

AABANY Judicial Endorsement Policy and Procedures

(as of March 1, 2011)

Introduction

The Asian American Bar Association of New York (“AABANY”) has adopted the following policy and procedures regarding endorsement of individuals seeking a judicial office.

This policy sets forth the criteria that AABANY will consider in making endorsement decisions and the procedures for processing such requests, superseding and replacing all prior endorsement policies and procedures. Exceptions or modifications to this policy and the accompanying procedures may be made at any time by AABANY in its sole discretion. Any questions concerning AABANY’s endorsement policy and procedures may be addressed in writing to the Co-Chairs of AABANY’s Judiciary Committee (“JC”) at main@aabany.org.

Goals of AABANY

AABANY’s principal goals in endorsing candidates for judicial positions include promoting the most qualified individuals to the bench and increasing diversity on the bench. AABANY endorses candidates for judicial appointments who, in addition to displaying and demonstrating the attributes and qualities of an excellent jurist: (1) have demonstrated a commitment to equal and fair treatment of all persons under the law; and (2) are sensitive and responsive to the needs and concerns of the Asian American community, primarily in New York State and especially in New York City. AABANY is also committed to assisting the federal and state courts in becoming more aware of matters of concern to the Asian American community with respect to the legal system and access to justice.

Endorsement of Candidates from Outside of New York

Generally, AABANY’s endorsement policy applies to candidates to courts located within New York State and especially in New York City. AABANY, however, has the discretion to consider requests for endorsement for other positions in other jurisdictions on a case-by-case basis and after applying the same procedures outlined below and/or by adopting a candidate’s endorsement by another organization, to the extent that AABANY is reasonably familiar with, and confident in, that organization’s endorsement policies and procedures.

Initiation of Endorsement Process

A candidate may initiate AABANY’s endorsement process by contacting the current Co-Chairs of the JC or the President of AABANY, each of whom are identified on the AABANY website, www.aabany.org. Formal consideration of a request for endorsement will not begin until all of the materials listed below have been submitted to the JC. The JC will refer the request for endorsement to be handled by an appropriate subcommittee comprising of at least three (3) members of the JC (the “Subcommittee”).

Materials to be Submitted

- Judicial application or other application materials/statement of candidacy that the candidate has submitted or intends to submit to the appointment, nominating, or election authorities, if available
- Current resume or curriculum vitae, to the extent not already provided in the judicial application. If a sitting judge, information on the last ten (10) judicial proceedings, such as trials, oral arguments or hearings, conducted by the candidate, specifically, the title and caption of the case and the names and contact information for the attorneys who appeared in those matters, to the extent not already provided in the judicial application
- Name, title, and address of the recipient of the requested letter of endorsement
- Deadline for submission of the requested letter of endorsement
- Completed Endorsement Questionnaire (annexed hereto as Exhibit A)
- Completed Waiver of Confidentiality and Authorization Form (annexed hereto as Exhibit B)

Specific Procedures

- The Subcommittee will select one of its members to act as a point person for each candidate who requests endorsement from AABANY.
- The point person will conduct an initial review of the materials submitted by the candidate to determine whether the submission is complete and contact the candidate to request any missing or incomplete materials and to schedule an interview with the Subcommittee.
- Participation in an interview by the candidate or by Subcommittee members may be by telephone, but a meeting in person is preferred. The Subcommittee may choose to forego an interview of the candidate in its sole discretion.
- In the course of its review of the candidate's request for endorsement, the Subcommittee 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 American community; members of the federal or state judiciary; counsel who have interacted with, litigated with or against, or appeared before the candidate; and any personal contacts of the Subcommittee members. To the extent possible, the views of members of AABANY and the National Asian Pacific American Bar Association ("NAPABA") should also be considered.
- After completing its review, the Subcommittee will vote on a recommendation for endorsement or non-endorsement. A tie vote among the Subcommittee members as to whether to recommend endorsement of the candidate will be considered a vote against endorsement. The Subcommittee will forward its recommendation to the Co-Chairs of the JC and the President, President-Elect, Immediate Past President, and

Executive Director of AABANY (together, the “Endorsement Committee”), including its reasons for the recommendation and the candidate’s resume.

- The Endorsement Committee will then determine whether to accept or reject the Subcommittee’s recommendation and thereafter inform the Subcommittee of its decision. Each candidate will, in turn, be informed of the decision by the point person. For candidates whom the Endorsement Committee has voted to endorse, a letter will be sent to the appropriate addressee generally within ten (10) days of the Endorsement Committee’s decision, and the candidate will be provided with a courtesy copy of that letter. Decisions not to endorse a candidate will not be made public.

Timing

The candidate should inform AABANY whether there is a deadline for submission of an endorsement letter. If a deadline exists, candidates should submit their request for endorsement at least four (4) weeks before that deadline. Requests for endorsement that are received less than four (4) weeks prior to a deadline may still be considered. However, the Subcommittee will take into consideration the circumstances for the candidate’s delay in requesting the endorsement.

Criteria for Endorsement

Generally, the Subcommittee will consider the candidate’s qualifications for the position being sought, the candidate’s demonstrated commitment to diversity, and the candidate’s ties to the community at large. Membership in AABANY or NAPABA is not required for endorsement, but membership in good standing in either organization will be considered a positive evaluation factor. More specifically:

Qualifications for the Position Sought

- Satisfaction of the requirements for the position sought set by statute or by the appointment, nominating, or election authorities
- Professional experience, including trial, adjudicative, or other litigation experience
- Scholarship, including teaching experience, publications, speeches
- Professional awards or honors
- Communication skills
- Intellectual ability, legal ability, and knowledge of the law
- Industriousness
- Judgment
- Demeanor and temperament (including interpersonal skills, sincerity, etc.)
- Impartiality, independence, and fairness
- Prior experience in leadership, management, or administrative positions
- Integrity, character, and professional reputation

The order of the above factors does not indicate their priority. In weighing these factors, a decision will be made based on the totality of the circumstances. However, in order for AABANY to endorse a candidate, at minimum, the candidate should affirmatively demonstrate all qualifications that are regarded by the Subcommittee to be necessary for the performance of the duties of the office for which he or she is being considered.

Demonstrated Commitment to Diversity

- Involvement in the Asian American community or other evidence of a commitment to the rights of the Asian American community
- Involvement in other minority organizations or communities or other evidence of a commitment to the rights of other minority, under-represented or historically disadvantaged groups
- Evidence of a commitment to promoting diversity and equal opportunity
- Evidence of a willingness to serve as a role model for Asian Americans, such as by participating in mentoring or other programs to provide guidance, training, or support to members of the Asian American community

In evaluating the above factors, consideration will be given to the nature and consistency of the candidate's involvement over time.

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)
- Length of time the candidate has lived or worked in the New York City or State

Number of Endorsements Per Position

Generally, AABANY will endorse as many candidates for any given open position as it deems appropriate. In that regard, the Subcommittee may recommend that AABANY endorse more than one candidate for an open position.

Confidentiality

The application materials of all candidates seeking endorsement for any appointed or elected position will be kept confidential by AABANY. The candidate may redact personal information contained in the submitted materials, such as his/her social security number, personal financial information, and medical information. All internal deliberations, including documents generated during the course of the review of a candidate's materials, will remain confidential and not be disclosed to anyone other than the members of the Subcommittee and the Endorsement Committee.

Recusal of Subcommittee Members

A Subcommittee member should recuse himself or herself from participating in the investigation of, deliberation, or vote on the qualifications of a candidate where the member or the member's employer, law firm, or law partner has a relationship with a candidate for judicial or other office within the jurisdiction of this Subcommittee, or with another candidate competing for the same appointive or elective office, which could reasonably render the member's participation unfair to the public or any candidate, compromise the member's ability to be impartial and objective, or which might cause others to perceive that such participation is inappropriate or unfair.

Any Subcommittee member who believes that he/she may have a potential or actual conflict of interest regarding a candidate shall disclose that conflict to the Subcommittee at the earliest possible opportunity. The appropriateness of a member's participation may be raised by any other member. Every effort, however, should be made to raise the question first directly with the member whose participation is being questioned. The Subcommittee will evaluate the nature of any apparent conflict and decide whether the disclosing Subcommittee member must recuse him/herself from further evaluation of that candidate.

The candidate will be informed of the nature of any apparent conflict that results in a Subcommittee member's recusal from the endorsement process. Upon disclosure, should the candidate waive the potential conflict of the Subcommittee member, the Subcommittee member may continue to serve on the Subcommittee to evaluate the candidate's application. If the Subcommittee member is recused, following full disclosure of the conflict to the Subcommittee, the recused Subcommittee member may nevertheless offer to the Subcommittee factual information or opinion about the candidate in question, provided that the member first discloses to the Subcommittee the fact of, and reasons for, his or her recusal. The member, however, should not otherwise participate in the investigation of, or be present in the room during the interview of, deliberation, or vote on the qualifications of the candidate or of any other candidate competing for the same contested appointive or elective office.

Exhibit A

AABANY 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 American community or provide other information demonstrating your commitment to the rights of the Asian American community.
2. To the extent not set out in your resume or application materials, please describe and provide examples of your involvement in other minority organizations or communities or provide other information demonstrating your commitment to the rights of other minority, under-represented or historically disadvantaged groups.
3. 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 demonstrating the level of your involvement.
4. Please provide any other information that is not contained in your resume or other materials you are submitting to the appropriate appointment, nominating, or election authorities that may help us in reaching a decision regarding your request for endorsement.
5. Please provide the dates and times within the next fourteen (14) days (during or after regular business hours) when you are available for a possible interview and specify whether you are available by phone or in person. All interviews, if conducted, are normally held at a business location in New York City.

Exhibit B

ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK

WAIVER OF CONFIDENTIALITY AND AUTHORIZATION FORM

I hereby waive confidentiality with respect to any information that concerns me and is known to, recorded with, on file with, or in the possession of a governmental, judicial, investigative, or other official agency (including the State of New York Commission on Judicial Conduct), or an educational institution, and hereby authorize a representative of the Asian American Bar Association of New York Judiciary Committee (“Committee”) to request and to receive any such information in connection with the present investigation by the Committee of my qualifications for judicial office. I understand that any information obtained pursuant to this waiver and authorization will be used only in connection with the performance of the confidential work of the Committee. I further authorize the Committee to supply a copy of this form to any such entity that so requests.

Date:_____

Signature:_____

Name:_____