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December 19, 2022

Kirk Radanovic, Chairman
Republican Committee of Lancaster County
2260 Erin Court
Lancaster, PA 17601

Thomas G. O'Brien, Chairman
Lancaster County Democratic Committee
53 North Duke Street, Suite 10
Lancaster, PA 17602

Re: Information regarding changes in the Judiciary Evaluation Process

Dear Chairman Radanovic and Chairman O'Brien:

It is my pleasure to write to you both today in my capacity as the Chairman of the Lancaster Bar Association Judiciary Committee to advise you of some material improvements to the process by which the Judiciary Committee vets and rates candidates for the Lancaster County Court of Common Pleas. We believe these changes truly reinvent the process of peer review for candidates for the local Bench.

By way of background, I would like to note that these amendments were made after an exhaustive review of: (i) our prior process; (ii) methods used for peer review by other bar associations; and (iii) feedback provided by other judicial candidates who have run both locally and state-wide. Over the past year and a half, we appreciated the opportunity we had to meet with you (or your predecessors) to discuss our planned revisions, the cooperation and input of numerous members of our existing Bench, our local State Senators and Speaker Cutler, and the information provided by both the Pennsylvania Bar Association and other local county bar associations whose process, in some ways, differed from the method used historically by the Judiciary Committee to evaluate Lancaster County judicial candidates.

Certain overarching themes emerged as we gathered data and feedback. First, the candidates, you (on behalf of your respective political parties) and sitting local elected officials wanted further transparency throughout our process. That aspiration became our polestar. Second, it became clear that we needed to have a more comprehensive review of the candidates in order to assure all stakeholders, as well as the Lancaster County community, that the peer review process was thorough and therefore worthy of consideration by your convention delegates as well as, ultimately, the voting citizens of Lancaster County.

I enclose a complete copy of the amended bylaws for your review (they are also available on the Lancaster Bar Association website), and I invite you or your candidates to contact me directly with any questions or to schedule a meeting to discuss the peer review process. With that said, I will briefly highlight for you some of our recent changes.

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We have always solicited the input of our membership as a whole. We ask each of our members to indicate whether they would recommend a candidate for the Bench, whether they would not recommend a candidate or whether the candidate is unknown to them. We will tally those results, and, if the candidate elects to move forward with the political process, we will publish those results on the timeline hereinafter described.

In addition, we added an investigative component to our procedure. Previously, the candidates completed a questionnaire and appeared for an interview in front of the Judiciary Committee. Now we will ask respected retired members of the local bar, and potentially some retired judges, to contact individuals who may have professional interactions with the candidate to evaluate the candidate as to his or her fitness for the Bench.

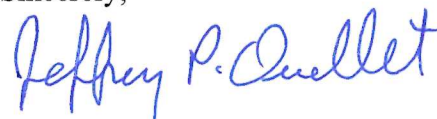
These investigators will not sit as voting members of the Judiciary Committee. However, for any candidate vetted by an investigator, the investigator will listen to the interview between the candidate and the Judiciary Committee and, after the interview is completed, offer thoughts as to whether the sentiments expressed by the candidate during the interview were consistent with the background research done. At the completion of the investigator's report, the investigator will recuse him or herself and the Judiciary Committee members will then vote to rate a candidate as highly recommended, recommended or not recommended.

Consistent with prior practice, I will contact each candidate and advise the candidate of the Judiciary Committee rating. The candidate will then have a few business days to decide whether he or she wishes to continue to pursue the judicial vacancy. If the candidate continues with the political process, at that point the Committee will prepare a written summary of the rationale for its rating, as well as releasing the voting results of the Lancaster Bar Association wide survey previously conducted. Our hope, and expectation, is that having a vigorous peer review process will be helpful and pedagogic for all of the participants in the election process.

Finally, and most importantly, I would like to share with you a letter signed by four members of our esteemed Bench: the Honorable Leonard G. Brown, III, the Honorable Jeffrey A. Conrad, the Honorable JoAnne Murphy and the Honorable Craig W. Stedman. These individuals all participated in the prior process and had some frank and helpful critiques that shaped some of the revisions to our bylaws. Their enthusiastic support of these substantial changes is meaningful to the Judiciary Committee. There is no greater endorsement from our perspective than having the imprimatur of those who have previously gone through the peer review process.

Thank you for your time and attention as we completed these revisions. We look forward to working collaboratively with your candidates throughout the peer review process.

Sincerely,



Jeffrey P. Ouellet

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Enclosures



LANCASTER BAR ASSOCIATION BYLAWS – JUDICIARY SECTION

(Including all amendments through December 15, 2021)

Section 4.2 Judiciary Committee

a. Purpose. The Committee shall be known as the "Lancaster Bar Association Judiciary Committee." The Committee shall be responsible for developing and implementing a judicial evaluation process consistent with the scope of activities below. Assuming candidate cooperation, the process shall include surveying the Association membership regarding a candidate, reviewing a questionnaire and writing sample prepared by the candidate, reviewing a report prepared by a member of the Committee's Investigative Panel, interviewing each candidate, discussing each candidate's qualifications and reaching agreement upon and issuing a rating for each candidate.

b. Scope of Committee's Activities: The Committee shall be concerned with:

(i) The selection of judges for the Court of Common Pleas of Lancaster County, for any United States District or Bankruptcy Court with jurisdiction over Lancaster County, and for the United States Court of Appeals for the Third Circuit;

(ii) The ability to serve, physical or otherwise, with or without reasonable accommodation, of any former or retired judge of the Court of Common Pleas of Lancaster County who certifies availability for assignment in accordance with the Pennsylvania Rules of Judicial Administration; and

(iii) Selection of judges for any other court for which a judge or other member of the Lancaster Bar is under consideration or for which the Committee deems it appropriate to recommend a judge or other member of the Bar.

c. Membership of the Committee. The Committee shall be composed of up to seventeen members of the Association including: (i) five persons elected by the members of the Lancaster Bar Association (the "Association") at the January meeting for staggered five-year terms; (ii) the six most recent past presidents of the Association who are available to serve and not then serving as a judge; (iii) four chairs or former chairs of a committee or



section of the Association appointed by the President to serve during the President's term; (iv) persons appointed by the President to serve during abstention of particular committee members, and (v) up to two at-large members appointed by the President to serve during the President's term in office. No member shall be elected for more than one full term. A vacancy in the office of an elected member shall be filled by election to serve for the unexpired term. The Committee shall organize annually after the Association's January meeting.

d. Investigative Division. The Chair of the Committee shall appoint Investigative Panel members. An Investigative Panel member shall be responsible for conducting an initial candidate interview (in certain circumstances, the Chair of the Committee may request multiple Investigative Panel members participate in an interview). The Panel member is also responsible for contacting individuals who have had professional or personal dealings with the candidate. Following the investigation and the completion of the field work, the Panel member shall submit a report to the Committee. The report shall be confidential. The Panel member shall attend the Committee's interview with the candidate. Following the interview, the Committee shall receive further input from the Panel member, who then shall depart the meeting prior to the Committee's determination of a rating for the candidate.

e. Quorum. Ten members of the Committee shall constitute a quorum for purposes of evaluating a candidate.

f. Evaluation Procedure for Judicial Position being filled by Election.

1. Notification of Evaluation and of Prospective Candidacy. Should a position as Judge of the Court of Common Pleas of Lancaster County become open for election, the Committee shall notify the Bar that it will conduct an evaluation and rating of persons interested in election to the position. Such notification shall be by publication in a newspaper of general circulation in Lancaster County before December 15 of the year preceding election (or by publication at a later date within ten days after public notice that the position will be open for election) and through any additional notice to the Bar as determined by the Committee. After publication of notice, the Committee shall accept written notice from prospective candidates of their interest in seeking the judgeship.

2. Survey of Lancaster Bar Association. The Committee promptly shall distribute to members of the Association a survey via means deemed appropriate by the Chair (including, without limitation, electronic mail) asking members of the Association to rate each prospective candidate as "recommended", "not recommended" or "no opinion". The survey shall be returned to the Committee. Should a prospective candidate be rated as "not recommended" by a majority of members responding to the survey, the candidate shall be



given an automatic rating of “not recommended” unless the Committee believes compelling circumstances dictate otherwise. The Committee may, in its discretion, conduct an interview of the candidate deemed not recommended by a majority of the members responding to the survey, or appoint a Panel Investigator, or both. The results of the survey shall be made public in the event a candidate wishes to move forward with pursuing the open judgeship after being advised of the candidate’s rating.

3. The Committee shall appoint an Investigative Panel member who shall attempt to schedule an interview with a prospective candidate at his or her office. The Investigative Panel member shall additionally discharge the duties noted in Section 4.2(d) above.

4. The Committee shall request that the candidate prepare and return a questionnaire and a writing sample for review and consideration by the Committee. The Committee, along with the Panel member, shall review and investigate the background, experience, and other qualifications of each prospective candidate.

5. Assuming the candidate is not disqualified by his or her survey results, the Committee will schedule interviews with candidates and use information gathered by the Panel member to help evaluate the candidate both before and during the interview.

6. Following the candidate’s interview, the Committee shall receive input from the Panel member and, after the Panel member departs from the meeting, the Committee shall deliberate and agree upon a rating for the candidate.

7. The Committee shall consider whether each person possesses the special qualities of character, temperament, and professional aptitude and experience for judicial office. If a majority of the members of the Association responding to the survey rate a prospective candidate as “recommended”, the Committee shall rate that person as either “highly recommended” or “recommended”. If a majority of the members of the Association responding to the survey do not rate the prospective candidate as either “recommended” or “not recommended”, the Committee shall rate the candidate as “highly recommended”, “recommended” or “not recommended”, giving appropriate weight to the results of the survey. The rating of “highly recommended” shall be given only by action of at least a two-thirds majority of the present and voting members of the Committee. If a candidate has been evaluated by the Committee within the past three (3) years, the Committee’s rating of that person generally shall not be lowered within that time frame absent considerations that the Committee believes warrant a change in rating. A full listing of the ratings criteria used by the Committee to evaluate candidates is attached hereto and incorporated herein in the



Association's Policies and Procedures Manual.

8. The Committee shall provide a written rationale which supports its rating. The Chair of the Committee shall assign a Committee member to prepare the written rationale for each candidate's rating. The draft rationale then will be distributed to all Committee members for comment and final approval.

9. Following the rating of the candidate, the Chair of the Committee shall make attempts to contact the candidate, advise the candidate of his or her rating, and provide the candidate with an opportunity to withdraw his or her name within a stated, short time frame. If the candidate elects to remain as a candidate, the rating and the rationale for the rating shall be publicly announced.

10. The Committee Chair may be made available to the media for questions or information concerning the Committee's ratings of candidate or other similar issues pertaining to the Committee's business. At the time of the public announcement of the ratings, the following shall be made available: (i) the Committee bylaws; (ii) the Committee membership; (iii) information regarding the ratings criteria; and (iv) the rationale for the individual candidate's ratings.

11. Where possible, ratings will be announced on a date prior to the state political party endorsement of candidates for the Court of Common Pleas.

12. The Committee shall not release the rating of a candidate who publicly withdraws from seeking a judgeship before the Committee has released its rating to the public. If such candidate later becomes a candidate in the same election, however, the Committee shall release such rating to the public.

13. For candidates rated by the Committee within the past three (3) years, if the investigative Panel member finds no new information of substance, an abbreviated interview may be conducted (a phone interview is acceptable) and the Panel member may conduct such additional interviews/investigations as deemed appropriate, in his or her discretion, based upon the interview. The Panel member may submit a report substantially similar to the prior report, if appropriate.

14. If any candidate initially refuses to participate in part or all of the evaluation procedure, then the Committee shall request that the person submit to the Committee's full review procedure. If the candidate declines to respond, or in any way submit to the full review and rating procedure by the Committee (including the interview with the Panel member), the



Committee shall nonetheless evaluate the candidate consistent with the existing process and publish the results of that evaluation as it would for candidates who submitted to the full process.

15. If a prospective judicial candidate has not filed a petition to be placed on the ballot, and has not participated in the review process, but seeks the position of Judge of the Court of Common Pleas of Lancaster County as a write-in candidate, the Committee may, at its discretion, conduct its evaluation in as timely a manner as possible and inform the public through means it deems appropriate and publish the results of that evaluation as it would have for candidates who submitted to the full process.

g. Evaluation Procedure for Submitting Panels of Names to the Governor or the President. Whenever a vacancy to be filled by appointment exists or is about to occur in any of the courts falling within the scope of the Judiciary Committee's review procedures, the Committee by publication in a newspaper of general circulation in Lancaster County shall notify the Bench and the Bar of the vacancy and invite suggestions of names of qualified judges or members of the Bar to be considered by the Committee for recommendation to the appointing authority. Any candidate expressing interest in the vacancy shall be subject to the same process as those candidates seeking office via election. The Committee shall not recommend a person to the appointing authority unless the Committee has received assurance that the person will accept the appointment if tendered.

h. Procedure for Retention Elections. When a judge of the Court of Common Pleas of Lancaster County elects to stand for a retention election, the Committee shall distribute to members of the Association via any medium deemed appropriate by the Chair of the Committee, at least sixty (60) days before the general election, a ballot asking members to vote "yes" or "no" on the question of retention of that judge. The ballots shall be returned to the Judiciary Committee. The Committee may, at its discretion, release the results of the survey.

i. Procedure as to former or retired Judge; Notice to Administrative Office. Whenever a Judge of the Court of Common Pleas is about to retire, the Committee shall notify the Administrative Office of Pennsylvania Courts to the existence of the Committee and request the Administrative Office to notify the Committee if the Judge files a certificate of availability. After such consultation from the Administrative Office, the Committee shall consult on a confidential basis with members of the Bench and the Bar who have firsthand knowledge of the Judge's ability to serve, with or without reasonable accommodation. The Committee shall submit its recommendations, if any, to the Administrative Office within ten (10) days after receipt of the notification.



j. Disqualification; Abstention.

1. No person shall become a member of the Committee or the Investigative Panel while seeking appointment or election to any judicial office. Any member of the Committee or Investigative Panel who seeks appointment or election to any judicial office, or who authorizes the Committee to consider the member's qualifications for judicial office, shall cease to be a member of the Committee or Investigative Panel and shall not be eligible for Committee or Panel membership within two (2) years after the termination of membership. The Committee shall give prompt written notice to the Association's Secretary of the date of any member's termination under this subsection, which the Secretary shall enter in the Association's records.

2. Candidates, Committee members and Investigative Panel members shall disclose to the Committee any matter which could be a conflict of interest. If a candidate seeks to fill a particular judicial opening and a Committee member or Investigative Panel member is affiliated with that candidate's law office (including a governmental office such as District Attorney or Public Defender) or the Committee Chair determines that a Committee member or Investigative Panel member has an actual or apparent conflict of interest, such Committee member or Investigative Panel member shall abstain from all work of the Committee or investigation while the Committee evaluates any candidate who seeks to fill that particular opening.

3. All members of the Committee and Investigative Panel members also shall refrain from the following activities during their respective terms (failure to comply with these rules shall result in removal from the Committee or Panel):

a. Attending judicial political fundraising events.

b. Contributing to any Lancaster County Court of Common Pleas candidates or participating directly or indirectly in any decision to contribute to a Lancaster County Court of Common Pleas judicial candidate, including contributing to any PAC which makes contributions to or supports, directly or indirectly, Lancaster County Court of Common Pleas judicial candidates. Contributions to Lancaster County Court of Common Pleas judicial candidates by immediate family members (spouse/significant other and children residing at home or in college) of Committee or Panel members also are prohibited.

c. Seeking election to any non-judicial public or political office. Any member of the Committee or Panel who seeks appointment or election to any non-judicial office shall cease to be a member of the Committee/Panel and shall not be eligible to serve in



either capacity within two (2) years of termination of membership.

d. Discussing any confidential investigations, discussion, deliberation or action of the Committee or Investigative Panel with anyone other than the Committee or Investigative Panel members (provided, however, publishing the results and the rationale for ratings shall not be deemed a violation hereof, nor shall comments made by the Chair to the media in his or her official capacity).

e. Endorsing a candidate for any judicial office or allowing the use of one's name to promote or support such a candidate.

f. Participating in the evaluation process of a candidate who the Committee or the Panel member previously had supported via campaign contributions, or otherwise, within a period of five (5) years prior to the date of the current election. Under these circumstances, the Committee or Investigative Panel member must excuse himself/herself from that particular candidate's evaluation.

g. Participating in the evaluation process of a candidate where a Committee or Panel member and/or his/her family member previously had been represented by a candidate or a member of the candidate's law firm within a period of five years prior to the date of the current election. Under these circumstances, the Committee or Investigative Panel member must excuse himself/herself from that particular candidate's evaluation.

(amended December 15, 2021)



COURT OF COMMON PLEAS
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December 5, 2022

Jeff Ouellet, Esq.
Chairman, Judiciary Committee
Lancaster Bar Association
28 East Orange Street
Lancaster, PA 17602

Dear Chairman Ouellet,

This letter is to express our support for the positive and significant changes the Lancaster Bar Association have made to the judicial candidate review process as well as to stress the value these changes will make to the bench and, in turn, the entire community.

It is critical that we select candidates who have the legal ability, experience, integrity and temperament to appropriately handle the demands and responsibilities of the bench. The recent changes you have made for the Judiciary Committee and their process clearly support that goal. Not only have you made the process far more thorough but you have substantially increased the transparency of the process and the results.

Consistent with many other state and county bar associations, you have, for the first time, instituted a three-part evaluation process which we fully endorse. In the past, the evaluation process mainly consisted of a private interview of the candidate. Although an LBA survey of all members was conducted, the results were withheld from the public and the candidate. Further, although a rating was provided, there was no written summary of the basis of that rating for the public. In short, the process was not very thorough or transparent and lent itself to criticism of the process and results.

We are extremely pleased to see that you have addressed both the depth and transparency of the process. These changes have, in turn, rendered your process much more fair to the candidates as well as increased the value of your evaluations.

For the first time ever you have added an investigative process to the evaluations which is to be commended. Neutral investigators will be assigned to each candidate. The investigators will be retired members of the bench and bar who are well respected. The investigators will conduct interviews of individuals who have had professional dealings with the candidates to include colleagues as well as people who have handled cases against them to assess their qualifications. This will provide meaningful information to the Judiciary Committee which, in the past, would not have been available.

Consistent with other associations, the investigators will not sit as voting members on the judiciary committee but will listen during the committee interviews. After the interview is concluded, the investigator will advise the committee of whether any representations made by the candidate during the interview were consistent or inconsistent with the background research done. The investigator may also provide any other information he or she believes is pertinent to the evaluation of the candidate. The investigator will not be present when the actual committee vote is taken.

In addition to adding an investigative process to delve into the background and qualifications of each candidate, you will now publish the results of the LBA membership surveys so there is no ambiguity of how peers generally rate the candidate. This is clearly consistent with increased transparency and thus better serves the public good.

Finally, after the committee reaches its decision on the rating of a particular candidate, and the candidate is advised of that rating, the Committee will provide a written summary of its rationale to be publicly disseminated. There can be no doubt that failure to provide the basis of a rating was far from transparent and led to questions. This is a significant step which brings your new process in line with other associations and will increase the value of the rating.

In short, these are substantial changes which will bring further transparency to the process as well as provide additional information to the committee which will lead to increased accuracy and fairness. We are confident these changes will improve your process as well the legal profession in Lancaster County.

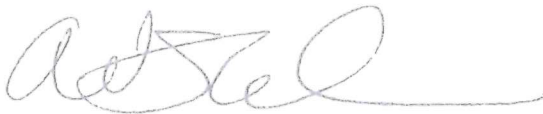
Sincerely,



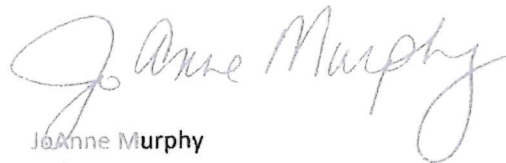
Leonard G. Brown III
Judge



Jeffrey A. Conrad
Judge



Craig W. Stedman
Judge



JoAnne Murphy
Judge