

Procedure for Judicial and Public Appointment Applicants Seeking MDisBA Endorsement

The Minnesota Disability Bar Association's ("MDisBA") principal goal in endorsing applicants for judicial positions is to promote the selection of qualified judicial applicants who embrace the goals of the MDisBA. The MDisBA endorses applicants who have demonstrated a commitment to the 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 disability issues, needs and concerns.

A. Requesting the Endorsement

All requests by applicants seeking endorsement for a judicial position will first be reviewed by the MDisBA's Judiciary Committee (the "Committee"). The MDisBA President shall appoint MDisBA members in good standing to the Committee and shall select the Chair of the Committee. The Committee will examine applicant qualifications, conduct necessary due diligence, and make recommendations to the MDisBA Board (the "Board") on whether or not to endorse an applicant. The Committee is to conduct its activities pursuant to this policy. The Committee does not endorse applicants – the Board retains the authority on the endorsement of applicants. To receive an endorsement, an applicant must secure affirmative votes from a majority of the Board members present.

Please send an email correspondence requesting the endorsement ("Request"). In the email enclose the following: (1) a completed MDisBA judicial endorsement request application; (2) the date by which the endorsement for the appointment must be received in order to be considered; (3) the name, title, and address of the person to whom the endorsement letter should be sent; (4) the applicant's resume or CV, a list of at least three references, and other materials relevant to the applicant's qualifications; (5) any pertinent writing samples; and (7) optionally, a copy of the completed judicial application form to MDisBA President ("President") at mndisba@gmail.com.

An applicant should submit the Request at least three weeks prior to the date the endorsement is required. (Please note: MDisBA may consider a Request that is submitted less than three weeks prior to the date depending on the circumstances.)

B. The Evaluation Process

The President and Chair of the Committee ("Chair") shall serve as the contact person for each request for endorsement. The applicant has no input or involvement in selecting a contact person, or the Board or Committee members involved in the evaluation of the applicant's request for endorsement. If the applicant is a current member of the Board or Committee, the applicant is recused from participating in the evaluation process.

The Board or Committee will conduct a review of the Request, application materials, and consider the criteria listed below. The Board or Committee will also interview references, review written submissions, and perform additional research on all applicants. The Board or Committee will look at all aspects of the applicant including whether the applicant has at least 10 years of legal experience. While this is not dispositive, the Board and Committee are cognizant of the fact that typically an applicant is not considered if they have less than 10 years of experience.

The President or Chair will coordinate with the applicant to arrange for an interview by videoconference, by no less than three members of the Board or Committee. During the interview, the interview panel may inquire into subjects, including but not limited to, the following:

- Why the applicant wants to be a judge on the specific court;
- Why the applicant believes they are qualified for the position;
- What skills, attributes, experience and community involvement makes the person a viable applicant for the position desired;
- Whether the applicant has complied with all federal and state tax laws and regulations;
- Whether the applicant has knowingly employed an undocumented alien;
- Whether the applicant has used any illegal substances since law school;
- Whether the applicant has any issues regarding substance abuse;
- Whether the applicant has any arrests or convictions;
- Whether the applicant has ever been found to be in violation of any standards of professional conduct;
- Whether the applicant uses social media, and if so, what the use consists of;
- Whether the applicant knows of anyone or any organization that might take steps, overtly or covertly, fairly or unfairly, to criticize the applicant's appointment;
- Whether the applicant has any issues that the Committee should know about, including but not limited to issues that could embarrass MDisBA.

In addition to the interview and submitted materials, the Committee and Board will also inquire about and evaluate the criteria listed below.

C. Criteria

When reviewing an applicant's request for endorsement, the Committee and the Board will consider the following:

- Whether the applicant is a member of an affinity bar group;
- Whether the applicant has demonstrated commitment to the needs and concerns of the disability community, and/or to any other minority or underrepresented group;
- Whether the applicant has demonstrated commitment to the concepts of equal opportunity and equal justice under law;
- Whether the applicant has ideas on how to increase the efficient administration of justice and judicial services;
- Integrity; character; and professional reputation—both within the larger legal community and especially among the disability community;
- Knowledge of the law;
- Legal experience (criminal or civil litigation or trials, hearings before administrative or regulatory tribunals, in-house counsel experience, transactional work, academia, legal writing and analysis, mediation, arbitration, negotiation) and professional ability;
- Work ethic;

- Scholarship/publications/presentations/online social media presence (including blog posts and public comments);
- Civic/community affairs;
- Temperament/ability to judge;
- Ethical standards;
- Intellectual curiosity; and
- Statutory or constitutional criteria (MDisBA will only endorse those applicants who demonstrate that they satisfy the statutory requirements for the position they seek).

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 listed criteria, interviews, and submitted documentation.

D. Committee and Board Evaluation

The Committee shall provide a recommendation to the Board, and the Board will vote by majority rule as to whether to endorse, decline to endorse, or request additional information from the applicant. The President or Chair will communicate any requests by the Board for additional information to the applicant.

Upon approval by the Board, the President or the President's designee will draft a letter of endorsement for the applicant. The letter will be mailed directly to the designated address listed in the application materials. A copy of the letter of endorsement will also be provided to the applicant via email or mail to the applicant's home address.

An endorsement means that MDisBA may, at its discretion, and with the permission of the applicant, publicize and promote the applicant, including but not limited to posting on MDisBA website and communicating the endorsement to its membership. MDisBA may otherwise advocate for an endorsed applicant when appropriate.

The Board will make every effort to complete this process within three weeks. In some circumstances, the President will inform the applicant if the endorsement process is expected to take longer than three weeks.

Applicants must contact the President or Chair of any changes or updates in the application or to discuss any questions the applicant may have regarding his/her request for endorsement.

If the Board declines endorsement of an applicant, the President or Chair will inform the applicant of that fact.

E. Confidentiality

Prior to endorsement, the names of all applicants shall be kept confidential by the Board and Committee. MDisBA will not disclose any information or materials related to any endorsement review to anyone who is not an MDisBA officer, Board member, or Committee member without notifying the applicant of the request for disclosure and obtaining the applicant's written consent. Please note that in conducting its evaluation of the applicant and assessing the criteria outlined above, the Board or Committee may contact individuals outside of the Board or Committee,

including any person named in the applicant's application materials. If the applicant does not want the Board to contact a particular person, the applicant must indicate this preference in the Request.