested recusal. The Committee shall consider the candidate's written request for the recusal and shall vote whether the Committee member will be excluded from the screening process. This vote shall be taken by written ballot, counted by the Chair and Chair-Designate; and, after informing the Committee, the ballots will be destroyed with no records being kept of the vote. The Committee Chair shall decide whether to inform the candidate of the specific vote count on this issue or the reasons for the positions taken by the Committee on the issues raised.

- D. If one or two Committee members are recused as set forth above, or otherwise unable to attend the interview, the President and/or President-Elect of the Hampton Bar Association are entitled as *ex officio* members to vote.
- E. In reviewing the qualifications of judicial candidates, the Committee shall be guided by the American Bar Association Guidelines for Reviewing Qualifications for State Judicial Office, approved by the House of Delegates thereof at its annual meeting in 1983.

#### **IV. DETERMINATION OF QUALIFICATIONS**

- A. With respect to the qualities required for the judicial office to which a candidate is seeking election or appointment, the Committee shall consider the following criteria in determining whether a candidate is qualified, highly qualified, or not qualified.

- B. A judicial candidate will be deemed qualified who meets the minimum requirements for integrity and fairness, legal knowledge and ability, professional experience in the applicable court, judicial temperament, diligence, health, financial responsibility, and public service.
- C. A judicial candidate shall be deemed highly qualified who substantially and significantly exceeds the requirements of the preceding paragraph (Article IV, subparagraph 1).
- D. A candidate shall be deemed NOT QUALIFIED if he/she does not meet the minimum requirements set forth above; or,
  - 1. if he/she suffers from poor health or other disabling physical or mental infirmity as would immediately affect such candidate's ability to serve; or,
  - 2. if he/she presents financial, legal, or personal circumstances which would adversely affect such candidate's ability to serve or which would demean the judicial office.
- E. Any judicial candidate who is voted *NOT QUALIFIED* by the Judicial Selection Committee may have his/her name placed on the ballot upon submission of a petition bearing the signatures of twenty (20) active members in good standing of the Hampton Bar Association; which petition shall be filed with the President no later than seventy-two hours after the candidate is notified that he/she was voted not qualified by the Judicial Selection Committee. The Committee shall also provide an Executive Summary on any such candidate to the members of the Association.
- F. Votes on judicial candidates shall be made by written ballot, counted by the Chair and Chair-Designate; and, after informing the Committee of the vote, the ballots shall be destroyed immediately. No record is to be kept of the vote count, and under no circumstances shall the Committee divulge the vote count to anyone.
- G. After the interviews are conducted, the Committee shall prepare a detailed and substantive Executive Summary affixed hereto as **APPENDIX E**, of the reasons, positive or negative, for the Committee's opinion of each candidate. The Executive Summary shall address each candidate's qualification as measured by the American Bar Association Guidelines for Reviewing Qualifications for State Judicial Office. In the event that the Committee reached a determination on a candidate's ranking as qualified or not qualified which differs from a ranking issued by the Committee for that candidate in a prior year for the same court, the Executive Summary shall explain the changed ranking with reasonable specificity.
  - 1. The Executive Summary regarding a candidate shall be delivered to that candidate within ten (10) business days of the candidate's interview.. Any candidate may withdraw from further consideration, and upon submission of a signed statement that he/she will neither stand for the Hampton Bar

Association membership vote nor be interviewed by the members representing Hampton in the General Assembly or the Circuit Court Judges as appointing authority, or the Governor of the Commonwealth in the case of Circuit Court Judges, the Executive Summary will not be released or published.

2. The President will make the Executive Summary available to the Hampton Bar Association membership for each candidate who wants his/her name to be submitted to the membership for consideration, whether or not the candidate is favorably reported.

## **ARTICLE FIVE**

### **VOTING**

#### **I. MEMBERSHIP VOTING**

- A. Voting by the Hampton Bar Association membership shall be by secret ballot and conducted in accordance with the following provisions:
  1. The President shall notify the Secretary of the Hampton Bar Association of the names of those judicial candidates who have been deemed qualified or highly qualified by the Committee. No person may be nominated by petition or otherwise if he/she failed to submit an application to and interview with the Judicial Selection Committee.
  2. A special meeting shall be held at a date and time determined by the President in order for the voting process to take place. The names of the candidates shall be placed on ballots for the members to use. The voting process will continue at the meeting until one candidate receives a majority of the votes cast.
- B. Each member of the Hampton Bar Association who is eligible to vote shall have an opportunity in advance of the special meeting to review the Executive Summary for each judicial candidate whose name appears on the ballot, and be advised of the number of active members eligible to vote. The Secretary may provide this information to the members by use of the United States Postal Service, by e-mail, by posting on the Hampton Bar Association website, or by facsimile transmittal.
- C. In the event there are four or fewer candidates for a specific judicial vacancy and one candidate does not receive a majority of the votes cast during the initial round of voting, the candidate receiving the least number of votes shall have his/her name removed from the ballot. Another round of voting will take place between the remaining candidates, and if a candidate does not receive a majority of the votes cast, the name of the candidate receiving the least number of votes shall be removed from the ballot and another round of voting will take place until one candidate receives a majority vote.

- D. In the event there are five or more candidates for a specific judicial vacancy and one candidate does not initially receive a majority of the votes cast, the names of the two candidates receiving the least number of votes will be removed from the ballot after each vote. Additional rounds of voting will take place between the remaining candidates until such time as there are four or fewer candidates on the ballot, at which time voting shall proceed as stated in the preceding paragraph 2(a)
- E. During the rounds of voting where no one candidate received a majority of the votes cast, if there is a tie among the candidates whose names would be dropped from the ballot due to receiving the least number of votes, a separate run off vote between those candidates will take place and the name of the candidate who received the least number of run off votes shall be removed from the ballot so that another round of voting can take place between the remaining candidates.
- F. A judicial candidate may request that his/her name be removed from the ballot at any time during the voting process.
- G. Notwithstanding the foregoing provisions, the President may, when exigent circumstances demand, with the concurrence of a majority of the Board of Directors, give appropriate notice to the Hampton Bar Association active bar members of a meeting for the purpose of voting on judicial candidates. The procedures shall otherwise conform substantially to that provided for herein.

## **II. APPOINTMENT OF COUNTING COMMITTEE**

- A. The President shall appoint three disinterested active bar members of the Hampton Bar Association to count the ballots after each voting round and to report to him/her the results of the ballot count(s) .

## **III. REPORT OF RESULTS OF VOTING**

- A. After the close of all voting and the tabulation of the votes on the endorsement of a candidate for a judicial office, the President shall communicate the following information to the members of the General Assembly representing Hampton in the case of judicial offices to be elected by the General Assembly, the Governor of Virginia, in the case of Circuit Court Judges to be appointed when the General Assembly is not in session; the Judges of the Circuit Court of the City of Hampton as the appointing authority when appropriate; to the United States District Court Judges for the Eastern District of Virginia for Magistrates of such Courts; or, to the President and both United States Senators, in the case of federal judicial appointments, subject to the advice and consent of the United States Senate.
  - 1. The Executive Summary and biographic information of the one candidate who received the majority of votes from the members of the Association; and,

2. The names, addresses, occupations, and employers of the Judicial Selection Committee members who participated in the deliberations.
- B. Following submission of the aforesaid materials, the President and the Judicial Selection Committee Chair shall be available to meet with the Hampton General Assembly delegation or Circuit Court Judges to explain and field inquiries about the screening process and shall also have the authority to appear before the General Assembly, or any committees thereof, the Governor, or any other party charged with making or recommending Judicial selections for the same purpose.

**ARTICLE SIX**

**MATTER OF PROCEDURE, CREDENTIALS, AND VOTING**

All questions concerning credentials, interpretation of the procedure, qualifications for voting, and conduct of the balloting shall be governed by a majority vote of the Executive Board.

The Hampton Bar Association adopted the hereinabove judicial selection procedures this \_\_\_ day of \_\_\_\_\_, 200 .

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**CONFIDENTIAL**

**APPENDIX A**

**APPLICATION and QUESTIONNAIRE**

*Please mark appropriate box.*

1.  Circuit Court, City of Hampton
2.  General District Court Judge, City of Hampton
3.  Juvenile and Domestic Relations District Court Judge, City of Hampton
4.  Substitute General or Juvenile and Domestic Relations District Court Judge, City of Hampton

You are requested to provide ten copies of the following information to the Judicial Selection Committee of the Hampton Bar Association. Your responses are for the use of the Committee only, and you are entitled to **confidentiality**. The information contained herein is solely for the Committee and will not be transmitted to any other person without the written consent of the applicant. **(Type the answers on this form.** If a question is not applicable to the office sought, please type "not applicable." If more space is needed, you may attach additional pages.)

1. State your full name.
  
2. State your office and home addresses.
  - a. Home:
  - b. Office:
  
3. State your office and home telephone numbers.
  - a. Home:
  - b. Office:
  
4. State the date and place of your birth.
  
5. Indicate your marital status; if married, the full name of your spouse (including family name); number of marriages; the number and ages of children.

6. List each college or university and law school you attended, the degrees awarded and date each such degree was awarded and reason for leaving if no degree was awarded from the institution.
  
  
  
  
  
  
  
  
  
  
7. When were you admitted to practice law in Virginia? Give date of qualification before the Supreme Court of Virginia.
  
  
  
  
  
  
  
  
  
  
8. Give a brief statement of your legal experience.
  
  
  
  
  
  
  
  
  
  
9. List all courts in which you are presently admitted to practice and give the dates of admission. Indicate the same information for any administrative bodies having special admission requirements.
  
  
  
  
  
  
  
  
  
  
10. Indicate whether you are actively engaged in the practice of law at the present time. If you are, please state the name and location of your employer, self or other. Indicate the duration of your employment relationship.

11. Please give the particulars of your prior legal employment history. Include the names and locations of your employers, as well as the relevant dates. Indicate any period in the past during which you were a solo practitioner.
  
12. State the general character of your current practice. Please describe your typical clients and list any legal specialties, which you possess. If the nature of your practice has been substantially different at any time in the past, give details.
  
13. Are you now engaged in any business enterprise? If so, please give the details.
  
14. List all civic, social, or fraternal organizations, clubs, and groups of which you are a member, officer, director, or trustee. Do any of these organizations, clubs, or groups practice invidious discrimination on the basis of race, sex, religion, or national origin?
  
15. Indicate whether anyone ever instituted criminal charges against an organization during your affiliation with it as an officer, director, or manager. If so, please give details.
  
16. State if you have ever held public office. If so, give details, including the title of office, whether you were elected or appointed, duties, and length of service.

17. Indicate whether you have ever been arrested, charged, or held for violation of any federal law, state law, county or municipal law, regulation, or ordinance. If so, give details. Please do not include traffic violations for which a fine of \$100.00 or less was imposed.
  
18. State whether you have ever been sued by a client or former client for malpractice, breach of fiduciary duty, or other reasons. If so, give details.
  
19. Indicate whether you have ever been a party or otherwise involved in any other legal proceedings. Include all proceedings in which you were a party in interest, a material witness, a named co-conspirator or co-respondent, a grand jury subject, or a grand jury witness. Do not include any proceedings in which you were a nominal party and there were no allegations of wrongdoing against you.
  
20. State if you are currently under investigation by any court, law enforcement entity, administrative agency, bar association, disciplinary committee, or other professional group. If so, please give details.
  
21. State if you have ever been disciplined or cited by any court, administrative agency, bar association, disciplinary committee, or other professional group. If so, please give details.



including the present status of those conditions that caused the confinement or incapacitation.

(c) Indicate whether you have ever been treated for any emotional or mental illness. If so, give details.

(d) Describe any physical limitation you might have, including an impairment of eyesight or hearing.

(e) Indicate to what extent you use alcohol or drugs.

27. Are there any actions or suits now threatened against you? If so, please give the details.

28. Are you now, or have you ever been, a party to a civil proceeding? If so, please give the details.

29. What standards do you use to determine whether you should disqualify yourself from consideration of a particular matter before a court?
30. Provide below the names, addresses and telephone numbers of three references that can describe your reputation personally or professionally in the community.
32. State any other information, which you regard as pertinent, including any bar association endorsements.

\_\_\_\_\_  
Signature

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

1.  Circuit Court, City of Hampton
2.  General District Court Judge, City of Hampton
3.  Juvenile and Domestic Relations District Court Judge, City of Hampton
4.  Substitute General or Juvenile and Domestic Relations District Court Judge, City of Hampton

**AFFIDAVIT**

**COMMONWEALTH OF VIRGINIA**

**CITY OF HAMPTON, TO-WIT:**

I certify I am a duly licensed Attorney at Law; that there are no Virginia State Bar complaints, judgments, suits or liens pending against me; that I am in compliance with the Canons of Judicial Conduct and the Code of Professional Responsibility; and, I shall notify the Judicial Selection Committee of the Hampton Bar Association if this affirmation becomes incorrect.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature (SEAL)

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**APPENDIX B**

**HAMPTON BAR ASSOCIATION  
JUDICIAL SELECTION COMMITTEE**

***ACTIVE BAR MEMBER APPLICATION***

**Please complete this application and return on or before \_\_\_\_\_, \_\_\_\_/**  
*[If more space is needed to answer questions on this form, you may attach additional pages.]*

**President  
Hampton Bar Association  
P. O. Box 1801  
Hampton, VA 23669**

1. Full name \_\_\_\_\_
2. Residential address \_\_\_\_\_
3. Name of firm or employer \_\_\_\_\_
4. Area(s) of practice \_\_\_\_\_
5. Percentage of practice which consists of litigation \_\_\_\_\_
6. Percentage of practice which consists of what is generally called "office practice" \_\_\_\_\_
7. Court(s) in which you appear with regularity \_\_\_\_\_
8. Year of admission to the Bar of Commonwealth of Virginia \_\_\_\_\_
9. Virginia State Bar Identification Number \_\_\_\_\_
10. Set forth any facts you feel will assist the Board of Directors in electing Active Bar Members to the Judicial Selection Committee. \_\_\_\_\_  
\_\_\_\_\_

**I hereby acknowledge that serving as a member of the Judicial Selection Committee will require a substantial time commitment on my part; and,**

**I agree that upon my election to the Judicial Selection Committee I will execute a Confidentiality Agreement with respect to the screening process.**

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Signature of Applicant (SEAL)

**APPENDIX C**

**HAMPTON BAR ASSOCIATION  
JUDICIAL SELECTION COMMITTEE  
*LAY CITIZEN MEMBER***

Residents of the City of Hampton who are at least eighteen (18) years of age are invited to apply to be a Lay Citizen Member of the Hampton Bar Association Judicial Selection Committee.

The function of the Judicial Selection Committee is to evaluate the qualifications of candidates for judgeships in Virginia local, state and federal courts.

A copy of the Guidelines of the Hampton Bar Association Judicial Endorsement Procedures and an application may be obtained by writing to the President, Hampton Bar Association, P.O. Box 1801, Hampton, Virginia 23669.

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**APPENDIX D**

**CONFIDENTIALITY AGREEMENT**

**COMMONWEALTH OF VIRGINIA**

**CITY OF HAMPTON, TO WIT:**

I hereby accept appointment by the President of the Hampton bar Association, concurred in by the Board of Directors of said Association, to be a member of the Judicial Selection Committee for the term specified in my appointment. In accepting this appointment, I certify that I will be bound by the provisions of the Hampton Bar Association Judicial Endorsement Procedures. As a member of the Judicial Selection Committee, I acknowledge that I will be in receipt of confidential application and questionnaire of persons to be considered for judicial endorsement; and, I certify that I shall keep the documentation submitted to me and the deliberative process as to each judicial candidate strictly confidential as specifically set forth in Article One, Section III, subparagraph D, of said Judicial Endorsement Procedures.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature (SEAL)

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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4. **Judicial Temperament** *(A candidate should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open mindedness, patience, tact and understanding.)*
  
5. **Diligence** *(A candidate should be diligent and punctual.)*
  
6. **Health** *(A candidate should be in good physical and mental health)*
  
7. **Financial Responsibility** *(A candidate should be financially responsible.)*
  
8. **Public Service** *(Consideration should be given to a candidate's previous public service activities.)*

**This Committee deems the candidate highly qualified, qualified or not qualified in accordance with the Hampton Bar Association Endorsement Procedures this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.**

**JUDICIAL SELECTION COMMITTEE**

\_\_\_\_\_  
 Chairman  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
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