

**Minutes
Sixth Meeting
Commission on Integrity and Public Confidence in State Government
9:30 a.m., September 10, 2015
House Room 3, State Capitol
Richmond, Virginia**

Members Present

Rick Boucher, co-chairman
Viola Baskerville
Sharon Bulova
Susan Magill

Staff present

Noah Sullivan, Deputy Counsel to the Governor
Christina Nuckols, Deputy Director of Communications

Call to Order

Co-chairman Boucher welcomed commission members, introduced the guest speakers and reviewed the agenda.

Presentation by the Fairfax Bar Association

Douglas Kay, president of the Fairfax Bar Association, gave a presentation on his organization's process for screening judicial candidates. He explained that there is a nine-member committee established to screen judicial candidates. When bar leaders learn of a pending bench vacancy, a panel that includes the nine members and the bar president is assembled. He said the bar strives to ensure diversity on the panel with respect to race, gender, practice area, size of legal firm and age, and individuals serve for three-year terms. All sign oaths of confidentiality.

Applications are solicited through the bar membership. Names of the candidates are provided to committee members so they can determine whether they must recuse themselves because of personal or professional ties to individual applicants. The panel interviews each candidate, then discusses that individual in private, and sometimes brings the candidate back for follow-up questions. Voting is by secret ballot. The panel does not rank candidates by preference, but provides one of four designations: qualified, recommended, highly qualified or found not qualified. Candidates are notified of the designation by the committee chairman, and those who are found not qualified have the opportunity to withdraw. All bar members are then notified by email of the candidates and given the opportunity to vote one of three ways: endorse, not endorse or no opinion.

Members of the legislative delegation are provided with one-page executive summaries of the screening results, biographies and applications for each candidate. Mr. Kay said he knows of no instance when the General Assembly elected a judge in that circuit who had not been screened by the bar.

Presentation by the Old Dominion Bar Association

Helivi L. Holland, president of the Old Dominion Bar Association, spoke in favor of recommending a consistent process for screening judicial candidates across the state. She said there are fewer lawyer-legislators serving in the General Assembly in recent history, and many are unfamiliar with the judicial system or available screening processes. She said she is optimistic that many would embrace a screening process if they were educated about how it works and its benefits. She said that smaller bar associations without staff could still screen candidates because they typically have fewer vacancies than larger jurisdictions such as Fairfax County.

Ms. Holland explained how her organization participates in the screening process for statewide appellate court openings in collaboration with the Virginia State Bar. The VSB schedules a day of interviews for each candidate with its own screening committee, the Old Dominion Bar Association and other statewide bars that wish to participate.

Presentation by the Virginia State Bar

Karen Gould, executive director of the Virginia State Bar, said the challenges to adopting the Fairfax model statewide include the lack of staff for some bar associations and the lack of bar associations in some jurisdictions. She said local attorneys are less likely to embark on a screening process if they receive no support from legislators. She also noted that the General Assembly sometimes ignores the work of the VSB in screening appellate court candidates.

Co-chairman Boucher suggested that the Virginia State Bar and Fairfax Bar Association provide educational presentations to local bars and regional bar conferences to encourage adoption of the Fairfax model for evaluating judicial candidates.

Review of Draft Recommendations for 2015

Commission members reviewed and discussed draft recommendations for 2015. All members present indicated support for the recommendations with some clarifying amendments related to compensation and judicial selection.

Staff member Noah Sullivan explained a proposal to establish rules on gifts to public officials from personal friends that would set a value threshold for disclosure and a higher value threshold for a ban or a requirement that a waiver be obtained in order to receive the gift.

Co-chairman Boucher suggested that the commission consider a recommendation requiring disclosure of gifts from personal friends exceeding \$1,000 in value and prohibiting the receipt of gifts exceeding \$5,000 without a waiver from the Virginia Conflict of Interests and Ethics Advisory Council.

Co-chairman Boucher noted that the commission will hold its final meeting at 9:30 a.m. Oct. 19 to take a final vote on the 2015 recommendations and reaffirm recommendations still outstanding from the 2014 recommendations. He adjourned the meeting.