

## Judging Our Judges

In deciding whether to vote “yes” or “no” to retain a Tennessee Supreme Court Justice or Appeals Court Judge, or in deciding among several candidates to sit on the state or local trial bench, the Tennessee Bar Association recommends that you consider a multitude of factors. Those factors include:

***Integrity: A candidate should possess undisputed integrity.***

The integrity of the judge is, in the final analysis, the keystone of the judicial system. It is integrity which enables a judge to disregard personalities and partisan political influences and enables him or her to base decisions solely on the facts and the law applicable to those facts. It is, therefore, imperative that a judicial candidate’s integrity and character with regard to honesty and truthfulness be above reproach.

The reputation of the candidate for truthfulness and fair dealing in extra-legal contexts should also be considered. Inquiry into a candidate’s prejudices that might tend to disable or demean others is relevant.

***Legal Knowledge and Ability: A candidate should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations.***

A review of a candidate’s academic record, participation in continuing legal education forums, legal briefs and other writings and reputation among judges and professional colleagues who have had first-hand dealings with the candidate will be helpful in evaluating legal knowledge and ability.

***Professional Experience: A candidate should be an experienced lawyer or judge.***

Professional experience should be long enough to provide a basis for the evaluation of the candidate’s demonstrated performance and long enough to ensure that the candidate has had substantial exposure to legal problems and to the judicial process.

The extent and variety of a candidate’s experience as a litigator should be considered in light of the nature of the judicial vacancy that is being filled. The important consideration is the depth and breadth of the professional experience and the competence with which it has been performed, rather than the candidate’s particular type of professional experience.

For a candidate for the appellate bench, professional experience involving scholarly research and the development and expression of legal concepts is especially desirable.

***Judicial Temperament: A candidate should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding.***

Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility.

***Diligence: A candidate should be diligent and punctual.***

Diligence is defined as a constant and earnest effort to accomplish that which has been undertaken. While diligence is not necessarily the same as industriousness, it does imply the elements of constancy, attentiveness, and perseverance. Punctuality should be recognized as a complement of diligence.

***Health: A candidate should be in good physical and mental health.***

Good health embraces a condition of being sound in body and mind and with relative freedom from physical disease or pain. Physical handicaps and diseases which do not prevent a person from fully performing judicial duties should not be a cause for rejection of a candidate.

***Financial Responsibility: A candidate should be financially responsible.***

The demonstrated financial responsibility of a candidate is one of the factors to be considered in predicting the candidate's ability to serve properly. Whether there have been unsatisfied judgments or bankruptcy proceedings against a candidate and whether the candidate has promptly and properly filed all required tax returns are pertinent to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures which might compromise independence and impartiality.

***Public Service: Consideration should be given to a candidate's previous public service activities.***

Participation in public service and pro bono activities adds another dimension to the qualifications of the candidate. The degree of participation in such activities may indicate social consciousness and consideration for others. The degree to which bar association work provides an insight into the qualifications of the candidate varies in each individual. Significant and effective bar association work may be seen as a favorable qualification.