

# Uniform Internal Operating Procedures and Policy

## I. Judicial Scrutiny Organizations

### A. Director

1. Alexander Falconi.

### B. Administrators

1. **VOTE** Our Nevada Judges; Administrator Alexander Falconi.
2. **VOTE** Our Arizona Judges; Administrator Amy McCormick.
3. **VOTE** Our Oregon Judges; Administrator Sarah Bruce.
4. **VOTE** Our Indiana Judges; Administrator James Hlavaty.
5. **VOTE** Our Massachusetts Judges; Administrator Darlene Orvieto.
6. **VOTE** Our New Hampshire Judges; Administrator Joseph Paquet.
7. **NO VOTE** Our Washington Judges; acting Administrator Sarah Bruce.
8. **VOTE** Our Idaho Judges; Administrator Sabrina Gear.
9. **VOTE** Our Texas Judges; Administrator Dewayne Ward.
10. **NO VOTE** Our Tennessee Judges; acting Administrator Sabrina Gear.
11. **VOTE** Our Maryland Judges; Administrator Dean Crossman.
12. **VOTE** Our Oklahoma Judges; Administrator Bob Hagan.
13. **VOTE** Our Virginia Judges; Administrator Megan Wright.
14. **NO VOTE** Our Georgia Judges; vacant.
15. **NO VOTE** Our California Judges; vacant.

## II. Profiles

1. All judges shall have a judicial and candidate profile, including:
  - a) Justices; and,
  - b) Court of Appeals Judges; and,
  - c) District Judges; and,
  - d) Justices of the Peace; and,
  - e) Municipal Court Judges.
2. All candidates shall have a candidate profile.

## III. Flags

### A. Generally

1. A judge or candidate convicted of a crime; or, a judge subjected to discipline by a disciplinary body, shall be flagged.
2. If a judge or candidate is convicted of a felony, a red flag will appear in areas referencing the judge or candidate and a red alert bar will appear on the judge or candidate's profile page.

3. If a judge or candidate is convicted of a gross misdemeanor or lesser offense, a yellow flag will appear in areas referencing the judge or candidate and a yellow status bar will appear on the judge or candidate's profile page.
4. If a judge or candidate is removed from the bench or suspended by a disciplinary body, a red flag will appear in areas referencing the judge or candidate and a red alert bar will appear on the judge or candidate's profile page.
5. If a judge or candidate is reprimanded, fined, or subjected to any other lesser form of discipline from a disciplinary body, a yellow flag will appear in areas referencing the judge or candidate and a yellow status bar will appear on the judge or candidate's profile page.
6. If a judge or candidate has been convicted of a crime or subjected to imposition of discipline from a disciplinary body and the decision is pending appeal, an info badge will appear within the bar on the judge or candidate's profile indicating same.
7. A judge currently active but retiring will be flagged as retiring with a date-by that appears on hover.
8. A judge currently active but ousted in an election will be flagged as ousted with a date-by that appears on hover.

## **B. Challenges**

1. Any person can challenge an Administrator's flagging of a candidate or judge.
2. All challenges shall be considered by the Administrator in a timely manner.

## **IV. Cases**

1. All judicial profiles shall have a cases tab which emphasizes tracking their cases as well as their error rate on appeal.

### **A. Generally**

1. Each appellate disposition is broken down into one of three types: correct (+1), erroneous (-1), or omitted (+0).
2. Each case is weighted a number of points equal to the vote of the participating appellate judges.
  - a) **EXAMPLE** A unanimous decision by panel of 3 judges will weigh 3 points.
  - b) **EXAMPLE** A unanimous decision by full bench (i.e. *en banc*) of 7 judges will weigh 7 points.
  - c) **EXAMPLE** A decision with dissenters will result in varying weights, depending on the number of dissenters and their intended vote.
3. A judge's error rate is computed as follows:  $\text{result} = \text{erroneous} / (\text{erroneous} + \text{correct})$ .
  - a) **EXAMPLE** A judge has 21 correct, 4 erroneous, and 6 omitted.  $4 / (21 + 4) = 0.16$ , for an error rate of 16.00%.
4. A judge's error rate will display on the website and in social media references as follows:

- a) **EXAMPLE** If less than 10%, in green.
- b) **EXAMPLE** If greater than or equal to 40%, in red.
- c) **EXAMPLE** Otherwise, in black.

**B. Determination on the disposition of direct appeals is as follows:**

- 1. If the trial court's decision is affirmed, apply +1 per vote.
- 2. If the appeal is dismissed, apply +0 per vote.
- 3. If the appeal is statistically closed, apply +0 per vote.
- 4. If the appeal is overturned on confession of error, apply +0 per vote.
- 5. If the trial court's decision is reversed, apply -1 per vote.
- 6. If the trial court's decision is vacated, appeal -1 per vote.
- 7. If the trial court's decision is remanded:
  - a) with instructions that mandate a correction that has no impact on the appellant's rights, apply +1 per vote.
  - b) without instructions, or with instructions that mandate a correction that substantially impacts the appellant's rights, apply -1 per vote.

**C. Determination on the disposition of writ petitions is as follows:**

- 1. If the writ petition is denied on the merits, apply +1 per vote.
- 2. If consideration of the writ petition is declined, apply +0 per vote.
- 3. If the writ petition is granted, apply -1 per vote.

**D. No Determination on certain dispositions:**

- 1. If disposition is on attorney discipline, record under not applicable.
- 2. If disposition is on judicial discipline, record under not applicable.
- 3. If disposition is on attorney retirement, record under not applicable.
- 4. If disposition is on certification of question by a federal court, record under not applicable.

**E. Determination on multi-part dispositions is applied in order of importance as follows:**

- 1. If the appellant or petitioner is vindicated in part, apply -1 per vote.
  - a) **EXAMPLE** A direct appeal is reversed in part and affirmed in part.
  - b) **EXAMPLE** A direct appeal is reversed in part and dismissed in part.
  - c) **EXAMPLE** A writ petition is granted in part and denied in part.
- 2. If the trial court is vindicated in part, apply +1 per vote.
  - a) **EXAMPLE** A direct appeal is affirmed in part and dismissed in part.

**F. Determination on consolidated cases requires analyzing the disposition of each case:**

- 1. If a multi-part disposition is entered on consolidated cases, the Administrator shall determine whether or not a part of the disposition wholly applies to a subset of the consolidated cases.

- a) **EXAMPLE** Case 1 and Case 2 are consolidated and affirmed in part and reversed in part. Case 1 was a judgment on jury verdict and affirmed, but Case 2 was a post-judgment attorney fee award and reversed. Each case would be input into the system separately, with a +1 per vote applied to Case 1 and a -1 per vote applied to Case 2.
- b) **EXAMPLE** Case 1 is a writ petition and Case 2 a direct appeal. The writ petition was declined (no consideration on the merits) and the appeal was reversed in part and affirmed in part. Each case would be put into the system separately, with a +0 per vote applied to Case 1 and a -1 per vote applied to Case 2.

## **G. Statistical Analysis**

1. A pie chart; for the aggregate of correct vs. erroneous dispositions.
2. A bar graph; for the total number of dispositions, broken down by each year.
3. A line graph; for the judge's error rate over time, broken down by year.
4. All statistics will be compiled into cards and indexed both generally and referenced in judicial profiles.

## **H. Recommendations for Orders**

1. A master, commissioner, or other officer acting in a judicial capacity that can only enter recommendations for orders will not be considered as a judge for the purposes of this section.
2. A litigant's objection to a master's recommendation is ultimately reviewed by a presiding judge. An appellate disposition on any such order will be applied to the judge who ruled on the objection, not the judicial officer that entered the recommendation for order.

## **I. Senior Judges**

1. A senior judge is considered a judge for the purposes of this section.

## **J. Judges *Pro Tempore***

1. A judge *pro tempore* is considered a judge for the purposes of this section if, and only if, one of his or her decisions has been challenged on appeal or by writ review.

## **K. Updated Dispositions**

1. Appellate dispositions altered on rehearing will be updated.
2. Appellate dispositions altered on *en banc* reconsideration will be updated.
3. Appellate dispositions altered on review will be updated.

## **L. Challenges**

1. Any person can challenge an Administrator's rating applied on consolidated case determinations.

2. Any person can challenge an Administrator's rating applied on a writ petition that was denied (typically, the challenge has to do whether it was denied on the merits or not.)
3. Any person can challenge an Administrator's assignment of error to a particular judge.
4. All challenges shall be considered by the Administrator in a timely manner.

## V. Articles

1. All candidates and judges shall have an articles tab.

## M. Generally

1. An article in which the author characterizes the judge or candidate in a positive manner is highlighted in green.
2. An article in which the author characterizes the judge or candidate in a negative manner is highlighted in red.
3. An article in which the author conveys information in neutral manner is not highlighted.
4. An Administrator's subjective opinion as to how an article reflects on a judge or candidate shall have no impact on how it is highlighted.
5. An article's headline will be preserved when added, to the extent possible, and will omit references to the site's State as visitors can draw the inference.
  - a) **EXAMPLE** *Governor Appoints Deputy District Attorney To Nevada Court Bench* is inputted as *Governor Appoints Deputy District Attorney To Court Bench*.
6. An article's headline subjective to the judge or candidate's profile shall include reference to the judge's last name; references to other judges or candidates will be preceded by title. The Administrator shall alter the headline to accurately show the context in which the judge or candidate is referenced.
  - a) **EXAMPLE** *Governor Appoints Smith To Vacancy Created By Judge Sandor's Retirement*.

## N. Submissions

1. Any person can propose submission of an article to a judge or candidate's profile.
2. Any proposed article from an existing publisher shall be added.
3. An Administrator shall consider whether or not proposed articles from a new publisher are credible before adding the publisher and corresponding article.

## O. Challenges

1. Any person can challenge the headline an Administrator used to characterize a judge or candidate.
2. Any person can challenge an Administrator's choice in highlighting or not highlighting a judge or candidate's article.
3. Any person can challenge the credibility of a publisher.
4. All challenges shall be considered by the Administrator in a timely manner.

## **P. Credibility**

1. *This entire section is deferred until a threshold of 250 registered users is achieved.*
2. All users may indicate which publishers' articles they want to show or hide.
3. If more than 50% of registered users choose to hide the articles of a publisher, that publisher's articles will be hidden from unregistered users.

## **VI. Endorsements**

1. All candidates shall have an endorsements tab which lists the endorsements they receive in an election.

### **A. Generally**

1. All endorsements shall be added to a candidate's profile.
2. All submitted endorsements must include verification in writing.
3. All endorsements shall have an effective and expiration date, which determines when the endorsement appears on the profile.
4. All endorsements provided without effective and expiration dates, shall be deemed effective immediately, and to expire by end of current or next election.

### **B. Submissions**

1. Any person can provide a submission of an existing endorsement to the Administrator.

### **C. Challenges**

1. Any person can challenge an endorsement listed on a candidate's profile.
2. All challenges shall be considered by the Administrator in a timely manner.

### **D. Endorsement by Judicial Scrutiny Organization**

1. Judicial Scrutiny organizations shall not endorse any candidates in elections for judicial districts where error rates have been computed and made available to the public.
  - a) It is unprecedented for Our Nevada Judges to have endorsed any candidate for District Judge, Court of Appeals Judge, or Justice.
2. Judicial Scrutiny organizations may endorse any candidates in elections for judicial districts where error rates are unavailable.
  - a) Our Nevada Judges has, on occasion, endorsed candidates for Justice of the Peace.
3. Judicial Scrutiny organizations shall not provide referrals to the Commission on Judicial Selection unless asked by a candidate. Such referrals would be submitted to the Commission confidentially.
  - a) Our Nevada Judges has provided referrals to the Commission following their protocol, which required confidentiality.
4. Judicial Scrutiny organizations shall not provide letters for recommendations to the Commission on Judicial Selection unless the recommendation has been proposed by a person connected to the legal community or the Commission is considering

selection for appointment to an appellate seat. Such letters shall be made available to the public.

#### **E. Clout**

1. *This entire section is deferred until a threshold of 500 registered users is achieved.*
2. All users may indicate which organizations' endorsements they want to show or hide.
3. If more than 35% of registered users choose to hide the endorsements of an organization, their endorsements will be hidden from unregistered users.

### **VII. Achievements**

1. All candidates shall have an achievements tab which lists scholarly articles they have published, awards, degrees conferred, etc.

#### **A. Generally**

1. All submitted achievements shall be added to a candidate's profile.
2. All submitted achievements can reflect information included in the candidate's description. Descriptions provided by candidates that include information contemplating awards, degrees, etc., that does not have a corresponding achievement will be stricken.

#### **B. Submissions**

1. Any person can provide an achievement to the Administrator.
2. Candidates may provide verification of achievements and request confidentiality; upon request, the Administrator will verify the achievement and post the achievement without linking to document. *Deferred until further interest.*

#### **C. Challenges**

1. Any person can challenge an achievement listed on a candidate's profile.
2. All challenges shall be considered by the Administrator in a timely manner.

### **VIII. Temporary Policy Changes**

1. The Director shall make temporary changes to policy where plain and obvious issues arise.
2. Temporary changes will apply prospectively, but not retroactively. If the policy is made permanent, an audit will be conducted and retroactive changes made across the database. Otherwise, all changes made consistent with the temporary policy will be reverted.

### **IX. Real Names Policy**

1. A judge or candidates full legal name shall be used.
2. A judge's middle initial shall be used if the full middle name is not known.

3. A judge's nickname or preferred name may only be added to the display name.
4. Using full names improves search engine optimization and reduces the chance of url conflicts.

#### **A. Aliases**

1. A judicial or candidate profile may include a list of aliases consisting of:
  - a) a name; and,
  - b) a type (e.g. 'also known as', 'formerly known as').
2. An Administrator shall exercise their discretion in determining a judge or candidate's preferred name for the purposes of referencing the individual on social media.
3. A judge or candidate may indicate a preference as to which alias is to be used in social media.

### **X. Social Media**

1. Administrators shall maintain a Facebook page.
2. Administrators shall maintain a Twitter profile.
3. Sealed filings, hearing videos, and other information shall not be displayed.
4. Filings and hearing videos in domestic relations matters shall not be displayed unless available to the public.
5. A profile may list "Quote Cards" for noteworthy comments and statements made by a judge in producing and publishing scholarly articles.
6. Posts to Twitter or Facebook shall focus on mentioning specific judge or judges, over mere mentions of the judiciary generally.
7. Posts mentioning a judge shall refer to the judge by title and name.
8. Posts shall use a judge's preferred name.
9. Posts attacking a judge or candidate that is later vindicated must be followed up with a post vindicating the judge or candidate.
  - a) **EXAMPLE** A judge is convicted of a crime, later appeals, and the conviction is reversed.
  - b) **EXAMPLE** A judge is subjected to discipline by a disciplinary body, appeals, and the imposition of discipline is later reversed.
  - c) **EXAMPLE** An article attacks a judge or candidate, and the article is later retracted.

### **XI. Broadcasting and Production**

1. Administrators shall comply with court rules before broadcasting or recording in-courtroom; typically, a "media request" must be filed and approved by a judicial department.
2. Cameras shall not zoom in on jurors faces.
3. Upon request of court marshals, faces may be blurred out.
4. Coverage shall provide information to the public, and not denigrate or devalue the participants, nor make light or fun of the seriousness of the issues before the court.



## **XII. Confidentiality of Sources**

1. Administrators shall presume communications and documentation provided by sources is confidential, unless the source expressly unequivocally in writing that they may be cited.
2. Any requests for information that would expose a confidential source must be redacted.
3. Any non-legal requests for a source's identity must be refused.
4. Any legal request demanding identification of a source must be resisted using any and all legal means, including but not limited to:
  - a) Notifying the source of the filing of a legal instrument to allow them an opportunity to object or collaterally attack it.
  - b) Filing legal objections resisting disclosure.
  - c) Filing appeals seeking review of a court order to disclose a source where allowed by law.
  - d) Filing a writ petition seeking review of a court order to disclose where no adequate legal remedy exists.
5. Administrators shall refrain from disclosing a source to any other person, including other Administrators and the Director.

## **XIII. Communicating with Judges and Candidates**

1. A judge who has retired and is not serving in any judicial capacity (e.g. senior judge) is not considered a judge for the purposes of this section.
2. An Administrator shall not communicate to a judge about cases they have presided over. This includes closed cases, as they may later be subjected to post-judgment or appellate proceedings.
3. An Administrator shall not contact a judge unless necessary, or unless the judge reaches out to the Administrator first.
4. An Administrator should keep in mind that establishing relationships with too many judges in their judicial district could create complications if the Administrator is subjected to proceedings in the courts of that district.
5. An Administrator shall not communicate with a judge who is currently or has ever presided over any cases in which they were a party.
6. During elections, an Administrator may reach out to judges offering to accept submissions, but if the Administrator receives no response, no further communications should be extended to that judge. Such outreach efforts should include a snippet informing them that they can have a political operative of their choice communicate on their behalf.

## **XIV. Elections**

### **A. Generally**

1. Candidate information on all elections held throughout the history of the Administrator's State shall be archived.

2. Elections shall consist of an array of Terms.
3. Terms shall consist of an array of Party-Primary Terms; which for many States includes a Non-Partisan and General election.
4. Party Terms shall consist of an array of Candidates.
5. Candidate data will include number of votes, result percentage, and whether the candidate is an incumbent or political appointee. A candidate holding a Term by election shall be considered an incumbent upon running for re-election; a candidate holding a Term by appointment shall be considered a political-appointee upon running to retain.
6. Candidate profiles shall contain a history of elections the candidate participated in.
7. Judicial profiles shall contain a history of terms they held, including terms awarded by appointment.

## **XV. Ads**

1. Candidates or judges may request a direct ad placement.
2. Direct ad prices are set at the discretion of the Administrator.
3. Ad spots without a direct placement will fall back as Google Ads.

## **XVI. Community**

1. All registered users shall have a profile.
2. All registered users may participate in community forums. *Deferred until a threshold of 3000 registers users is achieved.*
3. All registered users may participate in community chat. *Deferred until a threshold of 15000 registered users is achieved.*
4. All registered users may link a voter profile.
5. All registered users licensed as an attorney may link an attorney profile.
6. All registered users presiding over a judicial department may link a judicial profile.

### **A. User Profiles**

1. All users must provide:
  - a) A username; and,
  - b) An email address; and,
  - c) A security question; and,
  - d) A security answer; and,
  - e) A password.
2. All users may vote on the clout of an endorsement organization. *Deferred until 500 registered users is achieved.*
3. All users may vote on the credibility of a publisher. *Deferred until 250 registered users is achieved.*

### **B. Voter Profiles**

1. *Deferred: This entire section is deferred until a threshold of 1000 registered users is achieved.*
2. All voters must provide:
  - a) An assembly district number; and,
  - b) A senate district number; and,
  - c) A county of residence; and,
  - d) A city of residence.
3. All voters may build a ballot and print it out in pdf format. *Deferred until a threshold of 2000 registered users is achieved.*
4. All voters may provide real names and addresses to use a tool to determine their assembly and senate district, but the information shall not be recorded in any databases.

### **C. Attorney Profiles**

1. *Deferred: This entire section is deferred until a threshold of 4000 registered users is achieved.*
2. All attorneys must provide:
  - a) A list of jurisdictions they are licensed in; and,
  - b) A corresponding list of bar numbers.
3. All attorneys may participate in attorney-restricted forums and chat.
4. All attorney profiles will be subject to verification.

### **D. Judicial Profiles**

1. *Deferred: This entire section is deferred until a threshold of 10,000 registered users is achieved.*
2. All judges must provide:
  - a) A judicial district; and,
  - b) A judicial department.
3. All judges may participate in judge-restricted forums and chat.
4. All judges will have limited control over their judicial profiles.
5. All judicial profiles will be subject to verification.