



## **Judicial Endorsement Task Force | Section Endorsement Resolution**

RESOLVED, The Colorado Bar Association Executive Council recognizes that there has been a spirited debate amongst the CBA Sections and CBA members regarding the endorsement of judicial nominees. Currently, pursuant to Section 1.7 of the Colorado Bar Association Bylaws, no Section or Committee may make any judicial endorsement without the formal approval of the Executive Council or the Board of Governors. The Executive Council further recognizes that requiring individual approval of every proposed endorsement would be inefficient and unwieldy. Finally, the Executive Council recognizes that empowering the Sections while at the same time protecting the CBA brand and furthering its objectives, mission, values, and vision are not mutually exclusive.

Therefore, pursuant to its authority in Section 1.7 of the Colorado Bar Association Bylaws, the Executive Council authorizes any CBA Section to endorse judicial nominees if, and only if, the procedures and guidelines outlined below are strictly followed. Nothing in this resolution should be viewed as requiring any Section to endorse judicial nominees but only as giving them that option should they so desire.

Any CBA Section wishing to endorse judicial nominees must first take affirmative steps to involve the Section as a whole, not just its leaders, in the process of establishing the endorsement procedure for that Section. At minimum, this must include good faith attempts to solicit input from as many Section members as possible and notification to Section members about any meetings regarding the development of the judicial nominee endorsement procedure.

After gathering the above feedback from Section members, any CBA Section making judicial nominee endorsements must develop a formal written procedure. That procedure must be available for review by its members and a courtesy copy must be submitted to the Executive Council. The exact details of that procedure are up to the individual Sections but must meet certain requirements. At minimum, the procedure must result in a written record of why any given judicial nominee endorsement was made. Next, any procedure for endorsing judicial nominees must give some weight to CBA Equity, Diversity, and Inclusivity (“EDI”) policies and diversity. The procedure must also give some weight to what is (1) in the best interest of the Section and (2) what is best for the judiciary as a whole. Further, the process should be fair and equitable to all candidates. For example, if the procedure allows for the interviewing of candidates—either in writing or orally—the Section must open that process to all nominees for a given position. It may not interview one judicial nominee while declining to interview the other nominees for the same judicial appointment. Any nominee receiving a judicial endorsement from a CBA Section must be a CBA member.

Finally, if a Section chooses to make judicial nominee endorsements, it must include two things, at minimum, in any formal endorsement letter or other writing. First, it must state in clear, underlined language that the endorsement comes from a specific CBA Section and should not and must not be construed as an endorsement from the CBA as a whole. Second, it must disclose whether the candidate being endorsed is a current or past member or leader in that given section for transparency purposes.

This resolution shall continue in perpetuity until modified or repealed by the Colorado Bar Association Executive Council or Board of Governors.