

Phila. Bar Taking Data-Driven Approach to Judicial Politics

Max Mitchell, The Legal Intelligencer

April 21, 2017

The Philadelphia Bar Association's Judicial Commission takes about 2,000 hours vetting candidates seeking judgeships on the city's courts, so when a report came out saying that the product of those investigations—[its ratings list of the candidates](#)—had little impact when compared [to ballot position](#) or party endorsement, the bar leadership decided to do something about it.

As a result, during the upcoming May 16 primary, voters may see volunteers from the bar association standing outside targeted polling sites, passing out fliers with [the ratings](#) and answering any questions about the process that voters might have. The targeted approach is part of the bar's efforts to increase the judicial commission's effectiveness by taking a more data-driven approach.

[Deborah-Gross-Kurtz-Square-201612071718.jpg]

"We're going to see if we can make a concerted effort at educating, and if that will make a difference," [Bar Chancellor Deborah Gross](#) said. "We are hoping that people will be voting with independence and education as opposed to simply checking a box."

The project is in conjunction with Econsult Solutions, the local consulting firm that put out the report on the factors influencing outcomes in judicial elections, which the bar previously worked with in a study on the [impact of the legal industry in Philadelphia](#).

The consulting firm is working to select which polling sites should be targeted, and will then analyze the data after the primary to determine where the efforts were more effective. The idea is that by having volunteers pass out fliers at targeted sites, it will be easier to compare the results of those efforts against control sites where there were no bar representatives passing out the ratings.

Matthew Olesh, chairman of the bar's Young Lawyers Division, who is helping to spearhead the project, said the goal is have 200 volunteers handing out fliers at 100 polling places.

"It's two-fold," Olesh said about what he's hoping the project will accomplish. "The hope is that we'll necessarily increase the exposure and efficacy of the ratings ... but we're also hoping to use the data that's collected comparing different neighborhoods."

And the results won't just mean sending more people to precincts where the recommendations have had lesser impact. It could also see expansion of the bar's public outreach so residents

become more familiar with its role in ensuring the quality of the Philadelphia bench.

"We invest an incredible amount of time and resources into the process, and we realized we have not been effective in communicating our process and our results," Eric Weitz, chairman of the Judicial Commission, said.

Bar members often refer to the judicial commission as the "crown jewel" of the bar—or even its "James Brown," saying it's the association's hardest-working committee.

Roughly 40 person-hours are taken to vet each candidate, Gross said. The investigative teams interview 20 references from each candidate, as well as about 10 additional persons the candidate did not direct the commission to. The teams of volunteer investigators, which are composed of three lawyers and one nonlawyer, look at everything from filed court documents to how messy a candidate's desk might be, she said.

The process and findings are nonpartisan.

Along with taking a more targeted approach on primary day, bar leadership is also looking to expand its influence at the local political level.

For one thing, bar leadership is looking to re-engage interest from organs of the city's Democratic Party to help ensure that no candidates with "not recommended" ratings end up with party endorsements. Although nothing has been set in stone, bar leadership has discussed holding informal get-togethers with ward leaders to spread the message that a well-qualified judiciary is in everyone's interest.

"We want a phenomenal judiciary, and someone who's not recommended, if they become a judge, we've got concerns," Gross said.

The bar is also looking into ad buys on radio shows, and has made its recommendations list more mobile-friendly, so voters can access it in the voting booth.

Another new approach this year is that the bar association is rolling out the ratings on its website as the commission finishes its determinations, as opposed to all at once, and the commission has also imposed a strict deadline for when candidates must file their questionnaires. The moves are aimed at ensuring party and newspaper endorsements don't conflict with ratings, and that candidates give the commission enough time to thoroughly investigate.

The project is a significant undertaking, but, whether it has to do with national trends, or the high-profile woes of Philadelphia District Attorney R. Seth Williams, interest is unusually high for an odd-year election, according to Gross. And that may place in the bar association's favor when it comes to passing out fliers on primary day.

Anyone interested in volunteering to hand out fliers May 16 can call Olesh at 610-772-2313, or email him at molesh@chamberlainlaw.com.

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