



The National Voice of the Hispanic Legal Community

POLICIES AND PROCEDURES GOVERNING EXECUTIVE ENDORSEMENTS

STATEMENT OF GOALS

The Hispanic National Bar Association's principal goal in endorsing candidates for appointed (not elected) federal executive positions such as general counsel of federal departments and agencies, U. S. Attorneys, and other posts in the U.S. Department of Justice is to promote the selection of qualified Hispanics for such roles. The HNBA endorses candidates who have demonstrated a commitment to equality, the fair administration of justice and the rule of law, and who have been involved in, supportive of, and responsive to the needs and concerns of the Hispanic community.

I GENERAL GUIDELINES AND PARAMETERS

A. Criteria for Endorsement

1 Qualifications: The HNBA will consider the following factors:

- Membership in the HNBA, the local HNBA affiliate, other Hispanic bars, or other community service organization serving the needs of Hispanics;
- The extent to which a candidate has been involved in, supportive of and responsive to Hispanics needs and concerns
- Integrity, character and professional reputation;
- The depth of the candidates' professional experience and its relevance to the position sought;
- Communication skills (oral and written); and
- Demonstrated commitment to the concept of equal opportunity and equal justice under law.

The order of the factors in this list does not indicate their priority. Decisions on endorsements will be made based on the totality of the qualification factors.

2 Statutory Criteria: The HNBA will endorse only candidates who demonstrate that they satisfy the statutory and experiential requirements for the positions 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 only candidates who meet some or all of the above criteria and whom it concludes will discharge the duties of the pertinent office with distinction. 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 the above criteria and, therefore, should not be appointed. The decision to oppose requires a majority vote of the Board of Governors ("Board") at a duly scheduled Board meeting.

D. Number of Endorsements Per Position

The HNBA will endorse as many candidates for each position as it deems deserving of endorsement.

E. Executive Endorsements Committee Authority and Appointments

All requests for endorsements by candidates seeking endorsement of their candidacy for federal executive appointments will first be reviewed by the HNBA's Executive Endorsements 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 HNBA ENDORSEMENT

Persons seeking an endorsement must comply with the following procedures:

- A. Inform an HNBA officer, an HNBA Board member, or the HNBA Committee Chairperson of his or her desire to obtain the HNBA's endorsement. A copy of these guidelines may be requested and will be provided.
- Either the candidate or an HNBA officer or Board member forwards the following information to the Committee Chairperson, with a copy to the HNBA National President and the HNBA Executive Director:
 - A letter formally requesting the HNBA's endorsement and including the title of

the position being sought;

- The candidate's resume and other materials relevant to the candidate's qualifications;
- A list of references;
- The candidates background questionnaire and all other materials the candidate has submitted in conjunction with his or her application for the position;
- The statutory requirements, if any, for the position being sought or other materials reflecting the responsibilities, authority and requirements of the position;
- The date by which the endorsement must be received in order to be considered; and
- Name, title and address of the person to whom the endorsement letter should be sent.

III. DUE DILIGENCE ON CANDIDATES

- A. After receipt of the information specified in Section II above , the HNBA's 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; and (vi) 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 Committee will formulate a recommendation that will be submitted to the HNBA Board.
- B. The Committee shall distribute its due diligence report and recommendation on the candidate to the HNBA Board in advance of the next Board meeting. The HNBA President shall place on the next 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 ENDORSEMENTS

An expedited proceeding will only occur when the urgency of the situation does not allow 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 the Chair of the Committee shall make this determination jointly. The following rules and procedures govern expedited endorsements:

- A. If time does not permit consideration by the full Board, the decision on whether to endorse a candidate will be made by all the following:
1. The HNBA President;
 2. The HNBA President-Elect;
 3. The Committee's Chair; and
 4. The HNBA Regional President located for the HNBA Region where the candidate resides.
- B. The vote of the 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 Committee Chair will provide the candidate with written notification of the HNBA's decision, and, if applicable, with a copy of the letter of endorsement.

V. 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,
on the 3rd day of September 2008.*