

## NOMINATION AND CREDENTIALING PROCESS

1. The College accepts nominations from September 1st to February 1st (the "Nomination Period"). Nomination forms are available on the website or hard copies can be mailed, if requested. The nomination is a two-part form - one for the nominee to complete and one for the nominators to complete. This second form requires signatures of two Fellows in support of the nominee. Nominations can be emailed, faxed or sent via mail and may contain photocopied signatures. **(See Tab 1)**

2. In October 2002, the Board set a cap that restricted the growth of the College on an annual basis. Membership is now limited to an annual increase of no more than 10% of the total number of Fellows as of January 1st each year.

3. The February 1st deadline for nominations is strictly enforced. If this date falls on the weekend, the deadline automatically becomes close of business on the following Monday.

4. The Board of Governors has appointed Circuit Credentials Committees to complete due diligence on all nominees. These Committees follow the pattern of the Federal Circuits.\* The job of these committees is to determine which candidates should be recommended for membership. Committees will review reference letters and Fellows comments, following up on all information for verification purposes, if necessary.

5. Within five days of the February 1st deadline, the nominations made for each Circuit are copied and mailed to that Circuit's Credentials Committee Chairperson, together with the Credentials Committee Protocol, a copy of a model diligence letter, a reference reply form and a nominee evaluation form. **(See Tab 2)** This last form explains the importance of the ranking system in the evaluation and selection. Each member of the committee receives copies of all these materials, except the candidates' nomination forms. Distribution of the nomination forms is left to the discretion of the circuit chairperson.

6. Within ten days of the February 1st deadline (approximately February 10th), a list of candidates from every circuit is mailed to all Fellows, soliciting comments on the nominees. **(See Tab 3)** Fellows are asked to forward their comments directly to the circuit chairperson whose committee is evaluating the candidate.

7. The nominee evaluation form is an essential part of the credentialing process. The committee should complete this form in its entirety and rate the candidate as "highly qualified," "qualified," "not qualified" or "unable to evaluate," accompanied by an explanation. In addition, the candidates for each circuit should be separately ranked within the "highly qualified" and "qualified" categories in order of preference for admission by the Circuit Committee.

8. Committees have approximately eleven weeks to complete their task. Recommendations are to be returned during the middle of April (specific date is determined each year), using the nominee evaluation form.

9. After receipt of the recommendations of the Circuit Credentials Committee, copies thereof are sent to members of the Board of Governors' Credentials Committee. Thereafter, at a meeting of that Committee, all applications, references, recommendations and related materials are reviewed, and a recommended list of new candidates is compiled.

10. A full Board of Governors meeting is usually scheduled for the end of May. It is at this meeting that the list is presented to the Board. A formal vote confirms the election of these candidates.

11. Letters to the newly elected Fellows are sent out immediately following the Board meeting together with membership packages. **(See Tab 4)**

12. Nominators of candidates classified as "highly qualified", but who cannot be admitted because of numbers limitation, are sent a letter advising them of this and encouraging them to nominate their candidate for the next year. Candidates receive a copy of this letter. **(See Tab 5)** Individuals who are renominated in subsequent years do not receive priority consideration.

13. Nominators of candidates classified as anything other than "highly qualified" are sent a letter advising them that their candidate did not receive the support necessary to be admitted and that they can reapply in three years. Candidates receive a copy of this letter. **(See Tab 6)**

14. A letter is also sent to the Circuit Credentials Committee members advising them of the decisions of the Board. **(See Tab 7)**

15. Notification of the decision of the Board is made by letter from the Board only. Inquiries as to the Board's decision will not be honored until such time as the notification letters have been mailed and receipt expected. The Spring newsletter publishes a list of the new Fellows.

16. Guidelines were recently developed (October 2005) by a Board appointed committee to assist the Circuit Credentials Committee when reviewing candidates who are either government officials or in-house counsel. These guidelines were accepted by the Board of Governors and should be referred to when evaluating the special circumstances surrounding candidates from these practice areas. **(See Tab 8)**

17. Guidelines were recently developed (February 2006) in response to inquiries made by the circuit credentials committees regarding:

- a. the involvement of a committee member when dealing with a candidate that he/she nominated, is a colleague of, or is a reference for;
- b. reference reply forms that are not returned in a timely fashion;
- c. diversity as a factor in determining if a candidate is highly qualified; and
- d. the issue of verbal comments by a Fellow who wishes to remain anonymous.

These guidelines were accepted by the Board of Governors and should be referred to during the deliberation of any prospective candidates. **(See Tab 9)**

**BOARD CREDENTIALS COMMITTEE GUIDELINES REGARDING COMMITTEE MEMBER INVOLVEMENT AS A NOMINATOR; RETURN OF REFERENCE REPLY FORMS; DIVERSITY AS A FACTOR; VERBAL REMARKS FROM FELLOWS**

The Board of Governors accepted the following guidelines for use by the Circuit Credentials Committees when reviewing and assessing candidates during the diligence phase of the membership process.

1. If a Circuit Credentials Committee (CCC) member is a nominator, the member can participate in discussions regarding the nominee, but must recuse him/herself from the final vote. If the CCC member is a law partner or colleague in the same organization as the nominee, the member must recuse him/herself from the discussion as well as the final vote. If a CCC member is listed as a reference for a nominee, the member can participate in both the discussion and final vote for the applicant.

2. With respect to the reference reply forms received for a particular nominee, if, two weeks before the final recommendation is due, a minimum of four references have not been received, and follow up phone calls have been made, a CCC member will call both nominators and they will be advised that their nominee's selection is in danger due to the lack of responses from the listed references. If, when the final committee vote is taken, the nominee does not have the minimum number of references, the nominee evaluation form will be completed as "Unable to Respond". The candidate will receive a letter stating that he/she may re-apply the following year; however, if references do not respond timely the following year, he/she will not be allowed to re-apply for three years.

3. The issue of diversity when reviewing a candidate was raised. Circuit Credentials Committees are advised to review each candidate thoroughly and determine who is highly qualified in accordance with the information available. In an effort to have one standard of diversity, and not thirteen, the issue of diversity will be resolved at the Board Credentials level. Please use this same guideline when reviewing multiple candidates from the same law firm. If desired, you can point this fact out in a cover letter or on the recommendation form.

4. Finally, the issue of verbal comments by Fellows who wish to remain anonymous was raised. The Board Credentials Committee asks that the CCC chair or members advise the Fellow that any claims will need to be verified in order to be considered during the nominee deliberation and strongly urge the Fellow to assist the committee to this end. Committees should not consider anonymous accusations or claims that cannot be verified or confirmed.

70294949\_1.DOC