

RULES AND PROCEDURES
OF
WASHINGTON COALITION OF MINORITY LEGAL PROFESSIONALS

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Article I. Authority

By resolutions of the respective Boards of Directors of the participating Minority Bar Associations, there is established the Washington Coalition of Minority Legal Professionals (“**Joint Committee**”) to carry out the evaluation and rating of candidates for elected law-enforcement positions in Washington State and other functions as set forth in these Rules and Procedures. The Joint Committee exists and functions under the bylaws of each of the respective Participating Associations.

Article II. Purposes

The Minority Bar Associations represent marginalized communities that are highly and disproportionately impacted by prosecutor elections and other law-enforcement elections. The primary goals to be effected by the Joint Committee are:

- To ensure that persons seeking election to a law-enforcement position in Washington State, including but not limited to prosecuting attorney, county sheriff, city attorney, or attorney general (“**Candidates**”) recognize and promote the goals and values of the Minority Bar Associations (defined herein) and their constituents, jointly and individually;
- To ensure that a Candidate is of high integrity and professional ability, while demonstrating a commitment to fairness, equal justice, and improving the criminal and civil justice system;
- To rate, but not endorse, Candidates and to make the ratings available to the public so that voters will be aware of the jointly expressed views of the Minority Bar Associations;
- To inform and educate the Candidates and raise their consciousness regarding the communities of the diverse Minority Bar Associations and the need for criminal justice reform;
- Recognizing that the process of obtaining information about Candidates is a difficult endeavor, to publish the information about Candidates that the Joint Committee deems relevant to and useful with respect to creating an educated voting public; and
- To promote the recognition and relevance of the Minority Bar Associations and their constituents.

Article III. Associations

Section 3.01 Minority Bar Associations

A “**Minority Bar Association**” is any association of minority legal professionals in Washington State with an interest in the purposes of the Joint Committee, as recognized by the Joint Committee. The following organizations shall be initially considered Minority Bar Associations:

Asian Bar Association of Washington
Cardozo Society of Washington State
Filipino Lawyers of Washington
QLaw Association of Washington
Korean American Bar Association
Latina/Latino Bar Association of Washington
Loren Miller Bar Association
Middle Eastern Legal Association of Washington
Mother Attorneys Mentoring Association of Seattle
Northwest Indian Bar Association
Slavic Bar Association of Washington
South Asian Bar Association of Washington
Vietnamese American Bar Association of Washington
Washington Attorneys with Disabilities Association
Washington State Veterans Bar Association
Washington Women Lawyers

The Joint Committee may, by a majority vote, recognize additional organizations as Minority Bar Associations.

Section 3.02 Participating Associations

Any Minority Bar Association may become a “**Participating Association**” in the Joint Committee by resolution of the Board of Directors of that Minority Bar Association and by designating a person (“**Member**”) to serve on the Joint Committee.

Section 3.03 Supporting Associations

A Minority Bar Association that does not have the capacity or desire to participate in the Joint Committee as a Participating Association but is supportive of the Joint Committee's mission may, at its request, be designated as a "**Supporting Association.**"

Section 3.04 Withdrawal

A Participating Association may withdraw from the Joint Committee, and a Supporting Association may withdraw from supporting the Joint Committee, at any time by providing notice to the Chair.

Section 3.05 Obligations

Any organization that is a Participating Association or Supporting Association thereby authorizes the Joint Committee to use its name and logo in association with the Joint Committee's ratings.

To maximize the impact of the Joint Committee's efforts and to avoid public confusion, no Member shall make any statement of dissent from a rating. Similarly, Participating Associations and Supporting Associations shall refrain from issuing any statement of dissent from a rating. However, a Participating Association or Supporting Association is welcome to explain that the Joint Committee's ratings are issued through a process that the Participating Association participates in, but does not control, or that the Supporting Association supports, but does not control.

In addition, to avoid public confusion, Participating Associations and Supporting Associations agree not to issue their own ratings of Candidates.

Article IV. Members and Officers

Section 4.01 Designation of Members

Each Participating Association shall designate one Member to serve on the Joint Committee. Members must be fully licensed members of the Washington State Bar Association and active members of the Participating Association.

A Participating Association may change its designated Member at any time, and it may designate another person ("**Substitute**") to act as its Member for any particular meeting or vote.

A written communication (including email) from the President of the Participating Association shall suffice to designate a Member. A written communication (including email) from the President or Member of the Participating Association shall suffice to designate a Substitute.

Section 4.02 Officers

The Members shall elect from among the Members a Chair and a Vice Chair, each of whom shall serve until they resign, cease being a Member, or are removed or replaced by the Joint Committee. The Vice Chair's duties shall consist of assisting the Chair as may be necessary or requested. In the absence of the Chair at a meeting, the Vice Chair may assume the duties of the Chair.

Article V. Meetings

Section 5.01 Meeting Schedule

The Joint Committee is not required to have regular meetings. Meetings of the Joint Committee may be called at the request of the Chair or any two Members.

Section 5.02 Participation in Meetings

Members may participate in a meeting of the Joint Committee in person or by telephonic conference. Members may also participate through a Substitute.

A Participating Association may designate persons to attend a meeting in addition to its Member or Substitute, but such additional persons are not entitled to vote.

Section 5.03 Quorum

A majority of the Members shall constitute a quorum for the transaction of business at a meeting.

Section 5.04 Manner of Acting

The act of a majority of the Members present at a meeting at which there is a quorum shall be the act of Joint Committee, unless the vote of a greater number is required by these Rules and Procedures.

Article VI. Rating Process

Section 6.01 Selected Races

The Joint Committee shall be responsible for identifying the particular law-enforcement elections ("**Selected Races**") in which it will conduct its rating process. In identifying Selected Races, the Joint Committee may consider, among other information, whether a race is seriously contested, the importance of a race to the communities represented by the Minority Bar Associations, and the practicability of performing a rating process in that race.

Section 6.02 Information Considered

In deciding ratings, the Joint Committee shall consider a Candidate's questionnaire responses, any Interview Report (defined herein), and information gathered as part of the

Candidate's background check. The Joint Committee may also consider any other information available to it.

Section 6.03 Questionnaires

All Candidates in a Selected Race shall be invited to participate in the rating process by submitting a response to a questionnaire.

Section 6.04 Candidate Interviews

(a) Eligibility for Interviews

All Candidates in a Selected Race responding to the questionnaire shall be considered for interviews. In exceptional circumstances, such as a frivolous or incoherent questionnaire response, the Joint Committee may deem a Candidate not to be a serious candidate and exclude the Candidate from the interview process. In addition, in exceptional circumstances, the Joint Committee may interview a Candidate that did not submit a questionnaire response.

(b) Interview Panel

Interviews shall be conducted by a panel (the "**Interview Panel**") of persons ("**Panelists**") designated by the Joint Committee. The Interview Panel may vary from interview to interview, including among Candidates in a Selected Race.

An Interview Panel may include non-Member volunteers as Panelists. Unless an exception is granted by the Joint Committee, a Panelist must be an active member of a Participating Association. A Panelist shall not have a conflict of interest with respect to the interviewed Candidate.

(c) Interview Procedure

Candidate interviews may be conducted in person, by video conference, or by telephone. The Joint Committee shall endeavor to perform all interviews of Candidates in a Selected Race in the same manner, but exceptions may be made at the discretion of the Joint Committee.

The Joint Committee may specify procedures to be followed by the Interview Panel. For example, the Joint Committee may specify the length of the interview, what questions are to be asked, whether a Candidate shall be allowed to make opening remarks, and other restrictions.

The Interview Panel does not rate Candidates. Instead, the Interview Panel shall prepare a report ("**Interview Report**") in a form to be specified by the Joint Committee. Interview Reports shall be submitted to the Joint Committee promptly after an interview.

Section 6.05 Background Checks

Subject to the requirements set forth here, the Joint Committee shall specify how such background checks are to be conducted.

The Joint Committee may consider information provided from sources other than the Candidate and references identified by the Candidate. Other sources may include, but are not limited to, contacts with people who have personal knowledge of the Candidate (whether or not listed by the Candidate as references, and whether or not they may be considered to have a conflict of interest), public records, electronic searches, and a Member's personal experience with a Candidate.

The Joint Committee may rely on hearsay, giving it the weight it deems appropriate. However, if a reference reports relevant information heard from another source, the Joint Committee shall endeavor to rely on information obtained from that source directly.

Any persons contacted should be assured that the source of the information provided by them will be treated as confidential.

Section 6.06 Criteria for Rating

When rating Candidates, the touchstone criteria shall be whether a Candidate is expected to be effective in office, will serve the interests of the community and society, and is committed to the fair administration of justice and improvement of the criminal and civil justice system from the perspective of the Minority Bar Associations.

In assessing these criteria, the Joint Committee shall consider the following factors, which are not listed in any order of priority:

- Membership in good standing in the Washington State Bar Association.
- Competence, ability, and experience to perform the requirements of the office.
- Maturity, integrity, courtesy, intellectual honesty, intellectual humility, fairness, good judgment, and curiosity.
- The courage and ability to make difficult decisions in the interests of justice.
- A demonstrated commitment to equal justice under the law, and fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, sex, gender, sexual orientation, national origin, citizenship status, ancestry, religion, political ideology or affiliation, creed, age, marital status, or physical or mental illness, disability, or impairment. Such commitment and sensitivity can be evidenced by the Candidate's involvement in community affairs and activities, professional practice, and personal and professional background and history.
- A commitment to reforming the criminal justice system to address the problems of mass incarceration, over-criminalization, excessive bail, excessive sentencing, reentry issues, policing issues, and disparate and biased treatment of individuals based on race and other factors.
- A commitment to consideration of alternatives to the criminal justice system in achieving justice for victims, offenders, and the community.

This is not an exhaustive list of factors. The Joint Committee may consider other factors that bear on the touchstone criteria.

Section 6.07 Explanation of Ratings

The Joint Committee shall rate Candidates using one of the ratings below:

- **“Outstanding”** applies to a Candidate who has made numerous outstanding contributions to improving the criminal justice system, has exceptional skills related to the office, and is a respected leader who brings knowledge and creativity to issues facing the office.
- **“Very Good”** applies to a Candidate who has made significant contributions to improving the criminal justice system and brings very substantial skills related to the office.
- **“Good”** applies to a Candidate who has been active and effective in many roles and shows satisfactory commitment to improving the criminal justice system.
- **“Adequate”** applies to a Candidate with a record of participation and interest in improving the criminal justice system, but who may raise questions about suitability as an office holder or may need to work to fill gaps in their knowledge or skills.
- **“Not Qualified”** applies to a Candidate with a record that casts doubt on their ability to deal with the responsibilities of office, or who has a narrow focus, inflexible attitudes, or is otherwise troubling.
- **“No Rating”** applies to a Candidate when the Joint Committee is unable or decides not to issue a rating. This includes when the Joint Committee determines, after diligent investigation, that it has no more information about the candidate than an uninformed voter would have.

Section 6.08 Applicability of Ratings

Ratings apply to a Candidate only for a particular Selected Race. Prior ratings are not transferrable to future races or for other offices, although the Joint Committee may consider its prior ratings when issuing future ratings.

Section 6.09 Confidentiality

Prior to voting, the Joint Committee should engage in frank and open discussion to fully evaluate a Candidate. In order to foster such discussion, Members shall keep confidential all information disclosed by the Candidates and references and all discussions in the interview, evaluation, and rating proceedings of the Joint Committee. All inquiries regarding ratings and procedures shall be referred to the Chair, who shall provide responses as appropriate without disclosing confidential information.

Section 6.10 Conflicts

A Member must recuse from a vote (or designate a Substitute) if the Member has a conflict with respect to a Candidate or Selected Race. A conflict includes, but is not limited to, having endorsed or contributed to any Candidate in that Candidate's Selected Race in that election cycle.

If a Member has a prior adversarial or close business, personal, or professional association with any Candidate in a Selected Race resulting in a favorable or unfavorable impression that could substantially affect the appearance of fairness, or any other factor that could substantially affect the appearance of fairness, the Member should disclose that to the Chair (or, if the Member is the Chair, to the Vice Chair). After discussion, the Chair (or Vice Chair) shall determine whether the Member shall participate in all, part, or none of the rating process.

Section 6.11 Voting Process for Ratings

A rating may be established upon a majority vote of the Members present and not recused, with a minimum of four (4) Members present and a minimum of three (3) Members voting in favor of a rating. There shall be no record or disclosure of the vote tallies or how each Member voted.

At the request of any Member, a vote shall be taken on whether a rating of "No Rating" is appropriate. This rating does not apply merely because a Candidate failed to complete a candidate questionnaire or was not interviewed, or both. A Candidate may still be rated if the Joint Committee has obtained information about the Candidate through other sources of information.

Voting shall start with the rating of "Adequate." If the Candidate receives enough votes for a rating, then the Joint Committee shall vote on whether the Candidate should receive the next rating above that (e.g., "Good"), and so on through the highest rating. The Candidate's rating shall be the highest rating receiving the necessary number of votes.

If the Candidate does not receive enough votes for a rating of "Adequate," then the Joint Committee shall vote on whether the Candidate should receive the rating of "Not Qualified." If the Candidate does not receive enough votes for either "Adequate" or "Not Qualified," the Candidate shall receive a rating of "No Rating."

Section 6.12 Modification of Ratings

If the Joint Committee believes that significant information was not considered when it rated a Candidate that subjects the validity of the rating to serious question, the Joint Committee, by two-thirds vote, may modify the rating.

Section 6.13 Publication of Ratings

The Joint Committee shall issue a report of its ratings for public consumption and may publicize its ratings. Participating Associations and Supporting Associations are encouraged to publicize the Joint Committee's ratings to their membership as well.

Section 6.14 Records

Joint Committee records shall be limited to a single official file to be maintained by the Chair. The file shall be kept confidential and may include the following material:

- The completed questionnaire furnished by each Candidate, any correspondence between the Candidate and the Joint Committee, any Interview Report, and such other information as the Chair deems appropriate; and
- Records of Joint Committee meetings, including the names of Members in attendance, the ratings of each Candidate, and any other decisions made.

Records of reference interviews shall be destroyed after a rating is issued.

Article VII. Budget

If the Joint Committee determines that it has budgetary needs, the Joint Committee shall prepare a budget and agree on an equitable allocation for each Member to request from their Participating Association. The allocation should take into account, among other things, the financial resources of the Participating Association and which Participating Association the Chair belongs to.

Article VIII. Amendments

These Rules and Procedures may be altered, amended, or repealed and new Rules and Procedures may be adopted by the vote of two-thirds of Members at any meeting of the Joint Committee. The proposed changes shall be distributed to all Members at least 5 days prior to any meeting in which such action is to be taken.

Adopted: September 18, 2018

