

APABA-DC Endorsement Policy and Procedures

(Revised January 3, 2023)

I. Introduction

The Asian Pacific American Bar Association of the Greater Washington, D.C. Area, Inc. (“APABA-DC”) has adopted the following revised policies and procedures regarding endorsement of individuals seeking judicial appointment, a political appointment, or election to a local or national voluntary or other Bar leadership position. Because of its status as a tax exempt organization under § 501(c)(6) of the Internal Revenue Code, APABA-DC does not become involved in partisan elections for political office.

This revised policy sets forth the criteria which APABA-DC will consider in making endorsement decisions and the procedures for processing such requests, and supersedes all prior endorsement policies and procedures. This policy may be modified at any time by the APABA-DC Board of Directors. Any questions concerning APABA-DC’s endorsement policies and procedures may be directed to the Chair(s) of APABA-DC’s Nominations Committee at nominations@apaba-dc.org or to the APABA-DC president at president@apaba-dc.org.

II. Goals of APABA-DC and Its Nominations Committee

APABA-DC’s principal goals in endorsing candidates for judicial appointment include promoting the appointment of the most qualified judges to the bench and increasing diversity on the bench. APABA-DC endorses candidates for judicial appointment who have demonstrated a commitment to the impartial and fair treatment of all litigants before the courts, and who are sensitive and responsive to the needs and concerns of the Asian Pacific American community in the Washington, D.C. area.

APABA-DC’s principal goals in endorsing candidates for senior political appointments and for leadership positions in local and national voluntary and other Bar associations include increasing diversity among those who hold senior political positions in local or federal government, or Bar leadership positions. APABA-DC endorses only the most qualified candidates for these kinds of positions who have demonstrated a commitment to promoting diversity and equal opportunity without regard to race, color, ethnic heritage, national origin, sex, age, religion, disability, sexual orientation, gender identity or expression, marital status, or any other prohibited basis, and who are sensitive and responsive to the needs and concerns of the Asian Pacific American community.

In addition to its primary role in handling requests for endorsement, the Nominations Committee is also committed to promoting diversity on the bench in the courts of the District of Columbia and assisting the local courts to be aware of matters of concern to the Asian Pacific American community with respect to the legal system and access to justice. Accordingly, the Nominations Committee’s goals also include (1) establishing relationships with representatives of the courts or independent judicial working committees to serve as a resource to the judiciary concerning diversity issues and matters of concern to the Asian Pacific American community; (2) establishing relationships with organizations such as the D.C. Judicial Nominations Commission, officials in the D.C. Mayor’s office and the District of Columbia’s representatives

in Congress; and any other formally appointed or constituted panels, commissions, or other groups charged with the nomination of judges or senior level government appointments; (3) educating members of the legal community regarding the judicial nomination process; and (4) assisting in identifying potential candidates for the judiciary or senior level government appointments, and providing guidance and support to those candidates, if requested.

III. Categories of Candidates

APABA-DC's endorsement policy generally applies to candidates for appointment to courts located within the District of Columbia; D.C. Bar leadership positions (contested President, Treasurer and Secretary positions only); NAPABA leadership positions (contested officer positions only); and senior government appointments. The Board of Directors, however, has discretion to consider requests for endorsement for other positions not listed above on a case by case basis.

IV. Composition of Nominations Committee

The Nominations Committee is composed of between seven and twelve members, all of whom must be current members of APABA-DC in good standing. The exact size of the Committee shall be determined on an annual basis by the Committee Chair(s), the president, president-elect and immediate past president. There shall be one Chair or two Co-Chairs of the Committee. In addition, the APABA-DC president, president-elect and immediate past president shall be members of the Committee. Between two and eight additional members (as the case may, depending on the size of the Committee) shall be selected on an annual basis by the Committee Chair(s), the president, president-elect and immediate past president. The Chair(s) shall be appointed by the president-elect in connection with the annual election of Board members to serve during the president-elect's term as president. Such appointments are submitted to the newly constituted Board for approval. In considering candidates for the Committee, the Chair(s), the president, president-elect, and immediate past president shall consider the extent to which each candidate satisfies the following qualifications:

- (1) deep ties to the D.C. community;
- (2) active in the Asian Pacific American community;
- (3) senior attorney with at least five years of experience, and preferably at least ten years of experience;
- (4) familiarity with the D.C. courts or general litigation experience;
- (5) member of the D.C. Bar;
- (6) willingness to share the responsibility for drafting of letters of endorsement, memoranda, and press releases on a rotating basis with other Nominations Committee members. (While factors 1-5 are desirable, this factor is mandatory).

In addition, the Chair(s) of the Committee must have prior experience on the Committee.

V. Initiation of Endorsement Process

A candidate may initiate APABA-DC's endorsement process by contacting the current Chair(s) of the Nominations Committee, or the president or president-elect of APABA-DC, all of whom are identified on the APABA-DC website, www.apaba-dc.org. Formal consideration of a request for endorsement shall not begin until all of the materials listed below have been submitted to the Chair(s) of APABA-DC's Nominations Committee. On occasion, APABA-DC may invite a candidate in a contested election or appointment to submit a request for endorsement with a view to identifying the most qualified candidate for the position, taking into account the endorsement criteria set forth in this policy. In particular, APABA-DC has typically invited the candidates for president-elect of the D.C. Bar to meet with APABA-DC to discuss their candidacy and to seek an endorsement.

VI. Materials to be Submitted

- Resume;
- Title of the position sought and a brief description of the position (such as a vacancy announcement or other published announcement inviting submission of applications for the position, or the candidate's own description of the position);
- Copy of any statutory requirements or other published qualifications for the position;
- Judicial application or other application materials/statement of candidacy that the candidate has submitted or intends to submit to the appointment or election authorities, if available;
- Name, title, and address of the recipient of the requested letter of endorsement;
- Deadline for submission of the requested letter of endorsement; and
- Completed Endorsement Questionnaire (Exhibit A hereto).

VII. Timing

Because APABA-DC believes that an interview of each candidate and thorough consideration of each candidate is essential to making a well-reasoned decision regarding endorsement and preparing a persuasive letter of endorsement, candidates should submit their request for endorsement and all required materials at least four weeks before the deadline for submission of an endorsement letter. Requests for endorsement that are received less than four weeks prior to the deadline for submission of endorsement letters may be considered, depending on the circumstances, and taking into consideration, for example, whether the candidate could have contacted APABA-DC sooner.

VIII. Criteria for Endorsement

A. For All Candidates

Except as provided in Parts VIII.D(1)(b) and E(1)(b), membership in APABA-DC is not required for endorsement, but will be considered as a positive evaluation factor. In evaluating

candidates, the Committee may consult any available sources of information, including without limitation, the internet; electronic databases such as Westlaw or Lexis; news services; respected leaders in the Asian Pacific American community; APABA-DC members; or other personal contacts.

B. Judicial Candidates

(1) Qualifications for the Position Sought

- Satisfaction of requirements for the position sought set by statute, or by the appointment authorities;
- Professional experience, including trial, adjudicative, or other litigation experience;
- Scholarship, including teaching experience, publications, speeches;
- Professional awards or honors;
- Communication skills;
- Demeanor (including temperament, interpersonal skills, sincerity, fairness, impartiality); and
- Prior experience in leadership, management, or administrative positions.

(2) Demonstrated Commitment to Diversity

- Involvement in the Asian Pacific American community, or other evidence of a commitment to the rights of the Asian Pacific American community;
- Involvement in other minority organizations or communities, or other evidence of a commitment to the rights of other minority or historically disadvantaged groups;
- Evidence of a commitment to promoting diversity and equal opportunity; and
- Evidence of a willingness to serve as a role model for Asian Pacific Americans, such as by participating in mentoring or other programs to provide guidance, training, or support to members of the Asian Pacific American community.
- In evaluating these factors, consideration will be given to the consistency of involvement over time and the nature of involvement over time.

(3) Ties to the Community at Large

- Involvement in civic and community activities (including involvement in community or neighborhood organizations, religious or educational institutions or organizations, and pro bono activities); and
- Length of time the candidate has lived or worked in the District of Columbia, or the Washington D.C. metropolitan area.

C. Candidates for Political Appointments

(1) Qualifications for the Position Sought

- Satisfaction of requirements for the position sought set by statute, or by the appointment or election authorities;
- Professional experience;
- Scholarship, including teaching experience, publications, speeches;
- Professional awards or honors;
- Communication skills;
- Demeanor (including temperament, interpersonal skills, sincerity, fairness); and
- Prior experience in leadership, management, or administrative positions.

(2) *Demonstrated Commitment to Diversity*

- Involvement in the Asian Pacific American community, or other evidence of a commitment to the rights of the Asian Pacific American community;
- Involvement in other minority organizations or communities, or other evidence of a commitment to the rights of other minority or historically disadvantaged groups;
- Evidence of a commitment to promoting diversity and equal opportunity; and
- Evidence of a willingness to serve as a role model for Asian Pacific Americans, such as by participating in mentoring or other programs to provide guidance, training, or support to members of the Asian Pacific American community.
- In evaluating these factors, consideration will be given to consistency of involvement over time and the nature of involvement over time.

(3) *Ties to the Community at Large*

- Involvement in civic and community activities (including involvement in community or neighborhood organizations, religious or educational institutions or organizations, and pro bono activities); and
- Length of time the candidate has lived or worked in the District of Columbia, or the Washington D.C. metropolitan area.

D. D.C. Bar Candidates

(1) *In General*

A request for endorsement will be considered only if a candidate:

- (a) is seeking an elected position as president-elect, treasurer, or secretary in a contested election; or
- (b) is seeking any position and has been a member of APABA-DC in good standing at least since the year immediately preceding the year in which endorsement is requested.

(2) *Qualifications for the Position Sought*

- Satisfaction of requirements for the position, if any, established by the D.C. Bar;
- Professional experience;
- Communication skills;
- Demeanor (including temperament, interpersonal skills, sincerity, fairness);
- Prior experience in leadership, management, or administrative positions; and
- Clarity of goals for service in the Bar leadership position sought.

(3) *Demonstrated Commitment to Diversity*

- Involvement in the Asian Pacific American community, or other evidence of a commitment to the rights of the Asian Pacific American community;
- Involvement in other minority organizations or communities, or other evidence of a commitment to the rights of other minority or historically disadvantaged groups; and
- Other evidence of a commitment to promoting diversity and equal opportunity.
- In evaluating the candidate's involvement in the Asian Pacific American community or other minority organizations or communities, consideration will be given to consistency of involvement over time and the nature of involvement over time.

(4) *Ties to the D.C. Community*

- Involvement in civic and community activities (including involvement in community or neighborhood organizations, religious or educational institutions or organizations, and pro bono activities); and
- Length of time the candidate has lived or worked in the District of Columbia, or the Washington D.C. metropolitan area.

E. NAPABA Candidates

(1) *In General*

A request for endorsement will be considered only if a candidate:

(a) is seeking an elected position as president-elect, treasurer, or secretary in a contested election; or

(b) is seeking any position and has been a member of APABA-DC in good standing at least since the year immediately preceding the year in which endorsement is requested.

(2) *Qualifications for the Position Sought*

- Satisfaction of requirements for position, if any, established by NAPABA;
- Professional experience;
- Communication skills;

- Demeanor (including temperament, interpersonal skills, sincerity, fairness);
- Prior experience in leadership, management, or administrative positions;
 - In evaluating this factor, particular consideration will be given to any prior leadership experience in NAPABA and/or a NAPABA affiliate.
- Clarity of goals for service in the position sought;
- Consistency of the candidate's involvement in the Asian Pacific American community over time and the nature of involvement over time; and
- Any involvement with or commitment to APABA-DC.

IX. Number of Endorsements per Position

In order to avoid dilution of the value of an APABA-DC endorsement, APABA-DC generally will endorse only one candidate for each open position. The term "open position" shall include a specific vacancy, or in the event a formal nominations commission is charged with recommending a slate of candidates to the White House, or to some other authority, to fill a specific vacancy, each position on the slate of candidates shall be considered an "open position." The Committee may recommend that APABA-DC endorse more than one candidate for an open position in exceptional circumstances where the endorsement signifies that the endorsed candidates exemplify the goals of APABA-DC and strongly satisfy all of the criteria for endorsement.

X. Specific Procedures

The Committee shall select one of its members to act as point person for each candidate who requests endorsement from APABA-DC. The Committee (usually through a Chair or the designated point person) shall conduct an initial review of the materials submitted by the candidate to determine whether the submission is complete, contact the candidate to request any missing or incomplete materials, and schedule an interview with the Committee. Participation in the interview by the candidate or by Committee members may be by telephone, by video conference, or in person, but meeting by video conference or in person is preferred. The Committee shall, to the extent possible, meet to discuss the merits of each candidate immediately after interviewing the candidate.

The point person will prepare a summary of the interview and the deliberations of the Committee. After all of the candidate interviews have been completed, the Committee shall vote on whether to present an endorsement recommendation to the APABA-DC Board. A tie vote among the Committee members as to whether to recommend endorsement of the candidate shall be considered a vote against endorsement.

In the event the Committee votes to recommend endorsement, the Committee Chair(s) shall forward to the Board the Committee's recommendation for endorsement of the candidates including reasons supporting the recommendation with respect to each candidate, along with each candidate's resume. The Board's members shall vote on the recommendation pursuant to the then current By-Laws. They may also request further information from the Nominations Committee with respect to any candidate before voting.

Each candidate shall be informed of the Board's decision by his or her assigned point person. Decisions not to endorse a candidate shall not be made public.

A candidate who the Board has voted to endorse will be provided with a courtesy copy of the endorsement letter. With the candidate's approval, the candidate's name, position for which the candidate is being endorsed, and a short biography may be posted on the APABA-DC website.

XI. Confidentiality

The application materials of all candidates seeking endorsement for any elected or appointed office shall be kept confidential by the Nominations Committee and the APABA-DC Board.

The candidate may redact personal information contained in application materials, such as his or her social security number; personal financial information; and medical information. All internal deliberations regarding a candidate's request for endorsement shall remain confidential and not be disclosed to anyone other than Committee members or APABA-DC Board members.

XII. Recusal of Committee Members

Any Committee member who believes they may have a potential or actual conflict regarding a candidate shall disclose the existence of such potential or actual conflict to the Committee at the earliest possible opportunity and may recuse themselves. In the event that such member chooses not to recuse themselves, the other Committee members shall evaluate the nature of any apparent conflict and decide by a majority vote whether recusal by the disclosing Committee member from interviewing and voting on the candidate is necessary. A tie vote among such members as to whether recusal is necessary shall be considered a vote for recusal.

Exhibit A

APABA-DC Endorsement Questionnaire

Name:	-	Telephone:	_____
Business Address:	_____	E-mail:	_____
	-		
	=====		

Position sought:	-		

1. To the extent not set out in your resume or application materials, please describe and provide examples of your involvement in the Asian Pacific American community or in other minority organizations or communications, or provide other information demonstrating your commitment to the rights of the Asian Pacific American community or the rights of other minority or historically disadvantaged groups.

2. To the extent not set out in your resume or application materials, please describe your involvement in civic and community activities (including involvement in community or neighborhood organizations, religious or educational institutions or organizations, and pro bono activities), and provide examples evidencing the level of your involvement.

3. Please provide any other information that is not contained in your resume or other materials you are submitting to the appropriate appointment or election authorities that may help us in reaching a decision regarding your request for endorsement.

4. Please provide the dates and times within the next fourteen (14) days (during or after regular business hours) when you are available for an interview. In most cases, interviews will be held by videoconference.

Please email your completed questionnaire and all application materials to nominations@apaba-dc.org and president@apaba-dc.org