



## THE WATCH JUDICIAL CANDIDATE FORUM GUIDEBOOK

### **Purpose of this guidebook**

This guidebook is intended to serve as a reference for you in organizing a judicial candidate forum. It presents WATCH's approach on how to hold a judicial forum, which is just one of many. You may need to adapt our suggestions to better reflect your program's goals and resources. Wherever possible, we have included examples from our experience and samples of tools that we hope you find useful. Please feel free to use and modify any of the information provided in developing or coordinating your judicial forum. This includes the candidate questions, guidelines, press release, and advertising flyer.

### **How judges are selected**

A judicial forum can be useful and informative for many groups, but its suitability may depend on how a particular state selects its judges. Each state has a different procedure for filling judgeships. In some states, the governor appoints judges; in others, judges are required to run for election; and in the remainder, a combination of these two methods is used. In addition, depending on the state, some elections can be partisan, nonpartisan, or simply uncontested retention elections.

Minnesota, as one example, uses a combination of judicial appointments and elections. By Minnesota law, judges are chosen in nonpartisan elections, but when a judge resigns before his or her term ends, the governor appoints someone to fill that seat (usually upon the recommendation of the commission on judicial selection), allowing that individual to bypass the election process. This is how the majority of judges are selected. Those seeking subsequent terms, however, must stand for election. Most run unopposed and typically win handily. When they are opposed, the incumbent is labeled as such on the ballot and almost always wins. As most citizens are not familiar with candidates running in contested elections, judicial forums are an excellent way to obtain unbiased information about them.

How your state selects its judges will affect how you structure your forum. WATCH has found forums to be the most useful for candidates running for election in contested races. Usually, unopposed incumbent judges choose not to participate in these forums, although WATCH does invite them.

## **What is a judicial forum?**

A judicial forum consists of a panel of judicial candidates, a moderator, and a set of questions surrounding the participants' philosophy and stance on judicial service. Organizing a judicial forum is a great way to be a part of the election process and to provide an opportunity for members of the public to obtain information to assist them on Election Day.

A forum allows for a neutral, nonpartisan setting to get to know candidates who otherwise have limited contact with the public. Voters frequently are stymied in finding information on candidates for judgeships, and many voters enter the voting booth not even knowing who will be on the ballot for judicial office. A public forum is a way for voters to hear first-hand candidates' views on the justice system. It is even more important to host judicial elections now that judicial candidates are allowed to give their opinions on "disputed political issues."<sup>1</sup>

## **Collaborate with local partners**

Consider joining with other community agencies or organizations to co-sponsor the event. Is there a civic or service group that does voter education or registration? What about the local teacher's association or PTA? Additional sponsors can help spread the word, resulting in a larger and more diverse crowd for the forum. The involvement of multiple organizations also helps keep the forum impartial. In that regard, stay away from partisan sponsorship; WATCH, for example, sees its role as creating a vehicle for all views to be expressed, not a platform for a particular point of view.

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<sup>1</sup>In the 2002 *Republican Party of Minnesota v. White* decision, the U.S. Supreme Court found that, since the state of Minnesota had chosen to select its judges through the process of election, it could not deny candidates the right to participate fully in the electoral process, including campaigning for office by discussing their positions.

## JUDICIAL FORUM LOGISTICS

### Participants

Certainly, all judicial candidates running in contested races should be invited to participate. Judges who are running unopposed do not generally have a reason to participate, but can be invited. Our audiences in the past have consisted primarily of court personnel, attorneys, and college and law students, but you, like us, should seek out ways to encourage the general public to attend. Be sure to notify programs or organizations affected by the court system, such as victim advocacy groups, various community groups, and neighborhood associations, about the forum as well as local colleges and law schools. Don't forget to invite the press well ahead of time to hopefully garner some advance publicity. And to reach an even greater audience, make arrangements to have the forum taped and re-broadcast on public access television.

### Location

In the past, WATCH has sought the use of a conveniently and centrally located law firm to host a judicial forum. Other options include: your county's bar association, a university campus, or a public library or other public building.

What to consider in finding an appropriate venue:

- Neutrality and impartiality
- A central location with adequate parking that is easy for many people to get to, on public transportation routes, if available, and that is handicap accessible
- The number of people you expect to attend and the size of space you'll need to accommodate them
- Space for any tabling information or refreshments
- A room that is already set-up, or easily wired, for video recording.

### Moderator

Potential moderators include news anchors from a local TV station or other prominent radio or newspaper reporters, representatives from your local chapter of the *League of Women Voters*, a respected spokesperson in the court monitoring field, or a well-known voice for your focus issue (i.e., domestic violence, racism in the criminal justice system, etc.). Characteristics of an effective moderator include prior experience moderating, superior public speaking skills, and a recognized and respected name. Strive to find a moderator who is high-profile, but who doesn't have a stake in the election. Devising a pre-set order in which to deliver the questions can protect the moderator from being accused of favoring one candidate over the other.

### Sample forum guidelines

Creating overall forum guidelines will ensure that your event runs smoothly and that candidates will want to participate. Below are sample guidelines to serve as a springboard in crafting your own. You can add or subtract from this list based on your needs.

1. The forum will be held if two or more candidates are present. If other candidates are unable or unwilling to appear on the day of the scheduled event, the forum will be held as planned.
2. There are no substitutes or stand-ins for the candidates. No written or taped presentations from the candidates or speeches given by others on their behalf will be accepted.
3. A moderator will preside to explain the procedures, introduce the candidates, and ask prepared questions. He/She will remain unbiased and fair throughout the proceedings.
4. Ten questions have been prepared for the program. These questions have been submitted by the sponsoring organizations and reviewed by the *Board on Judicial Standards* and/or the county bar association.
5. Candidates will not know which questions they will be asked, but they will receive a list of all the possible questions prior to the forum.
6. Each candidate will be asked three questions and allowed two minutes for each response. The moderator will rotate the order of the questions and responses.
7. Each candidate will be allowed a one-minute opening and closing statement.
8. A timekeeper will be present, and time limits on responses will be strictly observed. The timekeeper will hold up signs to indicate when a candidate has 30 seconds remaining and when he/she must stop.
9. There will be no questions from the audience.
10. No campaign banners, signs, literature handouts, or other campaign paraphernalia will be allowed in the forum hall.
11. No props are allowed. Each candidate will be provided paper and pens for use during the forum. Water will be provided.

## Preparing candidate questions

While many states have opened the door for judges to take stands on political issues, we support efforts to preserve the impartiality and integrity of the judiciary by not promoting this practice. To ensure that candidate questions conform to these criteria, we ask the *Minnesota Board on Judicial Standards* to review our questions before finalizing them. We have found this office to be very helpful in clarifying our state's standards for judicial campaigns. We suggest finding a similar office in your state (a link to which is included in the resources section at the end) or looking to your county's bar association. Generate the questions well in advance, and give reviewers plenty of time to respond.

The questions should be geared more toward the candidates' legal experience, their views on judicial accountability, and their commitment to community service. Include a variety of questions ranging from broad to specific. Below are examples of appropriate forum questions.

1. What, if any, responsibility does a judge have to be involved in community activities, and what is your involvement?
2. Do you think judicial candidates should be allowed to appear at political gatherings seeking endorsements or promoting themselves for election?
3. How do you define professionalism in a judge and in an attorney?
4. Do you believe there is a high degree of public trust in the justice system? Among communities of color? If not, what do you think you and the judiciary as a whole could do to restore confidence in our court system?
5. What is, or will be, your personal mission in your role as judge, and how will you go about accomplishing it?
6. If you observed a party in your courtroom being poorly represented by an unprepared or ineffective lawyer, what would you do?
7. What criteria should the public use in deciding whom to elect as judge?
8. How do you, or would you, balance the pressure to process cases swiftly through the criminal justice system with the need for meaningful justice?
9. What are some of the challenges crime victims encounter within the criminal justice system, and what can the system do to make itself more responsive to crime victims?
10. Many residents are concerned about crime and livability issues in their neighborhoods and what they perceive to be a lenient criminal justice system response to repeat offenders. What are your thoughts on these issues, and what do you think can be done about them?

### **Provide candidates with the list of questions ahead of time.**

You want participants to feel prepared and confident coming into the forum and reassured as to its impartiality by distributing a list of questions beforehand. WATCH typically sends candidates the list of questions several weeks before the forum telling them that they will be asked three out of the ten questions provided.

### **Do not allow questions from the audience.**

Allowing questions from the audience may make candidates reluctant to participate if they are uneasy about being put on the spot by random questions that could be controversial or about opening the floor to someone with a personal or political grudge against them. The forum should stay as focused as possible and allot candidates equal speaking time; questions from the audience could lead to tangents or political statements or the targeting of a specific candidate. Limiting questions to those with prior approval from a judicial standards board or its like will ensure that inappropriate questions are not asked and preserve the integrity of the forum.

### **Advertising your forum**

There are many ways to advertise your forum. Your partnering agencies as well as your local criminal justice system can help you get the word out. Additional ideas include:

- ❑ Advertise on the homepage of your website and create links to the other sponsoring organizations
- ❑ Create a mass e-mail to send out to your mailing list
- ❑ Announce the event in your organization's newsletter
- ❑ Write a press release (a sample follows) and invite your local newspapers and TV and radio stations to the forum
- ❑ Create a flyer (a sample follows) and circulate around your courthouse
- ❑ Consider broadcasting the forum on a local TV station
- ❑ Involve government offices with ties to the court system (e.g., the public defender's office, city/county attorney's offices, probation office, mayor's office, etc.)
- ❑ Circulate flyers around college and law school campuses
- ❑ Advertise the forum as part of a larger event or series of events put on by your organization
- ❑ Add the forum to local agencies' online calendars

## Sample Press Release:

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### **Public Forum of Judicial Candidates:** Citizen groups pose questions

MINNEAPOLIS -- The Hennepin County Bar Association, the League of Women Voters of Minneapolis, and WATCH will co-sponsor a judicial candidate forum on Thursday, October 7, 2004. The event will feature candidates in three contested races for Hennepin County judgeships and will take place at the Dorsey & Whitney law offices, 50 South Sixth Street, Suite 1500, downtown Minneapolis from noon-1:30 p.m.

Two incumbent judges face challengers: LaJune Thomas Lange, incumbent, faces challenger Kevin Kolosky, and Thor Anderson, incumbent, faces challenger Julie Delgado O'Neil. The third seat, vacated by Judge Harvey Ginsberg's decision not to seek re-election, is being sought by Susan Burke and Stephen Baker, top vote-getters in the September primary.

"During a presidential election year, local races often go virtually unnoticed by the public," according to Marna Anderson, executive director of WATCH, a court-monitoring program in Hennepin County. "But, a look at our reports shows the crucial role judges play in administering justice and ensuring public safety. The public needs to know more about those serving on the bench, and this forum gives the public that opportunity."

All six candidates have confirmed their participation. Cyndy Brucato, KSTP-TV anchorwoman and chairperson of the Board on Judicial Standards, will moderate the forum, at which candidates will be asked to respond to questions concerning their philosophy and orientation to judicial service.

A recent Supreme Court decision has opened the door for candidates to discuss political issues during campaigns, but those participating in these races have committed themselves to adhering to Minnesota's code of judicial standards, which prohibits such conduct. Forum questions will be directed to topics such as candidates' philosophies and legal experience, their views on judicial accountability, and their commitment to community service.

The forum will be taped for broadcast on local community access cable television. "We hope people will either attend the forum, or watch it on cable TV," said Anderson. "Voters must begin to take responsibility for electing judges in the same way we take responsibility for electing other public officials. Judges have a tremendous amount of power over people's lives. When we go to the polls, we should be informed about everyone on the ballot, and that includes judges."

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# Fourth Judicial District Court Candidate Forum



Dorsey & Whitney Law Firm  
50 South 6th Street, Suite 1500  
Downtown Minneapolis

Thursday, October 5, 2006  
Noon to 1:00 p.m.

The candidates for Hennepin County District Court are:

Patricia Kerr Karasov

Dee Rowe

John Q. McShane

Kevin J. Kolosky

## **Judy C. Duffy, Moderator**

Former President, League of Women Voters of Minnesota  
Board Member, League of Women Voters of the United States

## **Candidates for Hennepin County District Court have been invited.**

Sponsored by the Hennepin County Bar Association, the League of Women Voters of Minneapolis, and WATCH, in cooperation with Dorsey and Whitney.

**Refreshments provided.**

**For more event information, see [www.watchmn.org](http://www.watchmn.org) or call 612.341.2747**



## RESOURCES

### League of Women Voters

Why reinvent the wheel when you can draw on the expertise of others? We highly recommend you work with your local *League of Women Voters* (LWV). LWV has a long history of sponsoring candidate forums, and is well-versed in ensuring the process is fair, transparent, and meets state and federal election standards. LWV also published *Citizens Building Communities: The ABCs of Public Dialogue*. Visit their website at [www.lwv.org](http://www.lwv.org) for this and other information.

### State Boards on Judicial Standards

Each state has a judicial disciplinary commission that handles judicial misconduct and sanctioning. Find your state board or commission at [www.scjc.state.ny.us/Related%20Groups/other.htm](http://www.scjc.state.ny.us/Related%20Groups/other.htm).

### American Judicature Society

The *American Judicature Society* works to maintain the independence and integrity of the courts and increase public understanding of the justice system. They are a nonpartisan organization with a national membership of judges, lawyers and other citizens interested in the administration of justice. Visit [www.ajs.org](http://www.ajs.org) for more information. They also sponsor a website on the judicial selection process in each state. Visit [www.judicialselection.us](http://www.judicialselection.us) for more information.

### Additional Resources

NPR Report: *Spending on Judicial Elections Soaring*  
[www.npr.org/templates/story/story.php?storyId=10253213](http://www.npr.org/templates/story/story.php?storyId=10253213)

Minnesota Council of Nonprofits: *A Nonprofit's Guide to Holding Candidate Forums*  
[www.mncn.org/mpp/doc/CandidatesForumGuides.pdf](http://www.mncn.org/mpp/doc/CandidatesForumGuides.pdf)

**Contact WATCH** for help and guidance with your judicial candidate forum. A staff member would be happy to give you some ideas wherever you're at in your process.

#### Contact:

WATCH  
608 2<sup>nd</sup> Ave South #465, Minneapolis, MN 55402

Phone: (612) 341-2747

E-mail: [watch@watchmn.org](mailto:watch@watchmn.org)

Fax: (612) 339-1171

Web: [www.watchmn.org](http://www.watchmn.org)