



## **POLICIES AND PROCEDURES** **GOVERNING JUDICIAL ENDORSEMENTS**

### **STATEMENT OF GOALS**

The Hispanic National Bar Association's (HNBA) principal goal in endorsing candidates for judgeships is to promote the selection of qualified Hispanic judges across the country with an emphasis on the federal courts. The HNBA endorses candidates who have demonstrated a commitment to equal treatment of all litigants, the fair administration of justice and the rule of law and who have been involved in, supportive of, and responsive to Hispanics' issues, needs and concerns.

#### **I. General Guidelines and Parameters**

##### **A. Criteria for Endorsement**

- 1. *Qualifications:*** The HNBA will consider the following factors
  - a. Integrity, character and professional reputation;
  - b. Litigations, adjudicative, administrative and other professional experience;
  - c. Scholarship and communication skills (oral and written);
  - d. Judicial Temperament;
  - e. Demonstrated commitment to the concept of equal opportunity and equal justice under law;
  - f. The extent to which a candidate has been involved in, supportive of and responsive to Hispanics needs and concerns; and
  - g. Membership in the HNBA, the local HNBA affiliate, other Hispanic bars or community service organizations serving the needs of Hispanics.

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 qualifications factors.

- 2. *Statutory Criteria:*** The HNBA will endorse only those candidates who demonstrate that they satisfy the statutory requirements for the position they seek.

## **B. Levels of Ratings**

There will be no levels of ratings of candidates (e.g., qualified, very qualified, etc.). The HNBA will endorse a candidate that meets any of all of the above criteria and whom it believes will be an excellent judge. Generally, the HNBA will take no position regarding a candidate if it chooses not to endorse that candidate. However, the HNBA may oppose a candidate whom it strongly believes does not meet any or all of the above criteria and, therefore, should not be elected and/or appointed to the bench. The decision to oppose requires a majority vote of the Board of Governors at a duly scheduled board meeting.

## **C. Number of Endorsements Per Position**

The HNBA may endorse as many candidates for a given judgeship as it deems deserving of endorsement.

## **D. Judiciary Committee Authority and Appointments**

All requests for endorsements by candidates seeking endorsement of their candidacy for federal judgeships will first be reviewed by the HNBA's Judiciary Committee (the "Committee"). The Committee will examine candidates' qualifications, conduct necessary due diligence, and make recommendations to the Board concerning whether or not to endorse. The Committee is to conduct its activities pursuant to this policy. ***The committee will not endorse candidates – the Board of Governors must vote on all endorsements except those made pursuant to the expedited procedures found in Section IV below.***

Pursuant to Article XII of the HNBA bylaws, the Association's President has the authority to appoint members to the Committee. It is expected that the President will strive for geographic and political balance to the maximum extent possible. The Committee Chair, with the concurrence of the HNBA President and after consultation with the Vice President of Committees, will have authority to establish subcommittees and to create policies and procedures for conducting due diligence reviews so long as they do not conflict with these policies and procedures.

## **II. Procedures for Persons Seeking Federal Judicial Endorsements**

Persons seeking an endorsement must comply with the following procedures:

- A. Inform an HNBA officer, an HNBA Board Member, or the HNBA Judiciary Chairperson of his/her desire to obtain the HNBA's endorsement. A copy of these guidelines may be requested and will be provided.
- B. The candidate provides the following information to the HNBA Judiciary Chairperson with a copy to the HNBA National President and the HNBA Executive Director:
  1. A letter formally requesting the HNBA endorsement and stating the title of the judicial position being sought and the court or administrative tribunal;

2. The statutory requires for the judgeship being sought, the vacancy announcement reflecting the requirements of the judgeship, and/or other materials reflecting the responsibilities, authority and requirements of this position;
3. Date by which the endorsement for the appointment must be received in order to be considered;
4. Name, title and address of the person to whom the endorsement letter should be sent;
5. The candidate's resume, a list of references, and other materials relevant to the candidate's qualifications; and
6. The completed HNBA Judicial Selection and Retention Personal Data Questionnaire or an equivalent questionnaire acceptable to the HNBA.

### **III. Due Diligence on Federal Judicial Candidates**

After receipt of the information specified in Section II above, the HNBA's Judiciary Committee will conduct a due diligence investigation. A due diligence investigation may include: (i) a review of the candidate's professional background; (ii) a review of the candidate's significant legal cases (if applicable); (iii) contacting those who know the candidate, including former employers, co-counsel, and opposing counsel; (iv) a review of the candidate's writings; (v) a media and internet search of the candidate; (vi) an interview of the candidate; and (vii) requesting input from HNBA affiliates, other Hispanic Bars, and/or other Hispanic organizations located in the HNBA Region where the candidate resides or has resided. After conducting said investigation, the Judiciary Committee will formulate a recommendation that will be submitted to the HNBA Board.

In the absence of an expedited proceeding, the HNBA Judiciary Committee shall distribute a report concerning its due diligence, the candidate's resume, and a recommendation to the HNBA Board meeting's agenda the matter of the candidate's endorsement, and the decision of whether to endorse a candidate will be made during the next HNBA Board meeting.

### **IV. Expedited Endorsement of Federal Judicial Candidates**

An expedited proceeding for federal endorsements will only occur when the urgency of the situation does not allow for a decision to be made at a regularly scheduled meeting or special meeting of the Board, as defined by the HNBA bylaws. The President and Judiciary Chair will make this determination jointly. The following rules and procedures govern expedited endorsements:

- A. If the time does not permit consideration by the full Board, the decision on whether to endorse a candidate will be made by all the following:

HNBA President;  
HNBA President-Elect;  
HNBA Judiciary Chairperson; and  
HNBA Regional President located in the area where the candidate seeks appointment.

- B. The vote of four individuals listed above must be unanimous regarding the candidate's request for endorsement. If unanimity does not occur, no action will be taken until the next HNBA Board meeting or special meeting.
- C. The HNBA Judiciary Chairperson or the HNBA President will provide the candidate with written notification of the HNBA's decision and, if applicable, with a copy of the letter of endorsement.

**V. Procedure for Persons Seeking State and Local Endorsements**

**A. *Requesting Endorsement:*** Persons seeking an endorsement for a state or local judicial position are required to comply with the following procedures:

- 1. Inform an HNBA Officer, an HNBA board member, or the HNBA Judiciary Chairperson of his/her desire to obtain the HNBA's endorsement. A copy of these Policies and Procedures may be requested and will be provided.
- 2. Either the candidate or an HNBA officer or board member must forward the following information to the HNBA Regional President in that region:
  - a. The title of the position being sought;
  - b. The state or local requirements for the judgeship being sought and/or the vacancy announcement reflecting the requirements of the judgeship;
  - c. Date by which the endorsement for the position must be received in order to be considered;
  - d. Name, title and address of the person to whom the endorsement letter should be sent;
  - e. The candidate's resume, list of references, and other materials relevant to the candidate's qualifications; and
  - f. The completed questionnaire HNBA Judicial Selection and Retention Personal Data Questionnaire or an equivalent questionnaire acceptable to the HNBA.

**B. *Due Diligence:*** After receipt of the information specified in Section V.A, the HNBA Regional President from the jurisdiction at issue will conduct a due diligence investigation, which at a minimum includes an internet search and contacting the local HNBA affiliate and other local Hispanic Bars and/or organizations regarding the candidate. After conducting said investigation, the Regional President will formulate a recommendation that will be submitted to the HNBA President, President-Elect and Judiciary Chairperson. It is expected, however, that the HNBA Regional President will consult with Judiciary Committee members from the state, if applicable, where the candidate resides.

**C. *Endorsement Vote:*** The decision of whether to endorse a state or local judicial candidate will generally be made without Board approval by unanimous vote of the President,

President-Elect, Judiciary Chairperson and Regional President for the Region where the candidate resides.

**D. *Referring Request to the HNBA Board:*** If unanimity does not occur as required in C above, the Regional President may request the HNBA President to place the matter of the candidate's endorsement on the next HNBA Board meeting agenda, in which case the President shall set the matter of the candidate's endorsement before the Board.

**E. *Endorsement Letter:*** The HNBA Regional president or HNBA President will provide the candidate with written notification of the HNBA's decision. If an endorsement is made, the Regional President will prepare a draft endorsement letter for the HNBA President's signature. A copy of the letter of endorsement, if applicable, will be sent to the candidate.

## **VI. Confidentiality**

All information (including but not limited to documents, candidate and third-party interview statements and notes) submitted to or obtained by the HNBA in connection with the consideration of an endorsement will be held in strict confidence. The HNBA will not disclose any information or materials related to any endorsement review to anyone who is not an HNBA officer, board member, or Committee member without notifying the candidate of the request for disclosure and requesting the candidate's written consent. All HNBA officers, board members and committee members who receive information related to endorsement requests and evaluations are required to sign confidentiality agreements.

*Approved by the Board of Governors of the Hispanic National Bar Association in July 2002. Amendments approved by HNBA executive Committee on December 22, 2008.*

***Ramona Romero***

HNBA National President, 2008-2009