



CANDIDATE EVALUATION SYSTEM

I. Objectives

1. To encourage the election and retention of qualified judges and public officials in the judicial system.
2. To evaluate candidates for judicial and related offices and to disclose the results to the public.

II. Candidate Evaluation Committee

STANDING COMMITTEE. The Candidate Evaluation Committee shall be a standing committee of the Nashville Bar Association.

COMPOSITION. Annually, no more than three committee members shall be appointed by the President and approved by the Board of Directors of the Nashville Bar Association.

TERM. The term for the committee shall be one year.

If any member of the committee resigns or any member of the committee becomes a "candidate" as defined in Tennessee Supreme Court Rule 10, the Code of Judicial Conduct, the President shall declare a vacancy in that committee member's position. The President shall then appoint, subject to the approval of the Board of Directors, a replacement for that committee member for the unexpired term.

DUTIES. It shall be the duty of the Candidate Evaluation Committee to manage the conduct of the Candidate Evaluation polls and to disclose the results to the public.

ELIGIBLE CANDIDATES. All candidates for any judicial or related office within Metropolitan Nashville, Davidson County, as well as candidates or applicants for the Middle Section Court of Appeals, the Middle Section Court of Criminal Appeals, and the Tennessee Supreme Court, shall be in the appropriate poll. In addition, thereto, all candidates for the elective offices of District Attorney General of Davidson County, Tennessee, Metropolitan Public Defender, Circuit Court Clerk of Davidson County, Tennessee, Criminal Court Clerk of Davidson County, Tennessee and Clerk of the Juvenile Court shall be included in the appropriate poll.

AUTHORITY. In matters not specifically covered by the terms hereof, the Committee shall have authority to take such actions as will carry out the objectives stated above; provided, however, no action shall be taken which would imply that the Association has evaluated a candidate when the membership has not been polled in accordance herewith.

III. Qualifications to Participate in Poll

DISTRIBUTION OF POLLS. Any retention or candidate evaluation poll shall be distributed to all persons licensed to practice law in Tennessee, who are members of the Nashville Bar Association.

RESPONSES TO BE BASED ON PERSONAL KNOWLEDGE. All responses to an appellate or candidate evaluation poll should be based upon the personal knowledge of the member of the Nashville Bar Association participating in the poll.

IV. Retention Evaluation Poll

DEFINITION. A Retention Evaluation poll is employed only when the candidate seeks to retain his or her office and has been previously elected to that office or has been appointed. The poll shall be conducted unless the candidate, before the poll is taken, notifies the Committee that he or she will not seek re-election.

POLL METHOD. By secret ballot, which may be conducted using an online survey service.

THE BALLOT. On the ballot for each position which is the subject of a retention evaluation poll, there shall be listed the following:

As to (*candidate name*) I vote to:
Recommend retention _____
Do not recommend retention _____
No opinion _____
Do not know candidate _____

Any blank ballot received will be counted as a vote of "No Opinion."

TIME. The poll shall be conducted and concluded with all ballots distributed at least 20 days, and returned at least 10 days, prior to the start of early voting for the earliest primary or general election for that office. Approximately seven days before the poll is released, the NBA shall provide notice to its members that the poll is about to be conducted, the positions to be evaluated, and the anticipated timing of the poll.

RESULTS. The tabulation of the votes cast in the Retention Evaluation Poll shall be released to the news media and to the candidate by setting forth the precise number of ballots cast; the precise number of those ballots recommending retention; the precise number of those ballots not recommending retention; and the precise number of those ballots expressing no opinion.

The poll results will be released to candidates and the NBA Board at approximately noon. If a candidate has not provided a fax number or email address, the results will be made available at the NBA offices. The results shall be released to the membership of the NBA and the media after 3:00pm that afternoon or as soon thereafter as practically possible. For Retention Evaluation Polls, the news release may state that only the [insert court] was considered in the poll.

V. Candidate Evaluation Poll

DEFINITION. In addition to the Retention Evaluation Poll, there shall also be a Candidate Evaluation Poll to permit all members of the Nashville Bar Association eligible to vote in NBA elections an opportunity to evaluate all candidates who qualify for the primary election and general election or Metro Council selection or recommendation, whether appellate or otherwise.

TIME. For election polls, the poll is to be conducted prior to any primary or general election for judicial office, after the date for withdrawal of candidacy, with all ballots to be returned not later than 10 days prior to the start of early voting for the election. For selection polls, the poll is to be conducted after the deadline for submission of the applications but prior to selection consistent with the rules of the Metro Council or Judicial Selection Commission.

NAMES SUBMITTED. All candidates, whether opposed or not, will be evaluated for a primary election. Only candidates in contested races and any candidate who has otherwise not been evaluated, will be evaluated for general elections

POLL METHOD. By secret ballot, which may be conducted using an online survey service.

THE BALLOT. As to each position which is subject of the poll the ballot shall be substantially as follows:

In election for the position of in the Candidate

Evaluation Poll (*evaluate each candidate*)

	Highly Recommend	Recommend	Do Not Recommend	No Opinion	Do Not Know This Candidate
Candidate A	_____	_____	_____	_____	_____
Candidate B	_____	_____	_____	_____	_____
Candidate C	_____	_____	_____	_____	_____

Any blank ballot received will be counted as a vote of "No Opinion."

RESULTS. The tabulation of the votes cast in the Candidate Evaluation Poll shall be released to the news media and to the candidate by setting forth the precise number of ballots cast; the precise number of those ballots marked "Highly Recommend," the precise number of those ballots marked "Recommend," the precise number of those ballots marked "Do Not Recommend," the precise number of those ballots expressing "No Opinion" and the precise number of those ballots marked "Do Not Know Candidate." The poll results will be released to candidates and the NBA Board at approximately noon. If a candidate has not provided a fax number or email address, the results will be made available at the NBA offices. The results shall be released to the membership of the NBA and the media after 3:00pm that afternoon or as soon thereafter as practically possible.

VI. Utilization of Poll Results

Any candidate shall be permitted to make fair use of the released information in advertising or new releases. Candidates however, shall be prohibited from asserting that any results represent an endorsement by the NBA and/or its members. The President of the Nashville Bar Association, or his or her designated representative, following such consultation with the Candidate Evaluation Committee of the Nashville Bar Association and its liaison Director as he or she deems appropriate, is expressly empowered to discuss the purposes and background of the Retention Evaluation Poll and/or the Candidate Evaluation Poll in any manner deemed necessary to clarify inquiries from the media, incumbents and candidates to whom the results are released. In addition, when the Committee deems it necessary in order to correct perceived false or misleading impressions caused by the news media or any candidate, the committee may use paid advertising to inform the public of such poll results as have been released, and for such purpose may solicit contributions from members of the association.

In contests where there is more than one candidate evaluated, the Nashville Bar Association shall maintain complete neutrality.