

ENDORSEMENT PROCESS

Judicial Appointments Endorsement Application and Review Process

In its discretion, the CAPAJA Executive Board may decide whether or not to support an applicant's candidacy. In those instances where the CAPAJA Executive Board decides to support an applicant's candidacy, CAPAJA provides a letter in support of the applicant to the Governor's Judicial Appointments Secretary.

Candidates for the Superior Court

Initiating CAPAJA's Endorsement Request Process

Judicial applicants who seek CAPAJA's endorsement of their candidacy must initiate the endorsement process by submitting their written request to CAPAJA, copies of their application and all supporting documents that were submitted to the Governor's office, and a letter of reference to CAPAJA from a Judicial Sponsor. A Judicial Sponsor is a judicial officer familiar with the applicant who has already individually endorsed the applicant for appointment to the Superior Court by having previously delivered their own letter of support to the Governor's office. Applicants must email their request, supporting materials, and Judicial Sponsor's letter of reference to the CAPAJA Judicial Appointments Committee at capaja2020@gmail.com.

Confidential Investigation & Factors Considered

Upon receiving all required materials from an applicant, the CAPAJA Judicial Appointments Committee will designate one or more judicial officers to conduct a confidential vetting of the

applicant. The CAPAJA Judicial Appointments Committee, primarily through the judicial officers conducting the investigation, shall confer with judicial officers, attorneys, and others having knowledge of the applicant's attributes. The CAPAJA Judicial Appointments Committee may request additional information from the applicant as it deems necessary. The applicant may or may not also be interviewed. Upon completion of the investigation, the CAPAJA Judicial Appointments Committee will provide its report and recommendation to the CAPAJA Executive Board.

In order to maintain the integrity of the process, to respect the privacy interests of the candidate and those who have provided information regarding applicants, and to encourage candid communications from sources, all investigations and proceedings of the CAPAJA Judicial Appointments Committee, and its investigative members, shall be treated as confidential and will only be disclosed or discussed with other committee members, the CAPAJA Executive Board, or judicial officers as necessary to accomplish a sufficient vetting of the applicant.

The applicant shall contact the CAPAJA Judicial Appointments Committee promptly to report any changes that would impact any responses contained in their application or any other matter that is relevant to the applicant's candidacy for judicial appointment which was not previously disclosed to the committee.

In examining an applicant, the CAPAJA Judicial Appointments Committee and CAPAJA Executive Board may consider any factor relevant to the applicant's qualifications to serve as Judge of the Superior Court and the applicant's suitability for CAPAJA's organizational endorsement, including, but not limited to the following factors:

- Member of the State Bar of California in good standing or subordinate judicial officer in good standing;
- Professional experience;
- Professional and personal reputation;
- Integrity and character;
- Lack of bias or prejudice;
- Prior judicial or quasi-judicial experience;
- Industry and diligence;
- Temperament and demeanor;
- Civic and community activities, including, but not limited to activities in support of the Asian Pacific American community; and
- Commitment to diversity, including, but not limited to interests and concerns of the Asian Pacific American community.

Decision of the CAPAJA Executive Board

Applicants should expect the process between completing the submission of their materials and receiving a decision from CAPAJA to be no less than 90 days with the possibility that a

decision may take longer and/or be deferred by the CAPAJA Executive Board, in its discretion, to a later time period.

The CAPAJA Executive Board, in its sole discretion and upon due consideration of any and all factors it deems appropriate, may decide to endorse the applicant's candidacy, to not endorse the applicant's candidacy, or to defer making a decision until a later time. If the CAPAJA Executive Board determines that supplemental investigation is necessary prior to making a decision, it may refer the matter back to the CAPAJA Judicial Appointments Committee.

In the event that the CAPAJA Executive Board decides to endorse an applicant's candidacy, the CAPAJA President will send a letter of support on behalf of CAPAJA to the Governor's Judicial Appointment Secretary. This letter will be copied to the applicant.

In the event that the CAPAJA Executive Board decides not to endorse an applicant's candidacy, the CAPAJA President will send a letter to the applicant only informing the applicant that CAPAJA has declined to issue an endorsement.

In the event that the CAPAJA Executive Board decides to defer its decision to a later time, the applicant will be so informed. If and when a decision is made, the applicant will be informed as indicated above.

If, after the CAPAJA Executive Board decides to endorse an applicant's candidacy, a material change occurs impacting the applicant's qualifications for CAPAJA's endorsement, the CAPAJA Executive Board, in its discretion, may revoke CAPAJA's endorsement.

Request for Renewal of Endorsement

An applicant who has received an endorsement from CAPAJA in connection with their judicial application submitted under a prior Governor's administration, and who is reapplying under a new administration, may request that CAPAJA issue a new letter of support.

To request such renewal of endorsement, the applicant shall submit to CAPAJA:

1. A written request for endorsement outlining any relevant professional and/or personal developments or other changes since their prior application;
2. An updated letter of support from their Judicial Sponsor who has individually endorsed the candidate for appointment to the bench under the new administration; and
3. A copy of their application to the Governor and any accompanying filings.

Restrictions Regarding Candidates Also Seeking Election to Judicial Office

CAPAJA does not intend that its endorsement of an applicant's candidacy for appointment to the Superior Court be utilized in any way in connection with an election to judicial or any other office. Applicants may not use CAPAJA's endorsement in any way, directly or indirectly, in relation to any current or future election to judicial or any other office. The

CAPAJA Executive Board, in its discretion, may or may not delay its decision regarding an applicant's request for endorsement if the applicant concurrently seeks election to judicial office or intends to do so. If an applicant who has received an endorsement from CAPAJA supporting their appointment utilizes such endorsement in any way that is contrary to this restriction, the CAPAJA Executive Board, in its discretion, may take any appropriate action, including, but not limited to, revoking the endorsement and/or notifying appropriate parties of such revocation.

Candidates for the Courts of Appeal

Superior Court judicial officers must initiate the endorsement process by submitting a written request to CAPAJA, together with all documents submitted to the Governor (including, but not limited to, a copy of the candidate's Personal Data Questionnaire). Superior Court judicial officers are not required to have a Judicial Sponsor.

Upon receipt of a request for endorsement, the designated co-chair of the Committee (Northern or Southern California) shall distribute the materials to the CAPAJA board. The board shall designate one or more members of the Judicial Appointments Committee to investigate/examine the qualifications of the candidate and make a recommendation to the CAPAJA Board. Factors to be considered include the applicable factors for the evaluation of superior court candidates, with an emphasis on factors relevant to an appellate court appointment (e.g., intellectual capacity, writing ability, scholarship, collegiality, Court of Appeal pro tem experience, teaching experience, etc.). The scope of the examination may be limited in the discretion of the CAPAJA Board. The CAPAJA Board will consider the Committee's recommendation and conduct a vote. The investigation and voting shall be conducted in a manner that avoids potential conflicts of interest. Upon approval by the CAPAJA Board, the Committee chair will draft a letter of support for the candidate to be signed by the President of CAPAJA or the President's designee. The letter of endorsement will be delivered to the Governor's Judicial Appointments Secretary and to the candidate. CAPAJA may endorse more than one candidate for a district court of appeals.