

ASIAN/PACIFIC BAR ASSOCIATION OF SACRAMENTO

(as of January 25, 2016)

POLICIES AND PROCEDURES FOR RESPONDING TO ENDORSEMENT REQUESTS BY JUDICIAL CANDIDATES

The Asian/Pacific Bar Association of Sacramento (“ABAS”) regards its participation in the judicial selection process as one of its most important functions. This document serves three purposes in connection with that function.

First, this document sets forth a set of policies and procedures that will guide the ABAS Board of Directors in responding to requests for endorsements by judicial candidates. Second, ABAS will provide these policies and procedures to judicial candidates who seek ABAS’s endorsement, so that he/she will understand ABAS’s decision-making process. Third, this document will accompany ABAS’s opinion letter regarding the judicial candidate, so that the recipient will understand the criteria and processes underlying ABAS’s position.

I. Criteria

Generally, ABAS considers two broad factors in determining whether to endorse a judicial candidate: (1) the candidate’s competence to perform the duties of a judicial officer, and (2) the candidate’s commitment to equal justice, including (but not limited to) access to justice for historically underrepresented communities. In evaluating these criteria, ABAS will take into consideration all of the following attributes of the candidate:

- Academic background;
- Professional background and experience;
- Professional and personal reputation;
- Ethics, integrity and character;
- Communication skills;
- Prior judicial or quasi-judicial experience;
- Temperament;
- Civic and community activities, including (but not limited to) activities in service of historically underrepresented communities; and
- Bar association activities.

ABAS will not give or withhold an endorsement to a judicial candidate based on his/her race, color, religious creed, ancestry, national origin, sex, age, marital status, sexual orientation, disability, pregnancy, and childbirth or related medical conditions.

In investigating whether a candidate meets the above criteria, ABAS seeks to complement – rather than replicate – the extensive investigations, interviews, and surveys conducted by other evaluating bodies (e.g., the Commission on Judicial Nominees Evaluation or the Sacramento County Bar Association Judicial Committees). In particular, ABAS seeks to contribute to the judicial vetting process by obtaining feedback from ABAS’s network of past and present members, officers, and supporters.

Following its investigation, and based on the criteria above, ABAS will submit a letter to the appropriate recipient containing one of the following three positions: (1) “Endorsement,” (2) “No Position,” or (3) “Does Not Endorse.”

II. Procedures

A. Judicial Appointment Committee

At the beginning of each year, the ABAS Board of Directors shall form a Judicial Appointment Committee (“JAC”) for the purpose of evaluating endorsement requests from judicial candidates. The JAC shall be comprised of at least three (3) ABAS members.

B. Initiation of the Endorsement Process

Judicial candidates seeking an endorsement from ABAS must initiate the endorsement process by submitting a written request to ABAS at:

abassacramento@gmail.com

or

Attn: Judicial Appointments Committee
Asian/Pacific Bar Association of Sacramento
P.O. Box 2215 Metro Station
Sacramento, CA 95812-2215

The written request must be accompanied by all of the documents/applications submitted or to be submitted to the Governor, including (but not limited to) a copy of the candidate’s Personal Data Questionnaire. ABAS requires the judicial candidate to provide a statement of information that clearly addresses all of criteria set forth above. The written request must indicate the mailing address to which the letter of support from ABAS (if any) shall be sent.

Candidates must deliver their endorsement request to ABAS at least two months prior to the date that the endorsement is required. Due to time constraints, ABAS reserves the right to

deny any requests for endorsement received less than two months prior to the date required. Requests without required documents will not be considered.

Upon receipt of a written request for endorsement, the ABAS Board of Directors will forward a copy of these policies and procedures to the candidate for his or her acknowledgment and signature. ABAS will not submit an opinion letter on the candidate unless it has received his/her acknowledgment and signature.

C. Investigation and Evaluation by Judicial Appointment Committee

Upon receipt of a written request for endorsement (accompanied by all of the documents described above), the ABAS Board of Directors shall forward the request to the JAC to investigate and evaluate the qualifications of the candidate. The members of the JAC should have no personal, familial, or business relationship with the judicial candidate to be reviewed, or any other conflicts of interests that could be reasonably viewed to affect the member's objectivity. If any member of the JAC has such a relationship or conflict, that member shall be excused from the investigation/evaluation of that candidate. The ABAS Board may appoint another person to his/her place on the JAC, e.g., to ensure that there are at least three persons on the committee.

For each endorsement request, the JAC must select one of its members to act as a "point person." The point person will conduct an initial review of the application materials. The point person will also contact the candidate to arrange a telephonic or in-person interview with the JAC. The candidate should contact the JAC point person to inform ABAS of any important changes to his/her application, and to discuss any questions the candidate may have regarding his/her request for ABAS endorsement.

The members of the JAC will confer with attorneys, non-attorneys, and members of the judiciary who can help the JAC evaluate the candidate against the criteria described above. At a minimum, the JAC will e-mail its network of past and present leaders, members, and supporters to solicit information about the candidate. The JAC may also solicit such information via written questionnaire, telephonic communications, in-person communications, and/or personal interviews. The JAC may also contact any references provided by the candidate.

At the conclusion of the investigation, the point person will make a recommendation to the JAC regarding the position to be taken on the candidate by ABAS – i.e., (1) "Endorsement," (2) "No Position," or (3) "Does Not Endorse." The JAC shall then approve or reject that recommendation by majority vote. (In the event of a tie among the members of the JAC, the fact of the tie shall be conveyed to the ABAS Board.)

D. ABAS Board of Directors to Vote on JAC Recommendation

After the JAC has arrived at a recommendation, the JAC shall present the recommendation to the ABAS Board of Directors, along with an explanation for the recommendation. The Board members will then vote to: (1) accept the recommendation, (2)

reject the recommendation and adopt a different position, or (3) defer a decision until further information about the candidate is obtained. The JAC point person will handle any requests for additional information from the Board.

Once the ABAS Board has arrived at a decision, the JAC point person will draft a letter reflecting the agreed-upon position. That letter shall be approved and signed by the ABAS President. The letter will be sent directly to the appropriate recipient (e.g., the Governor's Office), along with a copy of these policies and procedures. The judicial candidate will not receive a copy of that letter.

E. Timing

The JAC and the ABAS Board will make every effort to complete the investigation and evaluation process within two months of receiving the endorsement request. However, the endorsement process may take longer in some cases. If this occurs, the JAC point person will make every effort to inform the candidate.

F. Confidentiality

In order to protect the privacy of the judicial candidate, and to encourage candor during the investigatory process, ABAS will treat the candidate's request for endorsement, and the subsequent investigation and evaluation, as confidential. Of course, such confidentiality is without prejudice to the ability of the JAC to confer freely with members of the public about the candidate during the investigation process.

ACKNOWLEDGMENT OF RECEIPT and ACCEPTANCE OF TERMS

I have read the policies and procedures set forth above. I acknowledge and agree that my request for an endorsement from the Asian/Pacific Bar Association of Sacramento (“ABAS”) will be subject to the policies and procedures set forth above. I understand that ABAS has full discretion to take any of the following positions regarding my judicial candidacy:

(1) “Endorsement,” (2) “No Position” or (3) “Does Not Endorse.” I also understand that I will not receive a copy of ABAS’s letter containing its position.

Name of Judicial Candidate Requesting Endorsement

Signature of Judicial Candidate Requesting Endorsement

Date