

## East Tennessee Lawyers Association for Women, Inc. Judicial Candidate Endorsement Policy

The East Tennessee Lawyers Association for Women, Inc. (“ETLAW”) adopts this policy to encourage candidates who share ETLAW’s mission to pursue judicial positions whether or not such candidate is a current member of ETLAW. Candidates seeking appointment to a judicial vacancy or election, re-election, or retention in a primary, general, or special election may request ETLAW’s endorsement.

1. **Request for Endorsement.** No candidate will be considered for endorsement unless the candidate timely requests ETLAW’s endorsement in writing and such request complies with the following:
  - A. *Submission Method.* The candidate’s request shall be submitted either via online form (if available on the ETLAW website) or by e-mail to the President with a carbon copy to the President-Elect and Secretary. The President, or a member of the Board of Directors (“Board”) so designated by the President, should acknowledge receipt of this request by e-mail within three (3) business days of the request.
  - B. *Submission Contents.* The candidate’s request shall include the following:
    - i. Basic Information: The candidate’s name and preferred contact information, the position for which the candidate seeks endorsement, and if applicable, a list of any other person(s) who, to the knowledge of candidate, is seeking the same position.
    - ii. Professional History: A resume or curriculum vitae.
    - iii. Public Documents: If applicable, a link to any other documents submitted by the candidate that are available for public examination on the website of the Administrative Office of the Courts or similar website that provides public access to such documents for all candidates.
    - iv. Summary Statement: A summary of the candidate’s qualifications in no more than 500 words (“Summary”). **NOTE: Requests containing a Summary that exceeds the 500-word limit will not be considered unless the Summary is revised to meet the requirements.** A candidate may but shall not be required to address the criteria described in Section 4 in the candidate’s Summary. If the request is submitted via e-mail, the Summary shall either be typed in the body of the e-mail or be in Microsoft Word format (no PDFs). Provided the candidate complies with the requirements of this policy, **the candidate’s Summary will be distributed to the ETLAW membership for endorsement consideration.**

C. *Timely Request for Endorsement.*

- i. Judicial Appointments: Any candidate seeking ETLAW's endorsement for appointment to a judicial vacancy must submit a request that complies with Section 1(A)-(B) no later than sixty (60) calendar days prior to the public hearing of the Governor's Council of Judicial Appointments, the Trial Court Vacancy Commission, or other similar body. If there are less than sixty (60) calendar days between the announcement of the vacancy and the hearing date, then any candidate seeking ETLAW's endorsement for appointment to a judicial vacancy must submit a request that complies with Section 1(A)-(B) no later than ten (10) business days after the vacancy is announced.
- ii. Elections: Any candidate seeking ETLAW's endorsement for a judicial position (including, but not limited to, re-election and retention) in a primary, general, or special election must submit a request that complies with Section 1(A)-(B) no later than sixty (60) calendar days prior to the applicable election.

D. *Contact Person.* After the candidate's submission under Section 1(A), the Secretary, or another member of the Board so designated by the President ("Designee"), shall serve as the primary contact person for any candidate(s).

**2. Number of Endorsements.** ETLAW may endorse up to three (3) candidates for any judicial position but may choose not to endorse any candidate.

**3. Timing of Endorsement.**

A. *Judicial Appointments.*

- i. Applications with Filing Deadlines: When there is a deadline for filing applications for a judicial vacancy, no endorsement will be made until after the applicable filing deadline.
- ii. Applications without Filing Deadlines: When there is no deadline for filing applications for a judicial vacancy, the Board shall determine the appropriate time for the membership to consider endorsements. The Board shall make this determination on a case-by-case basis with the following considerations in mind:
  - (1) Additional candidates are unlikely to submit a request for endorsement;
  - (2) The endorsement will not be made so late as to dilute its usefulness to the candidate; and

- (3) The endorsement will not be made so early that it is likely to discourage other candidates from applying for the position or for an endorsement.

B. *Elections.* For any candidate seeking ETLAW's endorsement for a judicial position (including, but not limited to, re-election and retention) in a primary, general, or special election, the Board shall determine the appropriate time for the membership to consider endorsements. The Board shall make this determination on a case-by-case basis with the following considerations in mind:

- i. Additional candidates are unlikely to submit a request for endorsement;
- ii. The endorsement will not be made so late as to dilute its usefulness to the candidate; and
- iii. The endorsement will not be made so early that it is likely to discourage other candidates from applying for the position or for an endorsement.

4. **Criteria.** Criteria to be considered by both the Board and ETLAW members include, but are not limited to, overall technical qualifications for the position, current and prior affiliations with and leadership positions held in women's and minority organizations and bar associations including ETLAW, gender, ethics, disciplinary history, character, service to community, commitment to programs that facilitate access to the justice system by underserved persons, and service to women. While ETLAW membership is not required for a person to be considered, membership and/or active participation in ETLAW will be a positive factor considered. ETLAW members share the goal of advancing women in the profession and in positions of authority. Beyond that shared objective, our membership is varied in political viewpoint and affiliation. ETLAW will consider endorsement requests in a nonpartisan fashion.
5. **Board's Recommendation.** Subsequent to receiving a timely and complete request for endorsement, the Board shall meet in closed session to consider information including the materials submitted pursuant to Section 1(B) and to determine whether to recommend endorsement of the candidate to the ETLAW membership. If a candidate is a member of the Board, the candidate shall not attend the closed session. If the Board elects to make a recommendation, it shall be by majority vote of Board members in attendance, quorum being present. The Board may, but is not required to, recommend to the members that ETLAW endorse one or more candidates or no candidate. Any recommendation shall be in writing and shall describe the basis for the recommendation and be submitted to the ETLAW membership in the Notice pursuant to Section 6(A)(ii) and 6(B)(ii), as applicable. Board members shall not disclose any information discussed in this meeting other than the information contained in the written recommendation.
6. **Voting.** Endorsements will be decided by the vote of ETLAW members entitled to vote, who are current on dues or become current on dues by the end of the voting period. At

the Board's discretion, a vote may be taken at a regular meeting or by e-mail under the following terms:

- A. *Regular Meetings.* If a vote is taken at a regular or special meeting, whether in person or virtual:
- i. Notice shall be given in the eNewsletter that announces that meeting or by separate e-mail sent to ETLAW members at the e-mail address on ETLAW's records (and/or via any e-mail service being used by ETLAW to send e-mail communications to ETLAW members, including but not limited to MailChimp) no fewer than ten (10) calendar days prior to the meeting.
  - ii. The Notice shall include, at minimum, the following:
    - (1) The date, time, and place of the meeting (and a link to the host platform, if the meeting is virtual);
    - (2) An announcement that voting members will vote on whether to endorse a candidate(s) either (I) to fill a judicial vacancy or (II) who is seeking election, re-election, or retention;
    - (3) The name(s) of candidate(s) seeking endorsement and whether the candidate(s) is a current ETLAW member;
    - (4) A description of the position the candidate(s) is seeking;
    - (5) The text of the Summary submitted by each candidate as required in Section 1(B)(iv);
    - (6) A link to any other documents submitted by the candidate(s) that are available for public examination on the website of the Administrative Office of the Courts or similar website that provides public access to such documents for all candidates;
    - (7) A copy of or link to the resume or curriculum vitae of the candidate(s);
    - (8) The Board's recommendation, if any, under Section 5;
    - (9) The list of criteria for consideration set forth in Section 4; and
    - (10) A statement to the effect that only voting members, as described in Section 3.01(a) of ETLAW's Bylaws, who are current on dues or become current on dues by the end of the voting period are eligible to vote.

- iii. In accordance with ETLAW's Bylaws, ten percent (10%) of ETLAW's voting members (in person or proxy) shall constitute quorum. In the event quorum is not met, the Board may:
  - (1) Post-pone the vote until the next regular ETLAW member meeting (during which a new vote will be conducted) without the need to resend the notice described in Section 6(A)(ii); or
  - (2) Take the vote by e-mail as described in Section 6(B).
- iv. A person who is not a current dues-paying voting member before the start of the meeting may be counted for quorum purposes and will be considered a voting member under this Policy, provided that person registers (or renews) that person's ETLAW membership and pays dues electronically (no checks) prior to the conclusion of the meeting.
- v. Voting members shall vote by secret ballot. Voting members who are absent from the meeting may submit their written ballot to a member attending the meeting if the absent voting member submits to the Secretary or Designee, prior to the start of the meeting, a written proxy authorizing the attending voting member to cast the absent voting member's vote. If a quorum exists, the possible voting results for each candidate are as follows:
  - (1) ETLAW shall endorse the candidate if the votes cast (in person or by proxy) indicating ETLAW shall endorse the candidate exceed the votes cast (in person or proxy) indicating ETLAW should not endorse the candidate.
  - (2) ETLAW shall not endorse the candidate if the votes cast (in person or by proxy) indicating ETLAW should not endorse the candidate exceed the votes cast (in person or proxy) indicating ETLAW shall endorse the candidate.
  - (3) In the event the votes cast (in person or by proxy) indicating ETLAW shall endorse the candidate equal the votes cast (in person or proxy) indicating ETLAW should not endorse the candidate, ETLAW shall take no position on whether to endorse the candidate.

If more than one (1) candidate is being considered, each voting member shall submit a separate vote for each candidate. In other words, consideration of multiple candidates is NOT a slate; each candidate receives a vote.

- vi. The President shall designate one (1) or more Board members to tabulate the votes and report the results to the Secretary or Designee. The Secretary or Designee shall thereafter notify the candidate(s) of the results by any means the Secretary or Designee deems appropriate, striving to do so no later than ten (10) business days from the date of the meeting at which the vote was taken. The Secretary or Designee shall then notify ETLAW members of the results by e-mail and by announcement at the next regularly scheduled membership meeting.
- vii. The person(s) designated to tabulate votes shall not disclose how any individual member voted. The person(s) designated to tabulate votes may disclose to the Secretary or Designee the number of votes in favor of and against endorsement and the number of abstentions for each candidate, without identifying how any individual member voted. The Secretary or Designee may share this information with the Board and may share such information applicable to a specific candidate with that candidate. The information shall not be shared with anyone else.

B. *E-mail.* If a vote is taken by e-mail:

- i. The President shall designate one (1) or more Board members to tabulate e-mailed votes.
- ii. The Secretary or Designee shall send an e-mail to ETLAW members at the e-mail address on ETLAW's records (and/or via any e-mail service being used by ETLAW to send e-mail communications to ETLAW members, including but not limited to MailChimp). This e-mail shall include, at minimum, the following:
  - (1) Notice that voting members will vote by e-mail on whether to endorse a candidate(s) either (I) to fill a judicial vacancy or (II) who is seeking election, re-election, or retention;
  - (2) The name(s) of candidate(s) seeking endorsement and whether the candidate(s) is an ETLAW member;
  - (3) A description of the position the candidate(s) is seeking;
  - (4) The text of the Summary submitted by each candidate as required in Section 1(B)(iv);
  - (5) A link to any other documents submitted by the candidate(s) that are available for public examination on the website of the Administrative Office of the Courts or similar website that provides public access to such documents for all candidates;

- (6) A copy of or link to the resume or curriculum vitae of the candidate(s);
  - (7) The Board's recommendation, if any, under Section 5;
  - (8) The list of criteria for consideration set forth in Section 4;
  - (9) A statement to the effect that only voting members, as described in Section 3.01(a) of ETLAW's Bylaws, who are current on dues or become current on dues by the end of the voting period are eligible to vote;
  - (10) The name(s) and e-mail address(es) of the Board member(s) designated to tabulate votes under Section 6(B)(i); and
  - (11) The date and time by which votes must be submitted via e-mail, which shall not be fewer than three (3) business days from when the e-mail is transmitted to the ETLAW members ("Deadline").
- iii. Ten percent (10%) of ETLAW's voting members shall constitute quorum for the e-mail vote. In the event quorum is not met by the Deadline, the Board may, at its discretion:
- (1) Extend the Deadline for voting by sending an e-mail to ETLAW members at the e-mail address on ETLAW's records (and/or via any e-mail service being used by ETLAW to send e-mail communications to ETLAW members, including but not limited to MailChimp) that informs them of the new Deadline (with no requirement to include all the information in Section 6(B)(ii));
  - (2) Cancel the initial e-mail vote and conduct a new e-mail vote with a different Deadline, which requires sending a new e-mail containing all the information required in Section 6(B)(ii);
  - (3) Cancel the e-mail vote and notify the membership pursuant to Section 6(A)(ii) that the vote will occur at the next regular meeting or at a special meeting; or
  - (4) Interpret the failure to obtain quorum as a decision that ETLAW shall take no position on whether to endorse the candidate(s) and notify the candidate(s) and membership of such in accordance with Section 6(B)(vi).
- iv. A person who is not a current dues-paying voting member before the Deadline may be counted for quorum purposes and will be considered a voting member under this Policy, provided that person registers (or

renews) that person's ETLAW membership and pays dues electronically (no checks) prior to the Deadline.

- v. Voting members shall vote by e-mailing the Board member(s) designated in the notice to tabulate votes with one of the ballot options identified in Section 7. If a quorum exists, the possible voting results for each candidate are as follows:
  - (1) ETLAW shall endorse the candidate if the votes cast by e-mail indicating ETLAW shall endorse the candidate exceed the votes cast by e-mail indicating ETLAW should not endorse the candidate.
  - (2) ETLAW shall not endorse the candidate if the votes cast by e-mail indicating ETLAW should not endorse the candidate exceed the votes cast by e-mail indicating ETLAW shall endorse the candidate.
  - (3) In the event the votes cast by e-mail indicating ETLAW shall endorse the candidate equal the votes cast by e-mail indicating ETLAW should not endorse the candidate, ETLAW shall take no position on whether to endorse the candidate.

If more than one (1) candidate is being considered, each voting member shall submit a separate vote for each candidate. In other words, consideration of multiple candidates is NOT a slate; each candidate receives a vote.

- vi. The person designated to tabulate votes shall report the results to the Secretary or Designee. The Secretary or Designee shall thereafter notify the candidate(s) of the results by any means the Secretary or Designee deems appropriate, striving to do so no later than ten (10) business days from the Deadline. The Secretary or Designee shall then notify ETLAW members of the results by e-mail and by announcement at the next regularly scheduled membership meeting.
- vii. The person(s) designated to tabulate votes shall not disclose how any individual member voted. The person(s) designated to tabulate votes may disclose to the Secretary or Designee the number of votes in favor of and against endorsement and the number of abstentions for each candidate, without identifying how any individual member voted. The Secretary or Designee may share this information with the Board and may share such information applicable to a specific candidate with that candidate. The information shall not be shared with anyone else.



7. **Ballot Options.** Voting members shall have the following options in casting a vote for each candidate:

- A. “ETLAW shall endorse \_\_\_\_\_ [name of candidate]”;
- B. “ETLAW should not endorse \_\_\_\_\_ [name of candidate]”; or
- C. “I abstain on the vote regarding \_\_\_\_\_ [name of candidate].”

If only one (1) candidate is being considered, the voting member is not required to include the candidate’s name in order for the vote to be valid. If multiple candidates are being considered, the voting member shall specifically identify each candidate by name and indicate the voting member’s vote for each candidate from the three options above.

8. **Approved Endorsements.** Upon a vote authorizing an endorsement, the Board shall prepare a letter to be signed by the President stating that ETLAW has endorsed the candidate. The letter may, but is not required to, describe the qualifications supporting the endorsement. The letter will be provided to the candidate via e-mail, and the candidate may request a hard copy of the letter. Further, if requested by the candidate, ETLAW will provide an electronic copy of the letter to other persons or entities provided the candidate gives the President, Secretary, or Designee the contact information for such persons or entities. Lastly, a copy will be sent to members in the first eNewsletter following the endorsement.

9. **Candidates for Non-Judicial Positions.** Candidates for other appointed or elected positions may also be considered for endorsement by ETLAW at the discretion of the Board and according to these procedures or such similar procedures as are appropriate to the office sought.

10. **Code of Judicial Conduct.** The Board will be mindful of the Code of Judicial Conduct in any communications with candidates.

11. **Recusal.** Certain members of the Board are given specific responsibilities under this Policy (“Designated Members”). By way of illustration, Section 6(B)(i) requires the President to designate one or more Board member(s) to tabulate votes cast by e-mail. Similarly, the Secretary or Designee is required to send notices under Section 6. If (A) a Designated Member(s) submits a request for ETLAW’s endorsement, (B) a Designated Member(s) believes (in such person’s sole discretion) that the Designated Member may have an actual or perceived conflict of interest in performing the duties expected, or (C) the Board believes that the Designated Member may have an actual or perceived conflict of interest in performing the duties expected, the Board shall appoint another Board member to perform those duties in connection with that endorsement consideration.

12. **Policy to be Revisited.** This Policy should be revisited for possible amendment/updating at least once every ten (10) years, preferably every five (5) years. Notwithstanding this term, the Board may revisit and amend this Policy whenever the Board deems

appropriate, with restatements or amendments to be approved by majority vote of the Board, quorum being present.

Amended and Restated Policy  
Adopted March 7, 2023