

AABANY JUDICIAL ENDORSEMENT POLICY AND PROCEDURES

(as of November 20, 2017)

I. Introduction

The principal goal of the Judiciary Committee (the “Committee”) of the Asian American Bar Association of New York (“AABANY”) is to endorse and assist candidates for judicial positions to ensure the promotion of the most qualified and diverse individuals to the bench and to cultivate a pipeline of such candidates for future judicial vacancies. Eligible positions for endorsement by the Committee include judicial positions within New York City, New York State, the four Federal Districts of New York, the Second Circuit Court of Appeals, and other positions as described below in Section IIc. 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. 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.

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, and it supersedes and replaces 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 the Committee at judiciary@aabany.org.

II. Endorsement of Candidates

a. Criteria for Endorsement

The Committee will evaluate candidates seeking endorsement based on three categories: (i) the candidate’s qualifications for the position sought, (ii) the candidate’s demonstrated commitment to diversity, and (iii) the candidate’s ties to the community at large. Membership in AABANY or the National Asian Pacific American Bar Association (“NAPABA”) is not required for endorsement, but membership in good standing in either organization will be considered a positive factor. More specifically:

i. Qualifications for the Position Sought

- Satisfaction of the requirements for the position sought set by statute or by the appointment, nominating, or election authorities
- Prior experience in leadership, management, or administrative positions
- Integrity, character, and professional reputation

- Relevant professional experience, including trial, adjudicative, or other litigation experience
- Impartiality, independence, and fairness
- Sound judgment
- Scholarship, including teaching experience, publications, and speeches
- Professional awards or honors
- Demeanor and temperament (including interpersonal skills, sincerity, etc.)
- Communication skills
- Intellectual ability, legal ability, and knowledge of the law
- Industriousness

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 as necessary for the performance of the duties of the office for which he or she is being considered.

ii. 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 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 commitment and involvement over time.

iii. Ties to the Community at Large

- Involvement in civic and community activities, such as 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

b. Initiation of the Endorsement Process

A candidate may initiate AABANY's endorsement process by contacting the Co-Chairs of the Committee at judiciary@aabany.org with a written request for endorsement and providing all of the materials listed below. The Committee will refer the request for endorsement to the appropriate subcommittee comprising of at least three (3) members of the Committee (hereinafter the "Subcommittee"), who will handle the endorsement of the candidate.

The following materials must be submitted to judiciary@aabany.org before a request for endorsement will be considered.

- Judicial application, other application materials, or statement of candidacy that the candidate has submitted or intends to submit to the appointment, nominating, or election authorities, if available
 - To the extent not already provided in the judicial application, a current resume or curriculum vitae
 - If a sitting judge, please provide information on the last ten (10) judicial proceedings, such as trials, oral arguments, or hearings, conducted, as well as the title, the caption of the case, the names, and contact information for the attorneys who appeared in those matters
 - Name, title, and address of the recipient 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)

c. Endorsement of Candidates from Outside New York and for Non-Judicial Positions

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 positions in other jurisdictions on a case-by-case basis and after applying the same procedures outlined herein and/or by adopting a candidate’s endorsement by another organization, to the extent that AABANY is reasonably familiar and confident in that organization’s endorsement policies and procedures. In limited instances, the Committee may in its sole discretion provide endorsements for other positions and will to the extent possible follow the procedures outlined herein.

d. Timing

The Subcommittee is formally convened bi-annually during the months of February and September (the “Vetting Sessions”). All candidates should submit requests for endorsement before the 1st day of the Vetting Session month (e.g. to be considered by the Subcommittee convened in September, all required materials outlined in subsection II(b) must be submitted by September 1st). Any late requests will be considered during the next Vetting Session.

Candidates should inform AABANY whether there is a deadline for submission of an endorsement letter. If a deadline falls outside of the Vetting Session timeline, an Emergency Vetting Subcommittee may be convened at the discretion of the Co-Chairs of the Judiciary Committee.

e. Vetting Sessions will generally last approximately 4 weeks. 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.

III. Committee Responsibilities

a. 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; if necessary, contact the candidate to request any missing or incomplete materials; and contact the candidate 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 but not limited to: 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 NAPABA may also be considered.
- After completing its review, the Subcommittee will vote on a recommendation for endorsement or non-endorsement. A majority of the Subcommittee's vote is necessary to recommend endorsement of a candidate. If a majority vote is obtained and endorsement recommended, the Subcommittee will prepare a letter of endorsement to the Co-Chairs of the Judiciary Committee, the President, the President Elect, and Executive Director of AABANY (together the "Endorsement Committee"). If a majority vote is not obtained, the Subcommittee will prepare an email to the Endorsement Committee advising that a majority vote was not obtained and outline the reasoning for such recommendation.
- The Endorsement Committee will then determine whether to accept or reject the Subcommittee's recommendation. Each candidate will, in turn, be informed of the decision by a member of the Endorsement Committee. 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.

b. 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.

c. Recusal of Subcommittee Members

Every subcommittee member shall avoid conflicts of interest in the performance of subcommittee member duties. Every subcommittee member is required to exercise diligence in disclosing any potential, possible or existing conflicts to the subcommittee at the earliest opportunity. The subcommittee shall then decide the extent to which the involved subcommittee member shall participate in the vetting process concerning such candidate.

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 demonstrating your level of 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 demonstrating your level of 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 and provide examples demonstrating your level of involvement in civic and community activities, including but not limited to community or neighborhood organizations, religious or educational institutions or organizations, and pro bono activities.

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.

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 (“AABANY”) 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, and is subject to the provisions outlined in AABANY’s Judicial Endorsement Policies and Procedures. I further authorize the Committee to supply a copy of this form to any such entity that so requests.

Date: _____

Signature: _____

Print Name: _____