

## LOCAL ATTORNEYS RATE ERIE JUDGES ON RETENTION

In the November 5, 2019 general election, voters will be asked whether three judges currently serving on the Erie County Court of Common Pleas should be retained for another ten year term.

In August 2019, the Erie County Bar Association (ECBA) polled its 434 Active members to get their views as to whether these judges should be retained.

In the poll, ECBA members were asked to do two things: rate these judges based specifically on competence, integrity, and temperament and vote "Yes", "No" or "No Opinion" on the question of whether the judge should be retained.

The poll results are being published because more than 50% of Active members returned valid ballots.

A "No Opinion" vote is cast if the ECBA member doesn't know the judge well enough to evaluate whether he or she possesses the level of competence, integrity, and temperament to be capable of satisfactory performance as a judge.

Judge Kelly and Judge Brabender have each received a "Yes" vote for retention from more than 50% of the active members who returned ballots.

### **OVERALL RETENTION VOTE**

<b>Candidate</b>	<b>Yes</b>	<b>No</b>	<b>No Opinion</b>
Brabender	203 (87%)	12 (5%)	19 (8%)
Kelly	202 (86%)	19 (8%)	13 (6%)
Domitrovich	111 (47%)	108 (46%)	15 (6%)

### QUALIFICATIONS

The poll also asked members to evaluate each judge on a scale of 1 to 5 (with 1 representing "strongly disagree" and 5 representing "strongly agree") regarding the characteristics below which are deemed necessary to serve as a judge on the Court of Common Pleas. As such, the more strongly a member agreed that the judge possesses such a quality, the higher the score. The more strongly that a member disagreed that the judge possesses such a quality, the lower the score.

**Competence:** the necessary intellectual capability, judgment, legal writing and analytical ability, industry, knowledge of the law, scholarship and academic talent, and professional contributions.

**Integrity:** good moral character, ethics, honesty, and trustworthiness.

Temperament: compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias, and commitment to justice.

COMPETENCE			INTEGRITY			TEMPERAMENT		
Candidate	Average Score	No Opinion	Candidate	Average Score	No Opinion	Candidate	Average Score	No Opinion
Kelly	4.6	15 (6.42%)	Kelly	4.7	17 (7.25%)	Brabender	4.5	17 (7.27%)
Brabender	4.2	15 (6.41%)	Brabender	4.4	17 (7.26%)	Kelly	4.3	17 (7.27%)
Domitrovich	2.9	11 (4.69%)	Domitrovich	3.4	13 (5.55%)	Domitrovich	2.9	12 (5.13%)

There were 434 ballots issued and 234 valid ballots returned, or a participation rate of 54%. The percentages and average scores above are based upon the total valid ballots received, not the total number of Active members.

The ballots were tallied by Maloney, Reed, Scarpitti & Company, LLP, Certified Public Accountants.

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