



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Chief Executive Officer at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought

Second Vice President* Secretary- Treasurer National Director

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes No

Name Rosary A. Hernandez

Firm/Company Burch & Cracchiolo, P.A.

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Education

University of Texas at Austin, Austin, Texas, B.A. 1990

University of Notre Dame Law School, Notre Dame, Indiana, J.D. 1993

Awards and achievements

- *AV Preeminent* rating since 2014
- Athena Award Nominee – 2017
- *Arizona's Finest Lawyers* – 2013 to present
- *Top Lawyers in Arizona* – by The Legal Network
- Named to list of *Lawyers of Distinction Top 10% in the USA 2017*

Areas of practice

Commercial litigation, construction, and professional malpractice

Employment history (Please do not include years)

- Burch & Cracchiolo, P.A., *Phoenix, AZ*
 - Partner
- Tiffany & Bosco, *Phoenix, AZ*
 - Shareholder
 - Served as first woman on Firm's Executive Board
- Wood, Smith, Henning, & Berman, *Phoenix, AZ*
 - Managing Partner- Phoenix Office
- Righi Hernandez, *Phoenix, AZ*
 - Founding Partner
- Koeller, Nebeker, Carlson, & Haluck, *Phoenix, AZ*
 - Partner
- Involved in litigation practice in Texas and California, job relocation to Arizona.

Noteworthy defense work

Defended national builders in construction defect claims in Phoenix area. Obtained lowest per home award for large subdivision. Prevailed on MSJ resulting in dismissal of all claims against brokerage firm. Defended, resolved through motion practice, and tried to verdict multiple large and complex matters to successful conclusions. Prevailed in MSJ against national builder resulting in dismissal of claims in excess of \$30 million in exposure.

Professional affiliations

- Homebuilder's Association of Central Arizona
 - Former Board of Directors – 2017 to 2020

- Esperanca Charity
 - Former Board of Directors for 10 years
- National Hispanic Bar Association, Los Abogados (AZ Affiliate)
- State Bars of Arizona, California, Texas and New Mexico
- Professional Women in Construction, Phoenix Chapter

- Arizona Womens' Lawyers Association

Have you been a DRI member for 5 or more years? Yes

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

- National Director – 2019 to present
- SLC Engagement Committee
- Liaison to Construction Committee
- Membership Committee
- Board of NFJE – 2021 to present
- Former Liaison to Appellate
- Co-Chair of Managing Partners Conference – 2021
- Annual Meeting Steering Committee – 2021 and 2022
- Diversity and Inclusion Committee, Vice-Chair – 2015 to 2017 and Chair 2017 to 2019
- Co-Chair Construction Conference
- Diversity Presentation at Leadership Training 2011 and several additional locations
- Presented at Construction Seminars and several Annual Meetings for both Construction and D&I Committee section meetings
- Nominating Committee – 2014
- Annual Meeting Steering Committees for Laura Proctor and John Cuttino
- Finance Committee Appointment

List any leadership roles in other defense organizations.

- State Bar of Arizona, Former Board of Directors for Construction Section
- Section Board of Directors, Maricopa County Bar Association – Former Vice-Chair and Chair, Construction Section
- Arizona Association of Defense Counsel – Former Board of Directors
- Homebuilders Association of Defense Counsel Attorney Member – Former Board of Directors
- Arizona Association of Defense Counsel – Former Board of Directors

Describe your goals if you are elected to the above position.

Recent events have profoundly affected every aspect of our lives as individuals, communities, and lawyers. My vision is to critically consider how these hard lessons can be utilized for professional and personal growth within DRI and the larger community.

1) Enhance and solidify DRI's role as a thought leader and business partner.

Strengthen and expand the role of the Center. Our legal system needs reasoned and informed analysis. Without politics, the Center can fill the niche on a national level and impactfully provide critical analysis to protect democratic principles and institutions.

Additionally, we are a team of smart and talented lawyers. Legal decisions directly affect the day-to-day operations of businesses. We should brand ourselves as their business partner to assist industry leaders in navigating key decisions and managing risks by establishing ourselves as thought leaders. Could begin by targeting particular industries. For example, Construction is working to establish an *Energy Issues* boot-camp along these lines. Taking on particular, cutting edge issues could be an opportunity to highlight the talent within our ranks and distinguish DRI as innovative and critically engaged in emerging topics faced by industry.

2) Sustain, foster, and expand personal connections.

DRI's strength is its people, specifically the personal and professional connections it fosters. The inability to gather for nearly two years has etched this fact into our collective consciousness. Whether virtual or in-person, every event should include an enhanced opportunity for engagement and connection. In the midst of Covid, DRI transitioned from in-person to virtual and sustained its members through challenging conditions. This pivot underscored the importance of these connections. Enhanced, intentional, and networking events need to be a key focus moving forward. Each of these events could be a membership opportunity and could be coordinated with a Membership Liaison within the SLC.

Specifically, propose conducting regional events, including targeted "boot camps" in specific practice areas. Could even include "hot" emerging, even localized topics and local businesses and business and industry leaders. The Construction Committee has successfully used this strategy. Private firms could provide meeting space and/or sponsor logistics to reduce costs. This will improve engagement by reducing travel costs while fostering in-person connections.

3) Strengthen and expand pipeline from WITL, D&I and YLC.

The Bar, and DRI leadership and membership should all reflect the changing demographics of the country. Within DRI, this includes better integration of the affinity group members into DRI leadership and substantive law committees. Substantial research establishes that diverse groups with differing thoughts and perspectives achieve enhanced results and reach better decisions. To achieve impactful progress and integration, all the affinity groups need to reach a broader audience and decision makers in law firms and companies. This will require strengthening of the liaison positions for all the affinity groups, and improving communication and creating meaningful opportunities for leadership, engagement, and speaking and publications opportunities within the SLCS and AM. This engagement creates another membership opportunity.

a) Enhance communication and integration among the SLCS and with the affinity groups

Improve information sharing SLCS and SLDOs to maximize the efforts and performance of each group. The SLC Engagement Committee, chaired by Jill Rice, has begun this process. The goal is to develop shareable resources which can be simply accessed and utilized across committees, such as a checklist for committee leadership and/or strategies for conducting meetings and “fly-ins” successfully. Cross pollinating knowledge about SLCS will enhance the experience and performance of all. For example, several SLCS have utilized the YLC’s leadership selection process to successfully enhance committee engagement. There is no reason to recreate the wheel when another committee has developed a successful strategy. More efficient leadership with the understanding that committees may have different needs and define success by various metrics. Similarly, enhanced communication and integration among the affinity groups and the SLCS will strengthen the SLCS by ensuring young lawyers have a place to go when they age out of YLC and that the impact of D&I and WITL members can be shared throughout the SLCS and DRI. Huge talent pools within the affinity groups that can benefit all of DRI.

b) Programming to include skills and business development training

For younger and older attorneys interested in sharpening skills, targeted skills-based training, including business development. Providing hands-on business development training will assist lawyers in growing their respective practices, increasing their leverage within their firms and each member’s ability to participate in DRI programs. This will involve support of creative initiatives,

such as the mentorship program in development between D&I and the Corporate Counsel Committee.

Another proposed initiative is the broader distribution of such developed programs across the SLCs. For example, the “pitch program” was designed by D&I to assist lawyers with developing business by demonstrating different styles based on a scripted set of facts. The in-house counsel provided real time analysis and feedback. This includes business development skills such as the “Pitch Perfect” program presented at D&I in June of 2021 at the Managing Partner Conference in Chicago.

What do you believe is the most important issue confronting the defense bar?

Democracy is fragile. In this time when attacks on the rule of law and vitriolic partisanship rule the day, it is critical all lawyers safeguard the legal system and the fundamental values it protects. Growing up as a first-generation Latina, I have a deep and profound understanding of how crucial these values are to the everyday lives of individuals. My parents fled communism and left their entire world behind for the chance to live and raise their families in a democratic society. Consequently, as a lawyer and daughter of immigrants, I am steadfast that Constitutional principles of free press, due process, equal protection under the law, and judicial independence must remain sacrosanct. As members of the bar, we all have a societal imperative to be mindful of our larger role in upholding the rule of law and ensuring democratic principles and values remain intact. As defense lawyers, we must defend our clients and act in their best interests while vigilantly safeguarding our legal system to ensure the fundamental blocks are protected and available to future generations.

Define the appropriate role for DRI as the national defense bar organization.

As a national defense bar, DRI is tasked with assisting defense lawyers to obtain the requisite skill set and necessary tools to defend the rights of their clients. This includes skills training and staying abreast of legal trends and precedents as well as providing innovative access to expert and legal resources. DRI also serves a unique role by providing a national platform for defense lawyers to raise and openly discuss and debate critical legal issues in a timely and viable forum. The Center should play a critical role as a thought leader in this space.

Given the recent climate, attacks on democracy and the rule of law, it is of utmost importance that these principles which underpin our democracy remain intact. We must be part of the effort to shore up democratic institutions and restore faith in our justice and legal system which has been shaken by recent events. We must remain

involved in ethics training and hold our profession to account. Support the judiciary through efforts such as the NFJE and access to justice efforts.

Leaving aside politics, we must stand for the rule of law and in support of democratic institutions and processes which ensure equal protection and representation under the law. Additionally, DRI creates opportunities for lawyers to develop professional networks and meaningful connections with attorneys across the country.