



# SUPREME COURT STATE BAR TRUSTEES NOMINATING COMMITTEE

180 HOWARD STREET, 10th FLOOR, SAN FRANCISCO, CALIFORNIA 94105-1639

(415) 538-2279

January 3, 2014

**To:** County and Minority Bar Association Presidents, President-Elects and CEOs  
**Fr:** Honorable David De Alba, Chair  
Honorable Holly Fujie, Vice-Chair  
State Bar Trustees Nominating Committee  
**Re:** **2014 Supreme Court Appointments to State Bar Board of Trustees**

Dear County Bar Association Presidents, President-Elects and CEOs:

The California Supreme Court is charged with appointing five members of the State Bar of California's Board of Trustees. Pursuant to Rule 9.90 of the California Rules of Court, the Supreme Court has created the State Bar Trustees Nominating Committee to solicit, receive, screen and evaluate all applications for appointment or reappointment to the State Bar Board of Trustees and to make recommendations to the Supreme Court.

The California Supreme Court's State Bar Trustees Nominating Committee is seeking qualified candidates to serve as Board of Trustees of the State Bar of California. In 2014, two Board of Trustees positions will be filled during this process.

The Board of Trustees is responsible for developing and overseeing the State Bar's statutorily mandated policies, including the bar's licensing, regulatory and disciplinary functions. The full board meetings about eight times a year.

We need your assistance in identifying candidates and encouraging them to submit an application. **The application deadline is Friday, February 28, 2014.**

If there are individuals in your local bar associations that you know of whom may be interested in serving on the State Bar Board of Trustees, please encourage them to apply.

For more information, including an application, a fact sheet and more details about the duties of board members, please see the State Bar website:

<http://www.calbar.ca.gov/AboutUs/BoardofTrustees/SupremeCourtAppointments.aspx>

Thank you for your consideration and helping us promote the importance of these appointments by the Supreme Court.

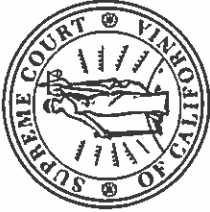
Sincerely,

Handwritten signature of David De Alba in blue ink.

Honorable David De Alba, Chair  
State Bar Trustees Nominating Committee

Handwritten signature of Holly Fujie in blue ink.

Honorable Holly Fujie, Vice-Chair  
State Bar Trustees Nominating Committee



## **SUPREME COURT OF CALIFORNIA STATE BAR TRUSTEES NOMINATING COMMITTEE**

**APPLY FOR A SUPREME COURT  
APPOINTMENT TO THE STATE BAR  
BOARD OF TRUSTEES NOW**

The Supreme Court of California State Bar Trustees Nominating Committee (TNC) seeks applicants for appointment to the State Bar Board of Trustees.

Pursuant to Rule 9.90 of the California Rules of Court, the Supreme Court created the State Bar Trustees Nominating Committee to solicit, receive, screen, and evaluate all applications for appointment or reappointment to the State Bar Board of Trustees and to make recommendations to the Supreme Court.

### **Your Role**

As a Supreme Court appointee and vital member of the State Bar Board of Trustees, you will:

- Establish and monitor policies which implement the mission, goals and objectives of the State Bar in protecting the public.
- Establish policies, programs, and services which benefit and advance the interests of the public, the members of the State Bar, the justice system, and the legislature in access to justice and ethical, competent and professional legal services.
- Adopt, evaluate, and modify a long-range plan that addresses both present and future challenges and opportunities for the State Bar.

### **APPLICATION DEADLINE: FEBRUARY 28, 2014**

Questions? Contact the Supreme Court Trustees Nominating Committee at [tnccae@calbar.ca.gov](mailto:tnccae@calbar.ca.gov)

### **Your Credentials**

Note that each eligible candidate need not meet all desired qualifications. The Supreme Court seeks to complement and strengthen the composition of the current board through increasing diversity and consideration of area of expertise.

**Eligibility:** To be eligible to serve on the Board of Trustees, the applicant must be an active licensee, in good standing, of the State Bar of California.

**Desired Qualifications:** To be considered a qualified candidate, the applicant should:

- Be passionate about regulating the legal profession to ensure protection of the public
- Be passionate about the legal profession
- Be dedicated to furthering the goals and mission of the State Bar
- Have a history of professional achievement and/or civic involvement
- Have previous board and fiduciary experience

**To view a complete description and to apply, please visit the State Bar at:**

<http://www.calbar.ca.gov/AboutUs/BoardofTrustees/SupremeCourtAppointments.aspx>

# *Get Involved!*

## Volunteer for a State Bar Committee

THE STATE BAR IS RECRUITING APPLICANTS FOR APPROXIMATELY 200 POSITIONS ON MORE THAN THREE DOZEN COMMITTEES, BOARDS AND COMMISSIONS.

THE DEADLINE APPLICATION IS FEBRUARY 3, 2014.

A COMPLETE LIST OF OPENINGS, APPLICATION FORMS AND DETAILED COMMITTEE INFORMATION IS AVAILABLE AT [www.calbar.org/appointments](http://www.calbar.org/appointments). Applications also are available by calling the bar's appointments office at 415-538-2370 or by faxing 415-538-2305. Most of the appointments carry a three-year term. Applicants can apply to a maximum of three committees but can only be appointed to one. The State Bar Board of Trustees will make the appointments May and July 2014.

Among committees seeking applicants are:

- **Courts/administration of justice committees** which review proposed changes in civil procedure, ADR, appellate and federal rules, procedures and practices, as well as comment on proposed legislation governing these issues.
- The two **insurance committees**, which act as counsel to the board of trustees on insurance matters and oversee the bar's member group insurance programs, including life, accidental death and dismemberment, disability, personal auto & homeowners, long-term care, workers' compensation, and professional liability. The liability insurance committee rules prohibit the appointment of anyone or his or her law firm from carrying files by the program carrier; the existing professional liability insurance carrier is Arch Insurance Group.
- **Regulatory committees** such as the *Committee of Bar Examiners*, *Committee on Mandatory Fee Arbitration* and *Legal Specialization* commissions, which are established by statute and oversee mandated admission, arbitration and certification programs of the State Bar.
- The **Council on Access and Fairness**, which is devoted to increasing diversity in the legal profession.
- **Legal services committees** focusing on the delivery of legal services to poor and middle-income individuals, administering the IOLTA program or exploring ways to improve access to civil justice

### OTHER POSITIONS AREA ALSO OPEN ON BAR COMMITTEES:

- 6 positions will open in the **ABA House of Delegates** next August. State Bar delegates serve 2-year terms and may serve 3 consecutive terms. The young lawyer delegate must be 35 years or younger.
- In addition, 2 lawyer positions on the **Judicial Council** will be vacant. Members serve staggered three-year terms that run from September 15, 2013, to September 14, 2016.
- The **Commission on Judicial Nominees Evaluation** (JNE) will have 15 openings next year. Applications are due by June 2, 2014, and terms begin Feb. 1, 2015.
- In addition, 2 positions will be open on the 2015 **Lawyer Assistance Program Oversight Committee**. Members serve four-year terms that can be renewed. All applicants, including incumbents seeking reappointment, must file the 2014-2015 application form by June 2, 2014.

Members of the bar's 16 sections also may apply for positions on their sections' executive committees. The full list of State Bar entities seeking appointments appears at the end of this memo. Detailed information about the appointments process is available at [www.calbar.org/appointments](http://www.calbar.org/appointments); select the link to **Other Entity Appointments**. For more information please contact: Patricia Lee, Special Assistant for Diversity and Bar Relations at [patricia.lee@calbar.ca.gov](mailto:patricia.lee@calbar.ca.gov) or call 415-538-2240.

**State Bar Entities Seeking Appointments**  
**Application Deadline: February 3, 2014**  
**See entity descriptions and application at: <http://cc.calbar.ca.gov/>**

***Section Executive Committees:***

Antitrust & Unfair Competition	Law Practice Management & Technology
Business Law	Litigation
Criminal Law	Public Law
Environmental Law	Real Property Law
Family Law	Solo & Small Firm
Intellectual Property Law	Taxation
International Law	Trusts & Estates
Labor & Employment	Workers' Compensation

***Standing Committees:***

Administration of Justice	Federal Courts
Alternative Dispute Resolution	Group Insurance Programs
Appellate Courts	Mandatory Fee Arbitration
Bar Examiners	Professional Liability Insurance
Delivery of Legal Services	Professional Responsibility and Conduct

***Special Committees, Boards and Commissions:***

California Young Lawyers Assn (CYLA)	CEB Governing Committee
Client Security Fund Commission	Council on Access & Fairness
Legal Services Trust Fund Commission	

***California Board of Legal Specialization:***

*Also, there are eleven advisory commissions that advise and assist the California Board of Legal Specialization in the administration of the certification program for each of the following eleven specialties. Lawyer applicants must be certified specialists:*

Admiralty and Maritime Law	Appellate Law
Bankruptcy Law	Criminal Law
Estate Planning, Trust and Probate Law	Family Law
Franchise and Distribution Law	Immigration and Nationality Law
Legal Malpractice Law	Taxation Law
Workers' Compensation Law	

***Other Entity Appointments:***

ABA House of Delegates	Commission on Judicial Nominees Evaluation (JNE)
Judicial Council	Lawyer Assistance Program (LAP) Oversight

# **State Bar Appointments Overview and Tips for Applicants**

## **Benefits of volunteering for a State Bar subentity:**

- Helps improve the legal profession
- Increases diversity within the State Bar volunteer structure
- Increases visibility for your practice/firm/company/office/organization/local bar association
- Creates networking and professional development opportunities

## **Variety of sections, committees, and commissions (Appointments handout summarizes all of the committees):**

- 10 standing committees
- 16 section executive committees (applicant must be a member of the section to apply)
- 20 special committees
- 2 external organizations

## **Application timeline (information also included on front page, right column of the 16-page Appointments handout):**

- **February 3, 2014 – DEADLINE** for applications to Standing, Section Executive and Special Committees as well as ABA House of Delegates and Judicial Council
- **February 28, 2014 – DEADLINE** for applications for Supreme Court appointment to State Bar Board Trustees
- **February - April** – Individual subentities review appointment applications and make recommendations to Nominations and Appointments Committee (NAC)
- **May** – Board of Trustees considers appointment recommendations
- **June 1 – DEADLINE** for applications to the Commission on Judicial Nominees Evaluation (a.k.a. JNE Commission)
- **July**– Board of Trustees considers JNE and remaining recommendations and makes appointments
- **July - August**– Official appointment letters and letters to the applicants not selected are mailed
- **August**–VIC and the Board of Governors consider the appointments to JNE
- **September 11-14, 2014** – 2014 State Bar Annual Meeting, Monterey; terms for new members and officers for 2012-2013 begin upon close of meeting, September 15, 2014. JNE terms begin February 1, 2015.

## **Overall practical tips for completing and submitting a “successful” application:**

- **Read committee descriptions carefully** (expectations, number of meetings, State Bar reimbursement for pre-approved travel, etc) and make sure you can meet the prerequisites and expectations of the committee
- **Follow the instructions on front page of application; note “Committee Preferences”**— you may submit one application and list preferences, but it is better to submit a separate application for each committee, so you can tailor your application for the particular entity; you can apply for up to 3 entities but can only be appointed to one; include personal statement, resume/biography and maximum of 3 letters of recommendation for each committee application. If you are already a member of a State Bar entity when you apply for appointment to another entity, and you are recommended for the new entity, you must decide between the two entities. You cannot serve on more than one entity at any time.
- **Letters of recommendation:** letters are not required but are very helpful and can be persuasive. The letters should address your specific leadership abilities, subject-matter experience, commitment, ability to follow through (generic letters or “form” letters are not as helpful); do not submit more than three letters
- **Be sure to tailor your personal statement** to the charge, objectives and expectations of the committee!! If applying for more than one committee, revise your statement for each. Explain what you can bring to the committee and put your best foot forward. Also attach your resume.
- **Make the application legible and professional looking**  
Note: the on-line application is in PDF and WORD format. Don't submit a handwritten application. Use the WORD version to complete your draft application, print out, copy and submit or go back online and fill in the PDF version. Access the application on the State Bar home page [www.calbar.ca.gov](http://www.calbar.ca.gov) > About Us> Committees and Commissions
- **Respond to “other diversity factors” on Part Two**—this is voluntary information but very useful when committees are reviewing and evaluating applications (see the next section below for the diversity factors included in the State Bar appointments policies)
- **Do NOT submit an application unless you can commit to meeting the expectations**
- **Don't be discouraged if you are not appointed -- sometimes the “competition” is stiff; reapply!** -- talk to the Chair, vice chair, staff liaison for feedback; if applicant is a member of a section, apply for a section standing committees or talk to the staff liaison or chair about other section activities that need volunteers

**“Prerequisites” of certain sections, committees, commissions & application review process by committees:**

- Some sections (different than committees) have a prerequisite of serving on a standing committee before being eligible to serve on the executive (governing) committee
- relevant subject matter, local bar and other volunteer experience are important
- the activities, priorities, membership composition and number of vacancies vary with each subentity (see Appointments Booklet for projected vacancies and other information for each entity)
- all committees look at a range of diversity factors in terms of membership of entities and applicant pool. The factors are included in the State Bar Appointments Policies and include:
  - geographical location, length of time in practice, practice setting, size of firm, age, gender, race, ethnicity, and other diversity factors including, but not limited to, religious creed, physical or mental disability, sexual orientation or medical condition

**Where to go for more information:**

- State Bar homepage [www.calbar.ca.gov](http://www.calbar.ca.gov) ► About Us ► Committees and Commissions
- For general information about the State Bar's appointments process, contact the Appointments Office at 415-538-2299 or 538-2318.
- For specific questions about a particular State Bar subentity, see the appointments handout that lists chair and staff liaison contact information.
- Contact the Council on Access & Fairness, Diversity Coalition Project – Staff: Brandi Holmes at 415-538-2587 or [brandi.holmes@calbar.ca.gov](mailto:brandi.holmes@calbar.ca.gov)



**The State Bar of California  
Council on Access & Fairness Initiatives**

**Early Education Pipeline:**

**California Partnership Law Academies:** COAF is partnering with the California Department of Education (CDE) in the creation of the first California Partnership Law Academies. Law Academies were created in high schools in San Diego, Los Angeles, Long Beach, West Contra Costa County (Richmond) and Sacramento (two sites). Additional sites have been added in Solano County, Los Angeles and Contra Costa County. Future academies are being planned in Orange County and Santa Clara County. We are working with regional advisory boards consisting of stakeholders from the legal profession and school districts, as well as elected officials, local business leaders, community colleges, universities, law schools, and community representatives to provide the support, expertise and resources necessary to secure and maintain CDE funding and other resources for the local law academies and to graduate students who will be employment-ready and/or ready to continue with postsecondary education to achieve their law-related career goals.

**School Discipline Policies/School to Prison Pipeline Issues:** The COAF recognizes the serious impact that zero-tolerance school discipline policies have on diverting economically disadvantaged students out of the education pipeline and ultimately into the juvenile justice system. The COAF will be working with experts to study this issue and to determine what initiatives can be created to address these challenges impacting the diversity pipeline.

**Mock Trial Programs:** The Council on Access & Fairness (COAF) continues to promote the involvement of the legal profession in mock trial programs as one of the best vehicles for developing critical thinking skills in students, as well as for educating students about the legal system and promoting the law as a profession. We initially focused on the Constitutional Rights Foundation mock trial program offered through the school system and have identified best practices for expanding the program among diverse and disadvantaged schools. The success of the general mock trial programs and support provided to the students rely heavily on the local resources of the various communities and school districts.

**Marshall Brennan Constitutional Literacy Program:** With a grant from the California Bar Foundation we have promoted the Marshall Brennan Program among California law schools. The program is sponsored by law schools, with law students being trained in constitutional law and juvenile justice curriculum. The students are assigned to high schools in disadvantaged communities where they teach the curriculum and coach the students in mock trial programs. This program provides a more level playing field for student participants from disadvantaged communities. Teaching and mock trial coaching are provided at the various schools by trained law students, with the same level of experience and familiarity with the curriculum.

**“Want to be a LAWYER?”:** We continue to distribute the student pipeline brochure describing what lawyers do, who they are, and the different paths students can take to becoming a lawyer. Brochures are distributed to various schools and pipeline programs as a resource for students who are interested in pursuing a legal career.



## **College/ Law School Projects:**

**Law School Rankings:** COAF conferred with deans from California ABA accredited law schools and the Committee of Bar Examiners for input on our proposal to urge US News & World Report to develop and incorporate a meaningful diversity component as part of its overall law school rankings. A US News diversity index currently exists, but is separate from the overall aggregate rankings and does not define diversity in a manner that aligns with our goals. We are also reviewing the methodology to propose possible changes to the Reputation/Peer Review Surveys distributed to law school representatives, lawyers and judges to provide more objective feedback to USNWR on the quality of the law schools and law graduates. Finally, we will be proposing a realignment of weighted factors for the overall rankings. We have discussed the USNWR rankings methodology with the USNWR Editor and key staff and will maintain an ongoing dialogue.

**Community College Think Tank:** COAF convened a group of Chancellors, Board Presidents, Administrators from the California Community College System to focus on community college initiatives to bridge the gap in the diversity pipeline from community college to law school and the profession. Projects include:

- **Video – “When You Dream: The Community College Pipeline to Law School”:** the production of video interviews with successful attorneys and judges who attended community college, to provide role models and create interest in the legal profession for students from diverse backgrounds.  
See <https://www.youtube.com/watch?v=Lgz1hDDBTps> and [https://www.youtube.com/watch?v=5beBX1s\\_FQM](https://www.youtube.com/watch?v=5beBX1s_FQM)
- **Articulation Agreements:** establishing agreements with community colleges, 4-year universities and law schools that guarantee admission or give priority enrollment to students who meet all requirements in the agreements. The selected students would be admitted to the four-year college from the community college if they achieve specific criteria (e.g. grade point average in particular subjects), and then admitted to law school if they graduate from the four-year college with specified grade point averages and other key performance indicators. Support will be provided to the students to achieve the best possible chance for success in graduating and attending law school.
- **Faculty Champions:** training community college faculty, especially those with JD’s, so they can provide pre-law counseling to students

**Pre Law Advisors:** A meeting of college pre-law advisors was convened to address the need for resources and support for advisors to provide the full range of information needed by students to prepare for admission to law school. The feedback from the meeting was summarized for further discussion among California pre-law advisors. A preliminary report was submitted to internal State Bar entities and other stakeholders for discussion and a final report was issued for distribution among advisors and students planning to attend law school, as well as to other stakeholders.

**Pre Law Clubs Tool Kit:** COAF is compiling a listing of existing resources and sites that provide step by step information on preparation for and admission to law school. The information will be accessible online by student pre law clubs, students in general, pre law advisors, parents and other representatives/entities needing this information. A video has also been produced featuring diverse attorneys and judges who have entered the legal profession through different pathways, who practice in diverse practice settings, and who can serve as role models for students from underrepresented communities.

**Supplements and Alternatives to the LSAT:** This project includes the development and distribution of information on existing testing instruments that can supplement or serve as an alternative to the LSAT for the purpose of promoting expanded admission criteria that are valid and reliable and that do not create an artificial barrier for diverse students. The key study being circulated and discussed focuses on the 26 Factors for Effective Lawyering developed by Prof. Marjorie Shultz (Berkeley Law) and Dr. Sheldon Zedeck (UC Berkeley).

**Law School Focus Groups/Dialogue with Law School Deans:** Focus groups have been convened with Law School Admissions Officers and Academic Support representatives in Northern and Southern California to examine law school admission practices and the current status of academic support services in California. A preliminary report was submitted for discussion with the Committee of Bar Examiners, Law School Assembly and other stakeholders and a final draft was presented to the Board of Governors. Following these conversations, this project evolved into a new initiative, with the COAF convening direct conversations/ structured interviews with four law school deans per year to discuss the full range of issues impacting diversity in law schools including admissions, graduation, bar pass, and career placement.

**Preparing for the Law School and Bar Admissions Process:** Representatives from Bar Exam Prep Courses and Law School Academic Support Programs convened in San Francisco to discuss information and resources that could be compiled to provide practical tips to prepare for the admissions process. COAF co-sponsored a bar exam prep program with the Bar Association of San Francisco (BASF) and For People of Color, Inc. providing practical information for bar exam prep. The program was videotaped and has been posted on the For People of Color website ([www.forpeopleofcolor.org](http://www.forpeopleofcolor.org)). COAF is also sharing information on model pipeline programs that can be replicated, preparing students from underrepresented communities for success in law school.

**ABA Standards for Law School Accreditation:** We are in the process of drafting and submitting ongoing commentary as the ABA Standards Review Committee continues to develop proposed revisions to the ABA Standards for Law School Accreditation. Our commentary addresses diversity programs in law schools, student learning outcomes, and reliance on other testing tools in addition to the use of the LSAT exam as a key factor in the admissions review process. Commentary has been shared with State Bar entities and other stakeholders focusing on law school admissions and accreditation. The COAF will continue to seek input from law schools and from the Committee of Bar Examiners and will eventually seek Board of Trustees approval for formal comments when the ABA issues proposed revisions to accreditation standards for official Public Comment.

**Equal Access to Justice Curriculum:** In an effort to increase diversity among the public interest and government sectors, COAF will initiate dialogue with law schools to explore the creation of Access to Justice Curriculum to be offered in various law schools focusing on preparation for careers in public interest and the government sector. COAF will also work with stakeholders to increase the availability of loan forgiveness programs to serve as an incentive for law students to seek employment in the public interest/public sectors.

### **Legal Profession Projects:**

**Application of "Effective Lawyering" Findings:** We have held ongoing discussions with Professor Marjorie Shultz (UC Berkeley Law) and Dr. Sheldon Zedeck (UC Berkeley) regarding the application of the findings from their 10-year study on factors accounting for the successful practice of law and how to use the factors to supplement the LSAT, as well as for use in the employment setting re: recruitment, hiring, evaluation and promotion of young lawyers. Focus groups and statewide symposia were convened to educate legal employers and to garner interest among the legal profession for the application of the race neutral "effective lawyering" tools to expand the traditional criteria used for

attorney recruitment, hiring, evaluation and promotions (e.g. LSAT scores, GPA, judicial clerkships, etc). A preliminary report has been drafted for further COAF consideration and follow up with stakeholders.

**Legal Employer Focus Groups:** Legal Employer focus groups were convened to address the impact of the economic downturn on diversity programs in various practice settings (e.g. private firms, government/public sector, in house corporate counsel, public interest organizations and in-house diversity directors). Feedback and examples of model programs will be compiled for circulation to employers and other stakeholder groups focusing on diversity pipeline issues in the legal profession. Focus groups were conducted in San Francisco, Los Angeles, Silicon Valley and San Diego. A final report has been drafted for review by the full COAF and eventual distribution. Areas that evolved for further review include issues impacting recruitment, retention, evaluation and promotion of diverse attorneys.

**Access, Fairness, Diversity and Elimination of Bias for Diverse Constituents:** COAF is conducting open dialogues with affinity bar associations and members of various diversity constituent groups including ethnic minorities, women, LGBT and older attorneys, as well as attorneys with disabilities to identify diversity pipeline issues and to increase access, fairness and diversity in the legal profession and the elimination of bias in the practice of law toward these groups.

**Member Survey:** COAF will work with the State Bar to ensure that constituent groups are included in future membership surveys and given the opportunity to provide voluntary information re demographics, practice settings, and other relevant information that can be used to address ongoing professional and practice needs.

### **Judicial Projects:**

**Judicial Summit:** COAF helped to coordinate a 2011 Judicial Summit co-sponsored by the State Bar of California and the California Judicial Council. The Summit was designed to follow up on an initial summit held in June 2006. The 2011 summit looked at progress made over the past five years and assessed the current status of judicial diversity in California, culminating with the creation of an action plan for increased diversity on the bench. A report and recommendations were issued as of June 2012. A joint planning committee of the Judicial Council Access and Fairness Advisory Committee and the State Bar COAF, along with other key stakeholders, will review, prioritize and develop a 5-year action plan for implementation.

**Judicial Qualifications Criteria:** COAF produced resource materials incorporating the full range of practice settings and skill sets transferable to judicial positions as mandated in existing legislation (Govt. Code 12011.5(d) requiring the State Bar Commission on Judicial Nominees Evaluation (JNE) to "consider legal experience broadly" in its rankings process. COAF has shared the materials the Governor's Office, JNE, local and minority bars and other entities engaged in vetting judicial applicants.

**Online Application for Judicial Appointment:** COAF created its "Tips and Checklist" for the completion of the online judicial appointments application. We continue to coordinate with the Governor's Judicial Appointments Office to modify the "Tips" when the application form is changed and to alert the Governor's office when we learn of glitches and concerns re: the online process.

**Outreach and Recruitment for Judicial Applications:** COAF will continue to collaborate with the Governor's Office to conduct judicial appointments outreach to encourage attorneys from diverse backgrounds to apply for judicial appointment throughout the state. COAF will also provide mentoring workshops and encourage the creation/expansion of judicial mentoring programs to provide support/information to potential judicial applicants.

**Judicial Diversity “Tool Kit”:** We participated on the Judicial Council Access & Fairness Advisory Committee Task Force to create a *Judicial Diversity Tool Kit*. The Tool Kit includes examples of diversity programs and initiatives and is designed to assist members of the bench in the creation and implementation of local programs to increase diversity among attorney applicants for judicial appointment.

### **Other COAF Projects and Events:**

#### **COAF Diversity Stakeholder Outreach:**

All members of the COAF are responsible for conducting outreach to local, diversity and specialty bars and other legal groups to provide information about the COAF initiatives and to forge a partnership for future collaboration. Any group needing a presentation should contact staff at 415-538-2587.

#### **Diversity Stakeholder Forum:**

The Diversity Stakeholder Forum is held during the State Bar Annual Meeting. The forum provides the opportunity for open dialogue between COAF and stakeholders to focus on major challenges along the diversity pipeline and ways to collaborate with stakeholders to address the identified issues.

#### **Annual Diversity and Education Pipeline Awards and Awards Reception:**

Each year the State Bar presents Diversity Awards acknowledging the contributions by an attorney, law firm, bar association and other organizations toward increasing diversity in the profession. The Bar also presents an Education Pipeline Award for exemplary work educating students about the legal system and encouraging students to consider a career in the law. The annual deadline for nominations is March 31<sup>st</sup> of each year. Application forms and guidelines can be viewed at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil) in preparation for next year’s cycle. The Awards are presented at the State Bar Annual Meeting.

#### **Diversity Coalition--State Bar Appointments:**

The COAF is conducting outreach to educate diverse attorneys about the opportunities and importance of applying for appointment to State Bar entities. Information has been compiled re the appointments process, tips for completing the application, and requisites for appointment for each State Bar entity. COAF also has conducted appointments workshops to provide greater detail on the appointments application and process and to offer mentoring support and review of applications prior to submission. Annual deadlines are February 1<sup>st</sup> of each year, with appointments effective following the State Bar Annual Meeting. Applications can be found on the State Bar website at <http://cc.calbar.ca.gov>

#### **Statement of Diversity Principles:**

COAF will renew its outreach in the coming year promoting the State Bar Statement of Diversity Principles (originally approved by the Board of Governors in 2005) and extend a “Call to Action” to legal employers and other entities for increased diversity in the legal profession, as well as among appointments to State Bar Sections, Committees and Commissions. A new Addendum has been created to provide model programs and links to resources as a guide for creating or expanding in-house diversity programs.

**Online Model Diversity Pipeline Programs:** COAF compiles a listing of Model Diversity Programs, which are posted on the State Bar Website and updated during the year. The Council continues to update its online listing of Model Diversity Pipeline Programs that meet its “CSIRE” criteria: Continuity, Sustainability, Impact, Replicability and Evaluation/Self Assessment. (go to [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil) and find the Diversity Pipeline Task Force Report, which includes the listing of model diversity programs)

**EOB Video Production:** We are partnering with the California Bar Foundation and various law firms to produce an Elimination of Bias (EOB) video that can be accessed by legal employers and attorneys for MCLE EOB credit. The video will consist of vignettes focusing on the challenges to the practice of law and elimination of bias in the practice setting for various diversity constituents including, ethnic minorities, women, and LGBT attorneys. We will be producing an additional video focusing further on LGBT attorneys and attorneys with disabilities. The segments will be designed for separate viewing and incorporating additional discussion and training re the respective topics, or they can be combined for viewing for the full one hour credit.

**Resource Materials:**

Materials are listed online at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil) and are available in hard copy or electronically upon request. Materials may be used for training and outreach events, with proper attribution to the State Bar Council on Access & Fairness. Please contact staff for further information or for additional hard copies.

- Diversity Pipeline Task Force Report (including Model Diversity Programs)
- Statement of Diversity Principles
- Challenges to Practice of Law for Attorneys from Diverse Backgrounds
- Challenges to Practice of Law for Attorneys with Disabilities
- Diversity Pipeline Road Show Slides
- Diversity Pipeline Task Force Courts Working Group Report
- Judicial Diversity Commentary and Resources
- Tips/Checklist on Completing the Online Judicial Application
- State Bar Appointments Overview and Tips for Applicants
- Brochure: "Want to be a Lawyer?"
- Brochure: "Disability Awareness: How to Accommodate Persons with Disabilities"
- Brochure: "Creating a Model Work Environment for LGBT Individuals"
- Brochure: "Understanding Transgender Law and Transgender Clients"

**For Further Information Contact:**

**Hon. Cynthia Loo**, Chair, Council on Access & Fairness at [cynthia.loo2012@gmail.com](mailto:cynthia.loo2012@gmail.com)

**Patricia Lee**, Special Assistant for Diversity and Bar Relations 415-538-2240 or [patricia.lee@calbar.ca.gov](mailto:patricia.lee@calbar.ca.gov)

*Note: All diversity and elimination of bias activities are funded through voluntary contributions to the State Bar of California. No mandatory attorney dues are used for these purposes.*



# COMMISSION ON JUDICIAL NOMINEES EVALUATION

## THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617 • (415) 538-2274

LARA M. KRUEGER  
*Chair*  
*Los Angeles*  
JASON P. LEE  
*Vice Chair*  
*Venice*

### THE JNE COMMISSION

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Presented by Jason Lee, Vice-Chair  
Commission on Judicial Nominees Evaluation  
of the State Bar of California

Prepared for:  
Council on Access & Fairness  
The State Bar of California  
January 8, 2014

## JUDICIAL NOMINEES EVALUATION

### Mission Statement

The mission of the Commission on Judicial Nominees Evaluation (JNE) of the State Bar of California is to assist the governor in the judicial selection process and thereby promote a California judiciary of quality and integrity by providing independent, comprehensive, accurate and fair evaluations of candidates for judicial appointment and nomination.

Contact Heidi Schwab-Wilhelmi for more information about the Commission on Judicial Nominees Evaluation (JNE).

- Rules and Procedures of the Commission on Judicial Nominees Evaluation (*effective July, 2009*)
- Commission on Judicial Nominees Evaluation Roster
- Frequently Asked Questions
- Appointment Information
- Electronic Evaluation Forms
- Statewide Demographics Reports

## BACKGROUND

The Commission on Judicial Nominees Evaluation (JNE; JNE Commission), is the State Bar agency that evaluates all candidates who are under consideration for a judicial appointment by the Governor. (*Government Code Section 12011.5*)

It is made up of attorneys and public members who represent a broad cross-section of California's diverse legal profession and general population.

Appointed after application by the State Bar's Board of Trustees, the volunteer commission cannot nominate or appoint judges; it does, however, thoroughly investigate California's judicial candidates while maintaining a code of strict confidentiality.

Before the JNE Commission's creation in 1979, the State Bar's Board of Trustees evaluated judicial candidates as a matter of practice, not as a requirement. The commission was formed to help ease the burgeoning load of trial court evaluations.

That same year, legislators codified the commission's role after Lt. Gov. Mike Curb, acting as Governor in the absence of Gov. Jerry Brown, made a decision to appoint a judge. Brown later rescinded the appointment.

But that appointment led to Government Code Section 12011.5, which now requires the Governor to submit the names of all judicial candidates to the JNE Commission for review. JNE has 90 days, operating independently of the bar's board, to complete its evaluation.

To gauge a candidate's judicial qualifications, the commission considers the candidate's:

- impartiality
- freedom from bias
- industry
- integrity
- honesty
- broad legal experience (*e.g., litigation and non litigation experience; legal work for a business or nonprofit entity; experience as a law professor or other academic position; legal work in any of the three branches of government and; legal work in dispute resolution*)
- professional skills
- intellectual capacity
- judgment
- community respect
- commitment to equal justice
- judicial temperament
- communication skills
- job-related health



Two commissioners (at least one of whom is an attorney) are assigned to investigate each candidate for a trial court appointment, while four commissioners, one of whom is a public member, investigate each candidate under consideration for an appellate or Supreme Court appointment.

The JNE commissioners check all information in the candidate's "Application for Appointment," and query hundreds of lawyers and judges by sending out confidential comment forms.

The goal is to obtain information from those reasonably likely to have knowledge about the candidate's qualifications. Those receiving such forms include:

- The candidate's personal list of 50 to 75 people who have knowledge of his or her qualifications.
- A random list of a broad cross-section of lawyers in the counties and areas of the law in which the candidate practices.
- Members of the bench from the candidate's county of practice and the county in which candidate seeks appointment.
- Individuals mentioned in the candidate's Application for Appointment.
- District attorneys and public defenders (if the candidate is in criminal practice).

The commission must receive at least 50 knowing responses from the mailings. The investigating commissioners also interview the candidate. If the commissioners have preliminarily found any criticisms of the candidate to be substantial and credible, they are required to notify the candidate not less than four business days before the interview, thus giving him or her a chance to respond.

Finally, JNE concludes its work by rating the candidate as either exceptionally well qualified, well qualified, qualified or not qualified. The rating (as well as all information gathered during the investigation) is not public.

However, if a candidate is found not qualified by the commission, and the Governor then appoints that candidate to a trial court, the State Bar may publicly disclose that fact.

Also, when the Governor nominates a person for the Court of Appeal or the Supreme Court, the commission makes a report at the public hearing of the Commission on Judicial Appointments for each candidate regardless of the rating of the commission.

## FREQUENTLY ASK QUESTIONS

Category:  ▼

[Expand All](#)

What is the Commission on Judicial Nominees Evaluation?

What is the role of the JNE Commission?

What, if any, information on a candidate can the State Bar release and when can it do so?

Can the JNE Commission nominate or appoint judges?

How many members serve on the JNE Commission? How are they appointed?

When was JNE established? Who handled its function before its existence?

How long is the evaluation process?

What are the qualities and attributes considered by the JNE Commission in the evaluation process?

What are the ratings?

Can the Governor appoint a candidate whom the JNE Commission finds not qualified?

Can a candidate request review of a not qualified rating?

What percent of candidates have been found not qualified?

How many JNE Commission members are assigned to investigate a candidate?

What does the JNE Commission do to gather information about a proposed candidate?

Is the candidate given an opportunity to refute and/or respond to any negative comments received by the Investigating Commissioners?

Does the JNE Commission interview the candidates in person?

## FREQUENTLY ASK QUESTIONS

Category: [Collapse All](#)

## What is the Commission on Judicial Nominees Evaluation?

The Commission on Judicial Nominees Evaluation (JNE; JNE Commission), is an agency of the State Bar created by statute for the express purpose of evaluating judicial candidates nominated by the Governor. The language of the statute, Government Code section 12011.5, is mandatory. It provides that, prior to exercising his constitutional right to make judicial appointments, the Governor shall submit to JNE the names of all potential appointees or nominees for judicial office for evaluation of their judicial qualifications. The commission operates pursuant to rules and procedures adopted by the Board of Trustees of the State Bar.

## What is the role of the JNE Commission?

The role of the JNE Commission is to gather information about the candidates and to conduct a confidential evaluation of the judicial qualifications of candidates whose names have been submitted to the commission by the Governor and to report its findings, in absolute confidence, to the Governor.

The commission, in evaluating candidates, functions independently of the Board of Trustees of the State Bar. Board liaison attend the commission meetings periodically but do not participate in discussions, express opinions, or vote, and are bound by the same rules of confidentiality as commission members.

## What, if any, information on a candidate can the State Bar release and when can it do so?

Information received during the investigation process or discussed during the evaluation process cannot be released by the commission. Under the statute, information received by the commission is absolutely confidential and it would be a clear-cut violation of the law to divulge how the commission conducted any part of the investigation or the weight given to evidence of a negative or positive nature.

The commission reports its recommendations, in absolute confidence, to the Governor. The rule "... prohibits disclosure of any information of any nature to anyone. . ." except as otherwise provided by the statute. The commission does inform a candidate who has been found not qualified of that fact.

The only other exception is if the Governor appoints a person to a trial court who has been found not qualified, the State Bar may make this fact public after due notice to the appointee of its intention to do so.

When the Governor nominates a person to the Supreme Court or Court of Appeal, the JNE Commission submits its recommendation, and the reasons for such recommendation, to the Commission on Judicial Appointments, and appears at the public hearing to present its recommendation and reasons.

## Can the JNE Commission nominate its appointments?

No, that is entirely a gubernatorial prerogative.

Pursuant to Government Code section 12011.5(b), the commission consists of attorney and public (i.e., nonattorney) members. The commission is to consist of at least twenty-seven and no more than thirty-eight members. The ratio of nonattorney members to attorney members is determined, to the extent practical, by the ratio established in sections 6013.4 and 6013.5 of the Business and Professions Code.

It is the stated intent of the Legislature that the JNE membership "shall be broadly representative of the ethnic, gender, and racial diversity of the population of California and composed in accordance with sections 11140 and 11141 of the Government Code."

Practice areas of the members are representative of the various types of practice in California, and include the public sector as well as private practice, large and small firms and sole practitioners. The actual composition of the commission has tended to reflect the diversity of the legal profession in California.

Individuals interested in serving on the commission apply to the Board of Trustees, and are appointed by the Board following the guidelines set forth in Government Code section 12011.5(b), and upon recommendation of the Board Committee on Appointments.

## When was the Commission established and how long did it operate before its formation?

JNE was a pilot program in 1978. It was established pursuant to Government Code section 12011.5, effective January 1, 1980. Prior to creation of the commission, the Board of Trustees evaluated candidates.

## How long is the evaluation process?

The commission has to report to the Governor within 90 days from the date of submission of the names of the candidates.

## What are the qualities and attributes considered by the JNE Commission in the evaluation process?

The Government Code (Section 12011.5) sets forth certain evaluation criteria. Thus, in determining the qualifications of a candidate, the JNE Commission considers his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability and legal experience. The State Bar shall consider broad legal experience including, but not limited to: litigation and non litigation experience; legal work for a business or nonprofit entity; experience as a law professor or other academic position; legal work in any of the three branches of government and; legal work in dispute resolution.

## What are the fees?

The definition of the ratings of judicial candidates to be used by the commission in reporting to the Governor's office are:

**Definition of Ratings - vary by candidate type :**

**Candidates for the Superior Court:**

**Exceptionally Well Qualified:** Possessing qualities and attributes of remarkable or extraordinary superiority that enable them to perform the judicial function with distinction.

**Well Qualified:** Possessing qualities and attributes indicative of a superior fitness to perform the judicial function with a high degree of skill and effectiveness.

**Qualified:** Possessing qualities and attributes sufficient to perform the judicial function adequately and satisfactorily.

**Not Qualified:** Possessing less than the minimum qualities and attributes.

**Candidates for the Court of Appeal or the Supreme Court:**

**Exceptionally Well Qualified:** Possessing qualities and attributes of remarkable or extraordinary superiority that enable them to perform the appellate judicial function with distinction.

**Well Qualified:** Possessing qualities and attributes indicative of a superior fitness to perform the appellate judicial function with a high degree of skill, effectiveness, and distinction.

**Qualified:** Possessing qualities and attributes sufficient to perform the appellate judicial function with a high degree of skill and effectiveness.

**Not Qualified:** Possessing less than the minimum qualities and attributes.

- Superior Court candidates are expected to have the qualities of decisiveness, oral communication skills, and patience.
- Court of Appeal candidates are expected to have the qualities of collegiality, writing ability, and scholarship.
- Supreme Court candidates are expected to have the qualities of collegiality, writing ability, scholarship, distinction in the profession, and breadth and depth of experience.

Can the Governor appoint a candidate whom the JNE Commission finds not qualified?

Yes. If the Governor appoints a person to a trial court who has been found not qualified, the State Bar may make this fact public after due notice to the appointee of its intention to do so.

If the Governor nominates or appoints a person who has been found not qualified to the Supreme Court or Court of Appeal, the JNE commission submits its recommendation, and the reasons for such recommendation, to the Commission on Judicial Appointments.

Does a candidate request for review work if not qualified again?

- (1) A candidate rated not qualified may request rescission within 30 days of being notified of the NQ rating by the JNE director on behalf of the commission.
- (2) The JNE Review Committee consists of five members who are appointed by the Board of Governors.
- (3) This committee's charge is to review all requests for reconsideration. In the event the Review Committee finds certain specified violations of the rules to have occurred, or after review of the candidate's record the commission's rating of not qualified is not supported by substantial evidence, it may, in its absolute discretion, rescind the opinion of the commission.

What percentage of candidates were rated not qualified?

- 2012: 13.82 percent of candidates were rated not qualified.
- 2011: 6.36 percent of candidates were rated not qualified.
- 2010: 9 percent of candidates were rated not qualified
- 2009: 8 percent of candidates were rated not qualified.

How many JNE Commissioners are normally assigned to investigate a candidate?

**For Trial Court:** Two or more commissioners, at least one of whom is an attorney member; **for Supreme and Appellate Courts:** Three or more commissioners, at least one of whom is a public member.

What does the JNE Commission do to gather information about a proposed candidate?

The commission investigates all statements made in the candidate's Application for Appointment that the candidate submits to the Governor's office. In addition, confidential comment forms are sent to the following:

- a. 50 to 75 names of persons provided by the candidate, who are reasonably likely to have knowledge of the candidate's qualifications (personal list);
- b. a broad cross-section of the names of attorneys in the counties and the areas of law in which the candidate practices;
- c. all judicial officers in each county where a candidate practices and seeks appointment, except for the County of Los Angeles;
- d. at least 50 percent of all judicial officers if the candidate practices in the County of Los Angeles, and all judicial officers in any other county where the candidate seeks appointment;

e. all names listed in the candidate's Application for Appointment;

f. all justices of any appellate district where a candidate practices and all justices of the California Supreme Court;

g. all or at least 50 randomly selected prosecutors and criminal defenders, whichever number is less, in any county where a candidate practices criminal law and any other county where the candidate seeks appointment.

h. 75 names selected at random from the commission's mailing list.

The objective is to obtain a return of at least 50 Confidential Comment Forms that provide information that is sufficient and credible for a fair evaluation.

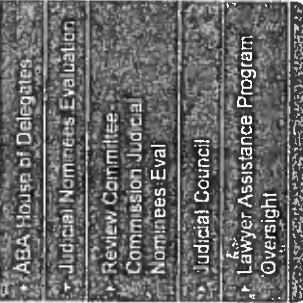
Is the candidate given an opportunity to refute and/or respond to any negative comments received by the investigating commissioners?

**Yes.** The investigating commissioners are required by the rules to notify the candidate at least four business days prior to the interview of any criticisms they have preliminarily found to be substantial and credible.

The candidate is given an opportunity to respond to, and present evidence to rebut, all reported criticisms at the interview.

Does the JNE Commission interview the candidates in person?

The assigned investigating commissioners personally interview the candidate; the commission as a whole does not.



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## COMMISSION ON JUDICIAL NOMINEES EVALUATION

| Commission Home Page | Roster | Appointment Information |

Active members of the State Bar, former members of the judiciary and members of the public who are interested in volunteering to serve on the 2015 Commission on Judicial Nominees Evaluation (JNE) may apply for an appointment. The application deadline for the 2015 commission is June 2, 2014.

### Members of the JNE Commission:

- are volunteer lawyers in active practice, retired judges and public members (non-lawyers).
- evaluate all candidates who are under consideration for judicial appointment by the governor.
- serve terms of approximately one year (beginning February 1) and may serve up to three consecutive terms.
- receive no compensation for services.

### Qualifications

- Applications are sought from California lawyers, former judges and members of the public who have the skills and experience to assess candidates for judicial appointment in a thorough, objective and professional manner, and to provide timely and well-written reports, while maintaining a strict code of confidentiality.
- Lawyer commissioners must be active members in good standing with the State Bar of California, for preferably ten or more years.
- Consideration will be given those practitioners who have substantial litigation, trial and/or appellate experience.
- Former judges with appellate backgrounds are encouraged to apply.
- Public member applicants must never have been admitted to the practice of law.

### Workload and Time Commitment

- Required to attend a two-day orientation to be held Feb. 14-15, 2015 (Friday-Saturday) at the State Bar office in San Francisco.
- In addition, there are 12-14 meeting days a year, and commissioners should be able to commit about 40 hours each month.
- Meetings last two days and take place every second month (generally Friday and Saturday) and alternate between the San Francisco and Los Angeles State Bar offices.
- Commission members usually work in teams of two to four. Typically, each team will have two to four assignments.
- Commissioners may travel outside their county and geographic area to conduct interviews. Interviews may last between two and three hours, and are conducted at one of the State Bar offices.

- Commissioners are reimbursed for approved travel in accordance with State Bar policy and the commission's authorized budget.

#### Conditions of Appointment and Service

- Availability to attend the mandatory two-day orientation meeting to be held Feb. 14-15, 2015.
- Each commission member takes an oath of office and is sworn in at the annual orientation meeting.
- As a condition of appointment, each commission member agrees that during his or her service, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process.
- Each commissioner is also subject to a criminal history clearance by the California Department of Justice and the FBI.
- Because a portion of the commission's work is conducted electronically, commissioners must have access to a computer and an e-mail address that can be published on the State Bar's website.
- Commissioners may not apply for or accept a State of California judicial appointment nor permit his or her name to be submitted for evaluation as a candidate for such an appointment while a member of the commission or until such time thereafter that a majority of the commission consists of members with whom the commission member did not serve (i.e., two to three years after completing service on the commission).
- Commissioners are appointed by and serve at the will of the Board of Trustees and may be removed with or without good cause.
- A commissioner may be removed for breach of confidentiality, failure to perform assigned duties, and failure to attend meetings.

#### Criteria for Appointment

In making appointments to the JNE Commission, the board considers: the duties and functions of the commission; the applicant's qualifications and ability to make the time commitment; the criteria mandated by Government Code Section 12011.5(b); and the board policies on diversity and criteria for membership on State Bar committees.

The board policies on diversity and criteria for committee membership consist of a multitude of factors, including but not limited to:

- length of time in the practice of law or, if the appointment is of a public member (i.e., not a lawyer), the length of time in a given profession or vocation;
- accomplishments of note;
- proven commitment to volunteer work or strong indication of capacity and desire for making the expected time commitment;
- personal recommendations for the appointment;
- educational background;
- geographic location of residence and work;
- size of law firm or of practice;
- types of employment and types of specific interests represented by law practice or employment (e.g., house counsel, public, private, etc.; personal injury, litigation, plaintiff or defense, etc.);
- gender, age, race, ethnicity and other factors of minority status including religious creed, disability, or sexual orientation contributing to diversity and broad representation;
- prior experience in national, state or local bar association work, or similar experience if a public-member appointment; and
- prior experience in the subject area of the entity (e.g. writing and interviewing skills, knowledge of judiciary, appellate

background, etc.).

### Review and Board Appointment

- The board's Nominations and Appointments Committee (NAC) will review the applications and make recommendation to the full board for consideration at the board's July 2014 meeting.
- The board committee, at its discretion, may select applicants to interview.
- If the board committee determines that the pool of applicants is inadequate with regards to mandated and/or board requirements, additional applications may be solicited.

### Application (Word fill-in, Adobe PDF):

- Application statements should describe any experience with interviewing professional applicants.
- If a lawyer, the application statement should include a brief description of any courtroom or appellate experience in the past five years.
- Non-lawyer (public member) applicants should explain how their professional experience qualifies them to be a JNE commissioner. Applicants should also list any professional experience with the judicial system, and any experience (other than personal) with the judicial system.
- Applicants may submit a maximum of three letters of recommendation. A recommendation from an employer is helpful. All letters of recommendation must be submitted to the Appointments Office. If more than three recommendations are received, only the first three received will be included in the application review.

**Application deadline:** June 2, 2014

**Expected 2015 vacancies:** 15

**Staff contact:** Heidi Schwab-Wilhelmi 415-538-2274

Applications forms are also available from the State Bar's Appointments Office: 415-538-2370; fax: 415-538-2305

For additional information about the JNE Commission, go to the commission's home page.



# THE STATE BAR OF CALIFORNIA

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## REVIEW COMMITTEE OF THE COMMISSION ON JUDICIAL NOMINEES EVALUATION (RJNE)

### | Appointment Information |

The Review Committee (RJNE), established pursuant to Article 6, Rule 7.66 of the Rules and Procedures of the Commission on Judicial Nominees Evaluation (JNE Commission), is a five-member committee that is charged with reviewing requests from those candidates that are seeking reconsideration of the JNE Commission rating of "not qualified". RJNE evaluates information pertaining to the investigation of the candidate and focuses on possible violations of rules or procedures.

- RJNE is composed of two members of the Board of Trustees (one lawyer member and one public member), one past member of the JNE Commission and two at-large members.
- Meetings are conducted by conference call and typically last between 30 and 60 minutes. They may be held as often as four or five times a year.
- Committee members may require between two to four hours to review materials prior to the conference call.
- Applicants should have attorney or other legal-related experience, knowledge of the judiciary, strong analytical skills and an ability to assess confidential information in a thorough and objective manner.

**Staff Contact:** Heidi Schwab-Wilhelmi, 415-538-2274

**Available Positions:** 1 (at-large member)

**Application deadline:** June 2, 2014 (Word fill-in; Adobe PDF)

## TITLE 7. MISCELLANEOUS PROVISIONS

Adopted July 2007

### DIVISION 1. COMMISSION ON JUDICIAL NOMINEES EVALUATION

#### Chapter 1. General provisions

##### Rule 7.1 Commission on Judicial Nominees Evaluation

The Board of Trustees of the State Bar of California has established a Commission on Judicial Nominees Evaluation ("commission") pursuant to statute<sup>1</sup> to confidentially investigate and evaluate the judicial qualifications of those identified by the Governor for appointment or nomination to a judicial office.

*Rule 7.1 adopted effective July 17, 2009; amended effective January 1, 2012.*

##### Rule 7.2 Membership and terms

The commission, its chair, and its vice-chair are appointed by the Board of Trustees and serve at the pleasure of the Board. To the extent feasible,

- (A) the commission is to consist of at least twenty-seven and no more than thirty-eight members, at least eighty percent of whom must be active members in good standing of the State Bar and the balance public members;
- (B) one of the State Bar members is to be a former judge, preferably of an appellate court; and
- (C) the membership is to consist of a variety of persons of different backgrounds, abilities, interests, and opinions who are broadly representative of the ethnic, sexual, and racial diversity of the population of California.<sup>2</sup>

*Rule 7.2 adopted effective July 17, 2009; amended effective January 1, 2012.*

##### Rule 7.3 Temporary commissioners

- (A) The chair may appoint a former member of the commission as a temporary commissioner to assist the commission with its workload. An appointee must recently have been commission chair or served three full terms on the commission or its review committee. A temporary commissioner may lead an investigation.

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<sup>1</sup> Government Code § 12011.5.

<sup>2</sup> See Government Code §§ 11140, 11141, and 12011.5.

- (B) A temporary commissioner may participate only in the consideration of and vote on the candidate the chair has assigned the commissioner to investigate.

*Rule 7.3 adopted effective July 17, 2009.*

#### Rule 7.4 Removal of commissioners

The Board may remove from office any commissioner whom the commission chair has identified in a report to the President of the Board as failing to perform assigned duties or regularly attend scheduled meetings.

*Rule 7.4 adopted effective July 17, 2009.*

#### Rule 7.5 Duties of commissioners

Each commissioner must

- (A) not endorse or participate in a judicial candidate's campaign for office;
- (B) not vote on a candidate if absent for any time from the meeting at which the commission votes on the candidate;
- (C) not participate in any other judicial evaluation process;
- (D) not apply for or accept a State of California judicial appointment or permit his or her name to be submitted for evaluation as a candidate for such an appointment while a majority of the commission consists of members with whom he or she has served;
- (E) report to the chair or vice-chair of the commission for appropriate action any concern that a fellow commissioner has breached these rules or law applicable to the commission; and
- (F) comply with these rules after signing a declaration that he or she has read, understood, and agrees to comply with the rules, the declaration being made under oath upon taking office and then annually.

*Rule 7.5 adopted effective July 17, 2009.*

#### Rule 7.6 Time limit changes

For good cause and with the consent of a candidate for judicial office, unless otherwise provided by law, a time limit prescribed by these rules may be changed.

*Rule 7.6 adopted effective July 17, 2009.*

#### Rule 7.7 Information on candidates

- (A) To evaluate the judicial qualifications of a candidate for a judicial office, each commissioner must consider the following information:
- (1) a current Application for Appointment provided by or to the Governor's office;
  - (2) any past application materials and commission evaluations that have not been deemed unreliable by a Review Committee; and
  - (3) past State Bar complaints against and discipline imposed on a candidate, except for complaints based on allegations that the commission deems unfounded.
- (B) The commission may also consider information regarding candidates solicited from local or statewide bar associations that may have knowledge of the candidate through their own judicial evaluation procedures.

*Rule 7.7 adopted effective July 17, 2009.*

#### Rule 7.8 Commission records

- (A) Upon completion of his or her service or term, a commissioner must forward to the State Bar for retention for two years any completed Confidential Comment Forms and other records related to a commission investigation or activity. Copies of records stored electronically must be transferred to the State Bar and deleted from any electronic device not issued by the State Bar. After two years, all the forms and other documents related to an investigation or activity must be destroyed, unless the Board of Trustees, its President, or the chair instructs otherwise.
- (B) Records related to a Review Committee decision must be destroyed three years after the decision.

*Rule 7.8 adopted effective July 17, 2009; amended effective September 2, 2010; amended effective January 1, 2012.*

### Chapter 2. Standards

#### Rule 7.20 Confidentiality required

- (A) Except as permitted by law<sup>3</sup> or these rules, commission investigations, opinions expressed to the commission by raters or others with regard to a candidate's qualifications, interviews with candidates or others, meetings, the vote or comments of any individual commissioner or the vote of the commission as a

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<sup>3</sup> Government Code § 12011.5.

whole, and all other commission activities and records are absolutely confidential. Disclosure is prohibited even of the name of a candidate or the fact that the commission is considering a candidate.

- (B) To ensure the integrity and confidentiality of the commission's activities and records, the Board of Trustees and its members are not permitted to receive copies of commission records or inspect its records except as authorized by law or these rules.
- (C) This rule applies to the Board of Trustees, commissioners, and employees and agents of the State Bar but not to candidates.

*Rule 7.20 adopted effective July 17, 2009; amended effective January 1, 2012.*

#### Rule 7.21 Confidentiality exclusions

None of the following constitutes a breach of confidentiality under these rules:

- (A) confidential inquiries made in the course of investigations;
- (B) information commissioners share or discuss to discharge their responsibilities under these rules, such as information about interviews with raters, Confidential Comment Forms, comments of individual commissioners, and votes;
- (C) information required by the review committee appointed to review commission ratings of not qualified;<sup>4</sup>
- (D) information required to investigate and determine a claim of breach of confidentiality;<sup>5</sup>
- (E) attendance at commission meetings or inspection of commission records at the offices of the State Bar by members of the Board of Trustees;
- (F) information that the chair authorizes individual commissioners to provide to members of the Board of Trustees;
- (G) presentations or recommendations, supported with reasons, made by the chair or the chair's designee to the Commission on Judicial Appointments;<sup>6</sup>
- (H) public disclosure as permitted by law of a not qualified rating of a candidate the Governor has appointed to a trial court;<sup>7</sup>

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<sup>4</sup> Rule 7.66.

<sup>5</sup> Rule 7.22.

<sup>6</sup> Government Code § 12011.5(h).

<sup>7</sup> Government Code § 12011.5(g).

- (I) disclosure by the chair or staff to a candidate of a not qualified rating; and
- (J) any discussion regarding law, rules, or procedures applicable to the commission.

*Rule 7.21 adopted effective July 17, 2009; amended effective January 1, 2012.*

#### **Rule 7.22 Breach of confidentiality**

A special committee of the Board of Trustees must investigate a claim of breach of confidentiality.<sup>8</sup> The President of the State Bar, subject to the approval of the Board, must appoint the special investigative committee within 7 days of the report of a breach of confidentiality.

*Rule 7.22 adopted effective July 17, 2009; amended effective November 19, 2010; amended effective January 1, 2012.*

#### **Rule 7.23 Disclosure of conflicts of interest**

In order to avoid conflicts of interest that may interfere or appear to interfere with the commission's ability to impartially assess the qualifications of a candidate for judicial office, a commissioner or board member attending a commission meeting or inspecting commission records must immediately disclose to the chair the nature of any significant present or past familial, professional, business, social, political, or other relationship with a candidate, whether direct or indirect.

*Rule 7.23 adopted effective July 17, 2009.*

#### **Rule 7.24 Disqualification from participation**

- (A) If a commissioner or the chair determines that a relationship would unduly influence or appear to influence the commissioner's consideration of a candidate's qualifications, the commissioner must not investigate or evaluate the candidate and must refrain from attempting to influence the evaluation of any other commissioner. Factors to be considered in making the determination include the date of the relationship, its duration, and whether it is more than casual or incidental. If the commissioner determines that the relationship does not require disqualification and the chair disagrees, the determination of the chair prevails.
- (B) A disqualified commissioner may complete a Confidential Comment Form on a candidate but may not be present when the commission considers or votes on the candidate or be identified as a rater at a commission meeting.

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<sup>8</sup> See Business & Professions Code §§ 6044, 6049, 6050, 6051, 6051.1, and 6052.

- (C) A board member whose relationship with a candidate may interfere or appear to interfere with the commission's ability to impartially assess the qualifications of the candidate may not be present when the commission meets to consider the candidate, may not review commission records regarding the candidate, and must refrain from attempting to influence the evaluation of any commissioner regarding the candidate.

*Rule 7.24 adopted effective July 17, 2009.*

#### **Rule 7.25 Qualities evaluated**

In evaluating the qualifications of judicial candidates, the commission must consider the extent to which candidates possess the following qualities, the absence of any one of which is not intended to be disqualifying: impartiality, freedom from bias, industry, integrity, honesty, legal experience broadly,<sup>9</sup> professional skills, intellectual capacity, judgment, community respect, commitment to equal justice, judicial temperament, communication skills, and job-related health. In addition

- (A) Superior court candidates are expected to have the qualities of decisiveness, oral communication skills, and patience;
- (B) Court of Appeal candidates are expected to have the qualities of collegiality, writing ability, and scholarship; and
- (C) Supreme Court candidates are expected to have the qualities of collegiality, writing ability, scholarship, distinction in the profession, and breadth and depth of experience.

*Rule 7.25 adopted effective July 17, 2009.*

#### **Rule 7.26 Ratings assigned**

- (A) The commission must assign one of the following ratings to candidates for superior court:
- (1) exceptionally well qualified to candidates possessing qualities and attributes of remarkable or extraordinary superiority that enable them to perform the judicial function with distinction;
  - (2) well qualified to candidates possessing qualities and attributes indicative of a superior fitness to perform the judicial function with a high degree of skill and effectiveness;
  - (3) qualified to candidates possessing qualities and attributes sufficient to perform the judicial function adequately and satisfactorily; or

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<sup>9</sup> Government Code § 12011.5(d).

- (4) not qualified to candidates possessing less than the minimum qualities and attributes required by these rules.
- (B) The commission must assign one of the following ratings to candidates for the Court of Appeal or the Supreme Court:
  - (1) exceptionally well qualified to candidates possessing qualities and attributes of remarkable or extraordinary superiority that enable them to perform the appellate judicial function with distinction;
  - (2) well qualified to candidates possessing qualities and attributes indicative of a superior fitness to perform the appellate judicial function with a high degree of skill, effectiveness, and distinction;
  - (3) qualified to candidates possessing qualities and attributes sufficient to perform the appellate judicial function with a high degree of skill and effectiveness; or
  - (4) not qualified to candidates possessing less than the minimum qualities and attributes required by these rules.

*Rule 7.26 adopted effective July 17, 2009.*

#### **Rule 7.27 Rating imputed**

Notwithstanding any other provision of these rules, a candidate is deemed qualified if elected to superior court and then appointed by the Governor to fill the vacant and unexpired term for that office immediately preceding the term to which he or she has been elected.

*Rule 7.27 adopted effective July 17, 2009.*

### **Chapter 3. Procedures**

#### **Article 1. In general**

##### **Rule 7.40 Assignment of commissioners**

The chair or staff in the chair's absence must appoint a team of commissioners ("team"), one of whom is designated as lead, to investigate candidates and report to the commission as follows:

- (A) for a candidate for superior court, a team of two or more commissioners, one of whom is a State Bar member; and



- (B) for a candidate for the Court of Appeal or Supreme Court, a team of three or more commissioners, one of whom is a public member.

*Rule 7.40 adopted effective July 17, 2009.*

#### **Rule 7.41 Duties of lead commissioner**

The lead commissioner must

- (A) contact the other team members to establish procedures to facilitate the investigation, reduce duplication of effort, and assure compliance with these rules; and
- (B) before beginning the investigation, notify the candidate that the investigation is pending.

*Rule 7.41 adopted effective July 17, 2009.*

#### **Article 2. Confidential Comment Forms**

##### **Rule 7.45 Candidate's contact list**

Upon receiving the name of a candidate, the team must ask the candidate to provide the names of and contact information for fifty to seventy-five people to whom Confidential Comment Forms may be sent because they are reasonably likely to have knowledge of the candidate's qualifications.

*Rule 7.45 adopted effective July 17, 2009.*

##### **Rule 7.46 Commission's contact list**

- (A) Upon receiving the name of a candidate, the team must prepare a list of people to whom Confidential Comment Forms may be sent because they are reasonably likely to have knowledge of the candidate's qualifications. To the extent feasible, the list must reflect a broad cross-section of attorneys who practice the same types of law as the candidate and where the candidate practices.
- (B) Whenever possible the team will not place continuing and exclusive reliance on the same sources of information in evaluating candidates from a given area.

*Rule 7.46 adopted effective July 17, 2009.*

##### **Rule 7.47 Required distribution**

- (A) The objective of the team must be to obtain a return of at least fifty Confidential Comment Forms that provide information that is sufficient and credible for a fair evaluation.

- (B) Absent unusual circumstances, the team must send confidential questionnaires to
- (1) all those listed in a candidate's Application for Appointment and all others whose names are submitted by the candidate;
  - (2) seventy-five selected at random from the commission's mailing list;
  - (3) all judicial officers in each county where a candidate practices and seeks appointment, except for the County of Los Angeles;
  - (4) at least fifty percent of all judicial officers, including those reasonably likely to have knowledge of a candidate's qualifications if the candidate practices in the County of Los Angeles and all judicial officers in any other county where the candidate seeks appointment;
  - (5) all justices of any appellate district where a candidate practices and all justices of the California Supreme Court; and
  - (6) all or at least fifty randomly selected prosecutors and criminal defenders, whichever number is less, in any county where a candidate practices criminal law and any other county where the candidate seeks appointment.
- (C) A team member who receives negative or adverse comments on a Confidential Comment Form must make a reasonable effort to contact the person who completed the form and be prepared to report the results of the contact to the commission.

*Rule 7.47 adopted effective July 17, 2009.*

### Article 3. Candidate interviews

#### **Rule 7.50 Prior disclosure of substantial and credible adverse allegations**

At least four business days before interviewing a candidate, the team must disclose to the candidate as specifically as possible without breaching the confidentiality required by these rules any substantial and credible adverse allegations related to temperament, industry, integrity, ability, experience, health, physical or mental condition, or moral turpitude that would be determinative of unsuitability for judicial office unless rebutted. The team may disclose only allegations it has corroborated.

*Rule 7.50 adopted effective July 17, 2009.*

#### **Rule 7.51 Purpose and timing of candidate interviews**

- (A) When the lead commissioner determines that a reasonable time has lapsed for return of Confidential Comment Forms and a sufficient number of forms has been returned to enable the team to evaluate the candidate's qualifications, the entire team must interview the candidate to
  - (1) discuss as specifically as possible all factors positive and negative, relevant to qualifications regarding which the team requires further information, without breaching the confidentiality required by these rules; and
  - (2) afford the candidate the opportunity to respond to the adverse information provided to the candidate<sup>10</sup> and present additional information regarding qualifications that support his or her candidacy.
- (B) Before voting on the candidate, the commission must afford the candidate a reasonable opportunity to provide the commission with additional information in response to adverse allegations raised in the interview.

*Rule 7.51 adopted effective July 17, 2009.*

#### **Rule 7.52 Conduct of candidate interviews**

- (A) The team must interview a candidate in person, unless the chair authorizes the use of remote means in unusual circumstances. A candidate may not be interviewed by or appear before the entire commission in connection with his or her nomination.
- (B) In conducting the interview, the team must do nothing to enable the candidate to ascertain the source of information it has received under the assurance of confidentiality.
- (C) Unless the candidate objects, the interview must be recorded and the recording retained in accordance with these rules. A candidate who objects to recording is not entitled to review of a rating of not qualified.

*Rule 7.52 adopted effective July 17, 2009.*

#### **Article 4. Evaluations**

##### **Rule 7.55 Separate evaluation of candidate for superior court and appellate court**

When the Governor names a candidate for a superior court and an appellate court, the commission must conduct separate evaluations for each judicial office.

*Rule 7.55 adopted effective July 17, 2009.*

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<sup>10</sup> Rule 7.50.

**Rule 7.56 Summary evaluation of candidate previously evaluated for superior court or Court of Appeal**

- (A) The commission may conduct a summary evaluation based on a completed evaluation and rating of qualified or higher for
  - (1) a superior court candidate whom the Governor later proposes for the superior court of a different county; or
  - (2) a Court of Appeal candidate whom the Governor later proposes for a different district of the Court of Appeal.
- (B) In determining whether to conduct a summary evaluation, the commission must consider the same factors the chair would consider when the Governor requests a new evaluation of a candidate.<sup>11</sup>

*Rule 7.56 adopted effective July 17, 2009.*

**Rule 7.57 Evaluation of Supreme Court candidate named for Court of Appeal**

If the commission has rated a candidate for the Supreme Court as qualified or higher, and the Governor within a reasonable time proposes the candidate for the Court of Appeal, the rating applies for the Court of Appeal vacancy.

*Rule 7.57 adopted effective July 17, 2009.*

**Article 5. Reports**

**Rule 7.60 Reports to commission**

At the conclusion of an investigation and evaluation, the team must provide the commission with a written report on the candidate and, absent unusual circumstances, the lead commissioner must present the report in person. The report must specify the number of Confidential Comment Forms mailed and the number received; categorize the responses; summarize substantial and credible information submitted; recommend a rating; and otherwise comply with commission instructions.

*Rule 7.60 adopted effective July 17, 2009.*

**Rule 7.61 Reports to Governor**

- (A) A commission report to the Governor regarding the qualifications of a candidate must include the names of the team members; the number of Confidential Comment Forms mailed and the number returned; and the number of

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<sup>11</sup> See Rule 7.57.

commission votes for each rating, except when the commission has found the candidate not qualified on the basis of substantial and credible information. When a report includes the number of commission votes, it must also provide the number of any commissioners who were present for the discussion of a candidate but then abstained from voting for any reason.

- (B) If the commission has found a candidate not qualified, the report must also
  - (1) state that "at least 75% of the commissioners voting or abstaining find the candidate not qualified" and not provide the number of votes; or
  - (2) state that "a majority that is less than 75% of the commissioners voting or abstaining finds the candidate not qualified" with the number of votes and provide the number of votes.
- (C) If unusual circumstances prevent a team from creating mailing lists, distributing Confidential Comment Forms, obtaining responses, or otherwise meeting the requirements of these rules, the team must identify those circumstances in its report to the Governor.
- (D) If a State Bar complaint against a candidate is pending when the commission votes on the candidate, the commission must ask the Governor to withdraw the name unless the candidate is a sitting judge and the complaint concerns activity that occurred before the candidate assumed judicial office. If the commission votes such a candidate not qualified, it must notify the Governor's office that the basis for the not qualified rating is the open complaint.
- (E) If half the commissioners voting or abstaining rates a candidate not qualified and half rates the candidate qualified or better, the candidate is reported as qualified. A candidate is reported as not qualified only if more than half the commissioners voting or abstaining rate the candidate not qualified.
- (F) In general, the commission makes reports to the Governor in the order in which the Governor has submitted the names of candidates. The commission may consider a candidate out of order if the chair determines that there are reasons to do so.

*Rule 7.61 adopted effective July 17, 2009.*

#### Article 6. Reconsideration

##### **Rule 7.65 Reconsideration of not qualified rating**

Only a candidate rated not qualified is entitled to request reconsideration of the rating. Within ten days of sending the Governor a rating of not qualified, the commission must notify the candidate in writing of the not qualified rating and the right to request reconsideration. The candidate must make a request in accordance with these rules

within thirty days of receiving the written notice. The review committee will complete review of a candidate's request for reconsideration not later than 90 days after the State Bar receives the request. The State Bar will not make the not qualified rating public while the review is pending.<sup>12</sup>

*Rule 7.65 adopted effective July 17, 2009; amended effective November 19, 2010.*

#### **Rule 7.66 Review committee**

- (A) To review candidates' requests for reconsideration of a commission rating, the Board of Trustees must appoint a five-member review committee consisting of two members of the Board of Trustees, one of whom shall be a public member and one an attorney member, one past member of the commission, and two at large members to be appointed at the discretion of the Board of Trustees. Neither of these at large members will be current members of the Board of Trustees.
- (B) The review committee has absolute discretion to rescind the opinion of the commission if it has good cause to believe that
  - (1) violation of these rules has materially affected the commission's rating;
  - (2) conflict of interest or bias has affected the rating;
  - (3) an inadequate or biased mailing list was used;
  - (4) new evidence, which the candidate had no reasonable opportunity to present, could have changed the rating; or
  - (5) after review of the candidate's record, the commission's rating of not qualified is not supported by substantial evidence.
- (C) If a member of the review committee recuses himself or herself in a particular matter, the Executive Director of the State Bar must assign the matter to a temporary member who has previously served on the review committee.

*Rule 7.66 adopted effective July 17, 2009; amended effective November 19, 2010; amended effective January 1, 2012.*

#### **Rule 7.67 Candidate's request for new evaluation**

If the review committee rescinds a not qualified rating of the commission and the candidate requests a new investigation, the chair must appoint new investigators to conduct the new investigation. The candidate's request must be submitted in writing and be received within thirty days of issuance of notice of the rescission.

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<sup>12</sup> Gov. Code § 12011.5, subd. (g).

*Rule 7.67 adopted effective July 17, 2009.*

**Rule 7.68 Governor's request for new evaluation**

- (A) If the Governor requests a new evaluation of a candidate whom the commission has rated not qualified, the chair must determine whether or not a new investigation is required.
- (B) To determine whether or not a new investigation is required, the chair must consider
  - (1) the extent to which the original investigation failed to include facts or information that should have been investigated;
  - (2) the extent to which acts or events occurring after the investigation could change the rating;
  - (3) the extent to which additional information or the candidate's further rebuttal of adverse information would assist the commission in assessing a material issue;
  - (4) whether the original investigation is still timely, "timely" normally meaning concluded within the last twelve months;
  - (5) the candidate's current disciplinary record; and
  - (6) other factors that may be relevant.
- (C) If the chair determines that a new investigation is not required, at its next meeting following receipt of the Governor's request the commission must vote to affirm its rating or assign a new one.
- (D) If the chair determines that a new investigation is required, the chair must assign it to the original team or a new one. Upon receipt of the team's report, the chair must provide it to the commission at its next meeting to vote on the candidate's qualifications.

*Rule 7.68 adopted effective July 17, 2009.*

West's Annotated California Codes

Government Code (Refs & Annos)

Title 2. Government of the State of California

Division 3. Executive Department (Refs & Annos)

Part 2. Constitutional Officers (Refs & Annos)

Chapter 1. Governor (Refs & Annos)

Article 2. Powers and Duties (Refs & Annos)

West's Ann.Cal.Gov.Code § 12011.5

§ 12011.5. Judicial vacancies; State Bar evaluation of candidates and appointees; demographic data of applicants; collection and release

Effective: January 1, 2014

Currentness

(a) In the event of a vacancy in a judicial office to be filled by appointment of the Governor, or in the event that a declaration of candidacy is not filed by a judge and the Governor is required under subdivision (d) of Section 16 of Article VI of the California Constitution to nominate a candidate, the Governor shall first submit to a designated agency of the State Bar of California the names of all potential appointees or nominees for the judicial office for evaluation of their judicial qualifications.

(b) The membership of the designated agency of the State Bar responsible for evaluation of judicial candidates shall consist of attorney members and public members with the ratio of public members to attorney members determined, to the extent practical, by the ratio established in Section 6013.5 of the Business and Professions Code. It is the intent of this subdivision that the designated agency of the State Bar responsible for evaluation of judicial candidates shall be broadly representative of the ethnic, gender, and racial diversity of the population of California and composed in accordance with Sections 11140 and 11141. The further intent of this subdivision is to establish a selection process for membership on the designated agency of the State Bar responsible for evaluation of judicial candidates under which no member of that agency shall provide inappropriate, multiple representation for purposes of this subdivision. Each member of the designated agency of the State Bar responsible for evaluation of judicial candidates shall complete a minimum of 60 minutes of training in the areas of fairness and bias in the judicial appointments process at an orientation for new members. If the member serves more than one term, the member shall complete an additional 60 minutes of that training during the member's service on the designated agency of the State Bar responsible for evaluation of judicial candidates.

(c) Upon receipt from the Governor of the names of candidates for judicial office and their completed personal data questionnaires, the State Bar shall employ appropriate confidential procedures to evaluate and determine the qualifications of each candidate with regard to his or her ability to discharge the judicial duties of the office to which the appointment or nomination shall be made. Within 90 days of submission by the Governor of the name of a potential appointee for judicial office, the State Bar shall report in confidence to the Governor its recommendation whether the candidate is exceptionally well qualified, well qualified, qualified, or not qualified and the reasons therefor, and may report, in confidence, other information as the State Bar deems pertinent to the qualifications of the candidate.

(d) In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. The State Bar shall consider legal experience broadly, including, but not limited to, litigation and nonlitigation



experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.

(e) The State Bar shall establish and promulgate rules and procedures regarding the investigation of the qualifications of candidates for judicial office by the designated agency. These rules and procedures shall establish appropriate, confidential methods for disclosing to the candidate the subject matter of substantial and credible adverse allegations received regarding the candidate's health, physical or mental condition, or moral turpitude which, unless rebutted, would be determinative of the candidate's unsuitability for judicial office. No provision of this section shall be construed as requiring that any rule or procedure be adopted that permits the disclosure to the candidate of information from which the candidate may infer the source, and no information shall either be disclosed to the candidate nor be obtainable by any process that would jeopardize the confidentiality of communications from persons whose opinion has been sought on the candidate's qualifications.

(f) All communications, written, verbal, or otherwise, of and to the Governor, the Governor's authorized agents or employees, including, but not limited to, the Governor's Legal Affairs Secretary and Appointments Secretary, or of and to the State Bar in furtherance of the purposes of this section are absolutely privileged from disclosure and confidential, and any communication made in the discretion of the Governor or the State Bar with a candidate or person providing information in furtherance of the purposes of this section shall not constitute a waiver of the privilege or a breach of confidentiality.

(g) If the Governor has appointed a person to a trial court who has been found not qualified by the designated agency, the State Bar may make public this fact after due notice to the appointee of its intention to do so, but that notice or disclosure shall not constitute a waiver of privilege or breach of confidentiality with respect to communications of or to the State Bar concerning the qualifications of the appointee.

(h) If the Governor has nominated or appointed a person to the Supreme Court or court of appeal in accordance with subdivision (d) of Section 16 of Article VI of the California Constitution, the Commission on Judicial Appointments may invite, or the State Bar's governing board or its designated agency may submit to the commission, its recommendation, and the reasons therefor, but that disclosure shall not constitute a waiver of privilege or breach of confidentiality with respect to communications of or to the State Bar concerning the qualifications of the nominee or appointee.

(i) No person or entity shall be liable for any injury caused by any act or failure to act, be it negligent, intentional, discretionary, or otherwise, in the furtherance of the purposes of this section, including, but not limited to, providing or receiving any information, making any recommendations, and giving any reasons therefor. As used in this section, the term "State Bar" means its governing board and members thereof, the designated agency of the State Bar and members thereof, and employees and agents of the State Bar.

(j) At any time prior to the receipt of the report from the State Bar specified in subdivision (c) the Governor may withdraw the name of any person submitted to the State Bar for evaluation pursuant to this section.

(k) A candidate for judicial office shall not be appointed until the State Bar has reported to the Governor pursuant to this section, or until 90 days have elapsed after submission of the candidate's name to the State Bar, whichever occurs earlier. The requirement of this subdivision shall not apply to any vacancy in judicial office occurring within the 90 days preceding the expiration of the Governor's term of office, provided, however, that with respect to those vacancies and with respect to nominations pursuant to subdivision (d) of Section 16 of Article VI of the California Constitution, the Governor shall be required to submit any candidate's name to the State Bar in order to provide an opportunity, if time permits, to make an evaluation.

(l) Nothing in this section shall be construed as imposing an additional requirement for an appointment or nomination to judicial office, nor shall anything in this section be construed as adding any additional qualifications for the office of a judge.

(m) The Board of Governors of the State Bar shall not conduct or participate in, or authorize any committee, agency, employee, or commission of the State Bar to conduct or participate in, any evaluation, review, or report on the qualifications, integrity, diligence, or judicial ability of any specific justice of a court provided for in Section 2 or 3 of Article VI of the California Constitution without prior review and statutory authorization by the Legislature, except an evaluation, review, or report on potential judicial appointees or nominees as authorized by this section.

The provisions of this subdivision shall not be construed to prohibit a member of the State Bar from conducting or participating in an evaluation, review, or report in his or her individual capacity.

(n)(1) Notwithstanding any other provision of this section, but subject to paragraph (2), on or before March 1 of each year for the prior calendar year, all of the following shall occur:

(A) The Governor shall collect and release, on an aggregate statewide basis, all of the following:

(i) Demographic data provided by all judicial applicants relative to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation.

(ii) Demographic data relative to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation as provided by all judicial applicants, both as to those judicial applicants who have been and those who have not been submitted to the State Bar for evaluation.

(iii) Demographic data relative to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation of all judicial appointments or nominations as provided by the judicial appointee or nominee.

(B) The designated agency of the State Bar responsible for evaluation of judicial candidates shall collect and release both of the following on an aggregate statewide basis:

(i) Statewide demographic data provided by all judicial applicants reviewed relative to ethnicity, race, disability, veteran status, gender, gender identity, sexual orientation, and areas of legal practice and employment.

(ii) The statewide summary of the recommendations of the designated agency of the State Bar by ethnicity, race, disability, veteran status, gender, gender identity, sexual orientation, and areas of legal practice and employment.

(C) The Administrative Office of the Courts shall collect and release the demographic data provided by justices and judges described in Article VI of the California Constitution relative to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation by specific jurisdiction.

(2) For purposes of subparagraph (A) of paragraph (1), in the year following a general election or recall election that will result in a new Governor taking office prior to March 1, the departing Governor shall provide all of the demographic data collected for the year by that Governor pursuant to this subdivision to the incoming Governor. The incoming Governor shall then be responsible for releasing the provided demographic data, and the demographic data collected by that incoming Governor, if any, prior to the March 1 deadline imposed pursuant to this subdivision.

(3) Any demographic data disclosed or released pursuant to this subdivision shall disclose only aggregated statistical data and shall not identify any individual applicant, justice, or judge.

(4) The State Bar and the Administrative Office of the Courts shall use the following ethnic and racial categories: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, White, some other race, and more than one race, as those categories are defined by the United States Census Bureau for the 2010 Census for reporting purposes.

(5) Any demographic data disclosed or released pursuant to this subdivision shall also indicate the percentage of respondents who declined to respond.

(6) For purposes of this subdivision, the collection of demographic data relative to disability and veteran status shall be required only for judicial applicants, candidates, appointees, nominees, justices, and judges who apply, or are reviewed, appointed, nominated, or elected, on or after January 1, 2014. The release of this demographic data shall begin in 2015.

(7) For purposes of this subdivision, the following terms have the following meanings:

(i) "Disability" includes mental disability and physical disability, as defined in subdivisions (j), (l), and (n) of Section 12926.

(ii) "Veteran status" has the same meaning as specified in Section 101(2) of Title 38 of the United States Code.

(o) The Governor and members of judicial selection advisory committees are encouraged to give particular consideration to candidates from diverse backgrounds and cultures reflecting the demographics of California, including candidates with demographic characteristics underrepresented among existing judges and justices.

(p) If any provision of this section other than a provision relating to or providing for confidentiality or privilege from disclosure of any communication or matter, or the application of the provision to any person or circumstances, is held invalid, the remainder of this section to the extent it can be given effect, or the application of the provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable. If any other act of the Legislature conflicts with the provisions of this section, this section shall prevail.

#### Credits

(Added by Stats.1979, c. 534, § 2. Amended by Stats.1984, c. 16, § 3; Stats.2006, c. 390 (S.B.56), § 2; Stats.2007, c. 130 (A.B.299), § 115; Stats.2007, c. 722 (A.B.159), § 1; Stats.2011, c. 607 (A.B.126), § 1; Stats.2011, c. 720 (S.B.183), § 1.5; Stats.2012, c. 162 (S.B.1171), § 60; Stats.2013, c. 113 (A.B.1005), § 1.)

## Commission on Judicial Nominees Evaluation - Statewide Demographics Reports

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2012 JNE Statewide Demographics Report

2011 JNE Statewide Demographics Report

2010 JNE Statewide Demographics Report

2009 JNE Statewide Demographics Report

2008 JNE Statewide Demographics Report

2007 JNE Statewide Demographics Report

2006 JNE Statewide Demographics Report

# **Commission on Judicial Nominees Evaluation 2012 Statewide Demographic Report**

Government Code section 12011.5, subdivision (n), requires that on or before March 1, the Commission on Judicial Nominees Evaluation (JNE) collect and release statewide demographic data provided by the judicial applicants reviewed and the statewide summary of the recommendations of the JNE Commission by ethnicity and gender. The attached report covers information on ethnicity and gender provided by applicants and on JNE's recommendations completed during the 2012 calendar year.

## **Commission on Judicial Nominees Evaluation**

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## Commission on Judicial Nominees Evaluation Total Evaluations for Calendar Year 2012

Note: All Gender and Ethnic Information obtained from candidate application.

### Total Candidates Evaluated: Gender and Rating

Rating	Male		Female		Unknown		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
EWQ	14	6%	5	2%	0	0%	19	8.76%
WQ	52	24%	23	11%	0	0%	75	34.56%
Q	48	22%	38	18%	2	1%	88	40.55%
NQ	22	10%	8	4%	0	0%	30	13.82%
Withdrawn†	1	0%	4	2%	0	0%	5	2.30%
Elected	0	0%	0	0%	0	0%	0	0%
<b>Total</b>	<b>137</b>	<b>63.13%</b>	<b>78</b>	<b>35.94%</b>	<b>2</b>	<b>.93%</b>	<b>217</b>	<b>100%</b>

\* Ratings:

EWQ: Exceptionally Well Qualified

WQ: Well Qualified

Q: Qualified

NQ: Not Qualified

† Governor's office withdrew candidate prior to evaluation.

### Total Candidates Evaluated: Ethnicity and Rating

Ethnicity	EWQ		WQ		Q		NQ		Withdrawn†		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Asian	1	0%	5	2%	7	3%	6	3%	0	0%	19	9%
Black or African American	1	0%	4	2%	7	3%	0	0%	1	0%	13	6%
Hispanic or Latino	2	1%	11	5%	16	7%	10	5%	1	0%	40	18%
Native Hawaiian or other Pacific Islander	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
White	14	6%	51	24%	56	26%	12	6%	2	1%	135	62%
American Indian or Alaska Native	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Some Other Race	0	0%	2	1%	1	0%	1	0%	0	0%	4	2%
More Than One Race	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Unknown	1	0%	2	1%	1	0%	1	0%	1	0%	6	3%
<b>Total</b>	<b>19</b>	<b>8.76%</b>	<b>75</b>	<b>34.56%</b>	<b>88</b>	<b>40.55%</b>	<b>30</b>	<b>13.82%</b>	<b>5</b>	<b>2.30%</b>	<b>217</b>	<b>100%</b>

† Governor's office withdrew candidate prior to evaluation.

Evaluated Candidates' Areas of Legal Practice/Employment

Note: Candidates are allowed to mark multiple areas of legal practice on the judicial application. All data is taken from judicial application. A candidate's rating is reflected in each legal practice area marked.

Legal Practice/Employment	EWQ		WQ		Q		NQ		Withdrawn <sup>§</sup>		Total	Percentage	Number
	Number	14	Number	43	Number	38	Number	15	Number	1			
Administrative	18	18	66	75	25	186	2	18%	2	186			
Civil Law	7	16	12	10	5%	45	0	5%	0	45			
Legislative	2	18	18	9	5%	47	0	5%	0	47			
House/Staff Counsel	12	47	52	21	13%	132	0	13%	0	132			
Juvenile/Family/Probate	16	56	62	23	16%	159	2	16%	2	159			
Criminal	18	74	84	29	21%	208	3	21%	3	208			
Litigation (Trial/Appellate)	4	16	20	9	6%	49	0	6%	0	49			
Corporate/Transactional	2	18	21	5	5%	48	2	5%	2	48			
Other Legal Practice	93	354	382	146	100%	985	10	100%	10	985			

<sup>§</sup> Governor's office withdrew candidate prior to evaluation

Evaluated Candidates' Sexual Orientation/Gender Identity

**Note:** All sexual orientation and gender identity data obtained from candidate application.

**Female Candidates\*\* - Sexual Orientation/Gender Identity**

Rating	Heterosexual	Lesbian	Bisexual	Transgender	Decline to Respond <sup>††</sup>
Exceptionally Well Qualified	2	0	0	0	0
Well Qualified	10	1	0	0	0
Qualified	15	0	0	0	0
Not Qualified	3	0	0	0	0
<b>Total</b>	<b>30</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>47</b>

\*\* Total of 78 Female Candidates Reviewed

†† 60% declined to respond to question

**Male Candidates<sup>‡‡</sup> - Sexual Orientation/Gender Identity**

Rating	Heterosexual	Gay	Bisexual	Transgender	Decline to Respond <sup>§§</sup>
Exceptionally Well Qualified	3	1	0	0	0
Well Qualified	11	0	0	0	0
Qualified	17	2	0	0	0
Not Qualified	7	0	0	0	0
<b>Total</b>	<b>38</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>96</b>

‡‡ Total of 137 Male Candidates Reviewed

§§ 70% declined to respond to question



# **Commission on Judicial Nominees Evaluation**

## **2011 Statewide Demographic Report**

Government Code section 12011.5, subdivision (n), requires that on or before March 1, the Commission on Judicial Nominees Evaluation (JNE) collect and release statewide demographic data provided by the judicial applicants reviewed and the statewide summary of the recommendations of the JNE Commission by ethnicity and gender. The attached report covers information on ethnicity and gender provided by applicants and on JNE's recommendations completed during the 2011 calendar year.

### **Commission on Judicial Nominees Evaluation**

180 Howard Street  
San Francisco CA 94105  
Andrew A. Steckler, Chair 2011  
[pdsteckler@yahoo.com](mailto:pdsteckler@yahoo.com)

Heidi Schwab-Wilhelmi, Senior Administrative Specialist  
[heidi.schwab-wilhelmi@calbar.ca.gov](mailto:heidi.schwab-wilhelmi@calbar.ca.gov)

## Commission on Judicial Nominees Evaluation Total Evaluations for Calendar Year 2011

### Total Candidates Submitted for Evaluation: Gender and Ethnicity

Ethnicity	Male		Female		Total Submitted	
	Number	Percent	Number	Percent	Number	Percent
Asian	10	59%	7	41%	17	15%
Black or African American	4	36%	7	64%	11	10%
Hispanic or Latino	13	81%	3	19%	16	15%
Native Hawaiian or other Pacific Islander	0	0%	0	0%	0	0%
White	39	66%	20	34%	59	54%
American Indian or Alaska Native	2	100%	0	0%	2	2%
Some Other Race	1	33%	2	67%	3	3%
More Than One Race	1	100%	0	0%	1	1%
Unknown	0	0%	1	100%	1	1%
<b>Total</b>	<b>70</b>	<b>63.64%</b>	<b>40</b>	<b>36.36%</b>	<b>110</b>	<b>100%</b>

\* Note: All gender and ethnic information obtained from candidate application

### Total Candidates Evaluated: Gender and Rating

Rating†	Male		Female		Total Submitted	
	Number	Percent	Number	Percent	Number	Percent
EWQ	8	7%	4	4%	12	10.91%
WQ	24	22%	14	13%	38	34.55%
Q	33	30%	19	17%	52	47.27%
NQ	4	4%	3	3%	7	6.36%
Withdrawn†	1	1%	0	0%	1	.91%
Elected	0	0%	0	0%	0	0%
<b>Total</b>	<b>70</b>	<b>64%</b>	<b>40</b>	<b>36%</b>	<b>110</b>	<b>100%</b>

† Ratings:

EWQ: Exceptionally Well Qualified

WQ: Well Qualified

Q: Qualified

NQ: Not Qualified

† Governor's office withdrew candidate prior to evaluation

**Total Candidates Evaluated: Ethnicity and Rating**

Ethnicity	EWQ		WQ		Q		NQ		Withdrawn#		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Asian	2	2%	4	4%	8	7%	2	2%	1	1%	17	15%
Black or African American	1	1%	4	4%	6	5%	0	0%	0	0%	11	10%
Hispanic or Latino	0	0%	1	1%	12	11%	3	3%	0	0%	16	15%
Native Hawaiian or other Pacific Islander	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
White	8	7%	25	23%	24	22%	2	2%	0	0%	59	54%
American Indian or Alaska Native	0	0%	2	2%	0	0%	0	0%	0	0%	2	2%
Some Other Race	0	0%	2	2%	1	1%	0	0%	0	0%	3	3%
More Than One Race	1	1%	0	0%	0	0%	0	0%	0	0%	1	1%
Unknown	0	0%	0	0%	1	1%	0	0%	0	0%	1	1%
<b>Total</b>	<b>12</b>	<b>10.91%</b>	<b>38</b>	<b>34.55%</b>	<b>52</b>	<b>47.27%</b>	<b>7</b>	<b>6.36%</b>	<b>1</b>	<b>.91%</b>	<b>110</b>	<b>100%</b>

†† Governor's Office withdrew candidate prior to evaluation

**Evaluated Candidates' Areas of Legal Practice/Employment**

Legal Practice/Employment	EWQ	WQ	Q	NQ	Withdrawn
Administrative	4	14	18	2	1
Civil Law	9	31	36	6	1
Legislative	2	6	7	0	0
House/Staff Counsel	1	4	11	0	0
Juvenile/Family/Probate	6	23	26	3	1
Criminal	6	28	36	7	0
Litigation (Trial/Appellate)	7	32	41	5	1
Corporate/Transactional	3	13	17	0	0
Other Legal Practice	2	3	4	0	0
<b>Total</b>	<b>40</b>	<b>154</b>	<b>196</b>	<b>23</b>	<b>4</b>

- Candidates are allowed to mark multiple areas of legal practice on the judicial application. All data is taken from judicial application.
- A candidate's rating is reflected in each legal practice area marked

\* Governor's office withdrew candidate prior to evaluation

**Commission on Judicial Nominees Evaluation  
2010 Statewide Demographic Report**

Government Code section 12011.5, subdivision (n), as amended by Statutes 2006, Chapter 390, section 2 (Senate Bill 56) requires that on or before March 1, the Commission on Judicial Nominees Evaluation (JNE) collect and release statewide demographic data provided by the judicial applicants reviewed and the statewide summary of the recommendations of the JNE Commission by ethnicity and gender. The attached report covers information on ethnicity and gender provided by applicants and on JNE's recommendations completed during the 2010 calendar year.

Commission on Judicial Nominees Evaluation  
180 Howard Street  
San Francisco CA 94105  
Alice A. Salvo, Chair 2010  
jne@salvolaw.com

Heidi Schwab-Wilhelmi, Senior Administrative Specialist  
heidi.schwab-wilhelmi@calbar.ca.gov

**Commission on Judicial Nominees Evaluation  
Total Evaluations for Calendar Year 2010**

**Candidates Submitted for Evaluation: Gender and Ethnicity**

Ethnicity	Male		Female		Total Submitted	
	Number	Percent	Number	Percent	Total	Percent
Asian	10	4.5%	12	5.5%	22	10%
Black	10	4.3%	13	5.7%	23	10%
Hispanic	12	6.7%	6	3.3%	18	8%
Indian (sub-cont)	0	0%	0	0%	0	0%
Native American	2	0%	0	0%	2	1%
White	99	67%	49	33%	148	64%
Pacific Islander	2	1%	0	0%	2	1%
Other	7	5.8%	5	4.2%	12	5%
Unknown	2	6.7%	1	3.3%	3	1%
<b>Total</b>	<b>144</b>	<b>62.61%</b>	<b>86</b>	<b>37.39%</b>	<b>230</b>	<b>100%</b>

Note: All gender and ethnic information obtained from candidate applications

**Candidates Evaluated: Gender and Rating**

Rating	Male		Female		Total Submitted	
	Number	Percent	Number	Percent	Total	Percent
EWQ	15	7%	4	2%	19	8.26%
WQ	44	19%	26	11%	70	30.43%
Q	66	29%	46	20%	112	48.70%
NQ	14	6%	7	3%	21	9.13%
Withdrawn*	5	2%	2	1%	7	3.04%
Elected*	0	0%	1	0%	1	.43%
<b>Total</b>	<b>144</b>	<b>63%</b>	<b>86</b>	<b>37%</b>	<b>230</b>	<b>100%</b>

- \* Seven candidates were withdrawn by the Governor's Office prior to evaluation.
- \* One candidate was elected.

Ratings:

EWQ: Exceptionally Well Qualified  
WQ: Well Qualified  
Q: Qualified  
NQ: Not Qualified

**Candidates Evaluated: Ethnicity and Rating**

Ethnicity	EWQ		WQ		Q		NQ		*Withdrawn/Elected		Others		Total Evaluations	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Asian	2	1%	5	2%	14	6%	1	0%	0	0%	0	0%	22	10%
Black	3	1%	7	3%	12	5%	0	0%	1	0%	0	0%	23	10%
Hispanic	0	0%	6	3%	10	4%	2	1%	0	0%	0	0%	18	8%
Indian-sub-cont	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	2	1%	0	0%	0	0%	0	0%	2	1%
White	12	5%	47	20%	66	29%	16	7%	7	3%	0	0%	148	64%
Pacific Islander	0	0%	0	0%	2	1%	0	0%	0	0%	0	0%	2	1%
Other	2	1%	2	1%	6	3%	2	1%	0	0%	0	0%	12	5%
Unknown	0	0%	3	1%	0	0%	0	0%	0	0%	0	0%	3	1%
<b>Total</b>	<b>19</b>	<b>8.26%</b>	<b>70</b>	<b>30.43%</b>	<b>112</b>	<b>48.70%</b>	<b>21</b>	<b>9.13%</b>	<b>8</b>	<b>3.48%</b>	<b>0</b>	<b>0%</b>	<b>230</b>	<b>100%</b>



**COMMISSION ON JUDICIAL NOMINEES EVALUATION**  
**THE STATE BAR OF CALIFORNIA**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617 • (415) 538-2274

**Confidential Evaluation of Judicial Nominees**

**TRIAL JUDGES**

**CONFIDENTIAL COMMENT FORM**

**LARA M. KRIBBEZ**  
Chair  
Los Angeles  
**JASON P. LEE**  
Vice Chair  
Venice

- WALLACE (TAD) ALLAN** Los Angeles  
**HEATHER L. AUBRY** Los Angeles  
**LEISA V. BIGGERS** Los Angeles  
**ROBERT B. BRODY** Pasadena  
**TAMI BUSCHO** Sacramento  
**MANUEL F. CACHAN** Los Angeles  
**RACHEL V. CHATMAN** Oakland  
**KRISTINA H. CHUNG** Redwood City  
**ANTHONY N. DeMARIA** Fresno  
**BALLY J. ELKINGTON** Oakland  
**SIMON FRANKEL** San Francisco  
**DAVID K. GEORGE** Livermore  
**RICHARD L. GILBERT** Sacramento  
**MARY T. HUBER** Redwood City  
**AUDRA S. IBARRA** Palo Alto  
**EUGENE G. ILLOVSKY** Palo Alto  
**TOBI INLENDER** Sherman Oaks  
**JEROME M. JACKSON** El Segundo  
**DEBORAH KEMPER** Redwood City  
**RAOUL D. KENNEDY** Palo Alto  
**KIMBERLY KNILL** Laguna Beach  
**ALEXANDRA LEICHTER** Beverly Hills  
**BRIAN C. LYBAGET** Santa Monica  
**JOSEPH F. McMONIGLE** San Francisco  
**BARBARA G. MURPHY** Pasadena  
**JODY A. NUÑEZ** Oakland  
**CLAUDIA N. RIBET** Beverly Hills  
**PAUL E. RICE** Palo Alto  
**ARMANDO RODRIGUEZ** Alhambra  
**ARTHUR G. SCOTLAND** Sacramento  
**MICHAEL E. SILVERMAN** Murrieta  
**GREGORY WARD** San Jose  
**TERRY L. WHITE** Santa Monica  
**VAY I. WILLIAMS** Los Angeles  
**MICHAEL LI-MING WONG** San Francisco  
**BRAD YAMAUCHI** San Francisco

Governor Edmund G. Brown, Jr. has asked this Commission to evaluate for judicial appointment the person whose name appears in the box below. If you know the candidate, please complete the questionnaire, rating the candidate individually, not as compared to other candidates. Please attach an extra page if you wish to supply additional information.

The confidential information you provide will be available to the full JNE Commission, but disclosure of your identity will be limited to the investigating commissioners, unless you authorize release of your identity to the full Commission. Thank you for your assistance.

Send the completed form, a.s.a.p., marked "PERSONAL & CONFIDENTIAL" to:

Please Return By \_\_\_\_\_

**Candidate:** \_\_\_\_\_

**Court:** \_\_\_\_\_

Your relationship with candidate: \_\_\_\_\_ Years known \_\_\_\_\_

Professional  Social  Reputation only

Your evaluation based on: \_\_\_\_\_

Worked with  Opposed  Appeared before  Other

Instructions: \* \* \* \* DISCARD FORM IF YOU DO NOT KNOW THE CANDIDATE. \* \* \* \*

Circle the performance level most applicable for the factor being rated.

O—Outstanding      VG—Very Good      S—Satisfactory  
 BA—Below Average      U—Unsatisfactory      UNK—Unknown

**Professional Ability**      O      VG      S      BA      U      UNK  
 (Includes intellectual capacity, written and oral communication skills)

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Legal Experience**      O      VG      S      BA      U      UNK  
 (Includes litigation and non-litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, legal work before administrative agencies, and legal work in dispute resolution; case complexity; length of practice)

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Judicial Temperament**      O      VG      S      BA      U      UNK  
 (Includes objectivity, patience, judgment, decisiveness, collegiality, impartiality)

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Professional Reputation**  
(Includes honesty, integrity, community respect)  
Comments: \_\_\_\_\_

O VG S BA U UNK

**Work Ethic**  
(Includes industry)  
Comments: \_\_\_\_\_

O VG S BA U UNK

**Bias**  No  Yes  
(Includes cultural sensitivity and commitment to equal access to justice; does candidate exhibit, or to your knowledge has candidate exhibited, any bias which may be perceived as based on race, sex, sexual orientation, religion, political affiliation, etc.?)  
Comments: \_\_\_\_\_

**Overall Rating**

- Exceptionally Well Qualified — Possessing qualities and attributes of remarkable or extraordinary superiority that enable the candidate to perform the judicial function with distinction.
- Well Qualified — Possessing qualities and attributes indicative of a superior fitness to perform the judicial function with a high degree of skill and effectiveness.
- Qualified — Possessing qualities and attributes sufficient to perform the judicial function adequately and satisfactorily.
- Not Qualified — Possessing less than the minimum qualities and attributes listed above.

Your identity will be strictly protected and not disclosed to the full JNE Commission without your consent. Please mark one.

- I understand that my identity can be disclosed to the investigating JNE Commissioners, to the Chair, and to the Vice Chair. I do not consent to disclosure of my identity to the full JNE Commission.
- I consent to disclosure of my identity to the full JNE Commission.

Please check appropriate boxes

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

( ) \_\_\_\_\_

Phone \_\_\_\_\_

( ) \_\_\_\_\_

Phone After Hours \_\_\_\_\_

**Judge**

**Attorney**

- |  |  |
|--|--|
| <input type="checkbox"/> Magistrate/Commissioner | <input type="checkbox"/> Public Defender     |
| <input type="checkbox"/> Federal                 | <input type="checkbox"/> District Attorney   |
| <input type="checkbox"/> Appellate               | <input type="checkbox"/> Other Public Office |
| <input type="checkbox"/> Superior                | <input type="checkbox"/> Private Practice    |
| <input type="checkbox"/> Retired                 | <input type="checkbox"/> Other _____         |

Other \_\_\_\_\_





# COMMISSION ON JUDICIAL NOMINEES EVALUATION

## THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617 • (415) 538-2274

### Confidential Evaluation of Judicial Nominees APPELLATE JUSTICES CONFIDENTIAL COMMENT FORM

**LARA M. KRIEGER**  
Chair  
*Los Angeles*  
**JASON P. LEE**  
Vice Chair  
*Venice*

- WALLACE (TAD) ALLAN**  
*Los Angeles*
- HEATHER L. AUBRY**  
*Los Angeles*
- LEIBA V. BIGGERS**  
*Los Angeles*
- ROBERT S. BRODY**  
*Pasadena*
- TAMI BUBCHO**  
*Sacramento*
- MANUEL F. CACHIAN**  
*Los Angeles*
- RACHEL V. CHATMAN**  
*Oakland*
- KRISTINA H. CHUNG**  
*Redwood City*
- ANTHONY N. DeMARIA**  
*Frasno*
- SALLY J. ELKINGTON**  
*Oakland*
- SIMON FRANKEL**  
*San Francisco*
- DAVID K. GEORGE**  
*Livermore*
- RICHARD L. GILBERT**  
*Sacramento*
- MARY T. HUBER**  
*Redwood City*
- AUDRA S. IBARRA**  
*Palo Alto*
- EUGENE G. ILLOVSKY**  
*Palo Alto*
- TOBI INLENDER**  
*Sherman Oaks*
- JEROME M. JACKSON**  
*El Segundo*
- DEBORAH KEMPER**  
*Redwood City*
- RAOUL D. KENNEDY**  
*Palo Alto*
- KIMBERLY KNILL**  
*Laguna Beach*
- ALEXANDRA LEICHTER**  
*Beverly Hills*
- BRIAN C. LYBAGET**  
*Santa Monica*
- JOSEPH P. McMONIGLE**  
*San Francisco*
- BARBARA G. MURPHY**  
*Pasadena*
- JODY A. NUÑEZ**  
*Oakland*
- CLAUDIA N. RIBET**  
*Beverly Hills*
- PAUL E. RICE**  
*Palo Alto*
- ARMANDO RODRIGUEZ**  
*Alhambra*
- ARTHUR G. SCOTLAND**  
*Sacramento*
- MICHAEL B. SILVERMAN**  
*Murrista*
- GREGORY WARD**  
*San Jose*
- TERRY L. WHITE**  
*Santa Monica*
- VAY L. WILLIAMS**  
*Los Angeles*
- MICHAEL LI-MING WONG**  
*San Francisco*
- BRAD YAMAUCHI**  
*San Francisco*

Governor Edmund G. Brown, Jr. has asked this Commission to evaluate for judicial appointment the person whose name appears in the box below. If you know the candidate, please complete the questionnaire, rating the candidate individually, not as compared to other candidates. Please attach an extra page if you wish to supply additional information.

The confidential information you provide will be available to the full JNE Commission, but disclosure of your identity will be limited to the investigating commissioners, unless you authorize release of your identity to the full Commission. Thank you for your assistance.

Send the completed form, a.s.a.p., marked "PERSONAL & CONFIDENTIAL" to:

Please Return By \_\_\_\_\_

Candidate:	
Court:	
Your relationship with candidate: <input type="checkbox"/> Professional <input type="checkbox"/> Social <input type="checkbox"/> Reputation only	Years known _____
Your evaluation based on: <input type="checkbox"/> Worked with <input type="checkbox"/> Opposed <input type="checkbox"/> Appeared before <input type="checkbox"/> Other	

**Instructions: \* \* \* \* DISCARD FORM IF YOU DO NOT KNOW THE CANDIDATE. \* \* \* \***  
Circle the performance level most applicable for the factor being rated.  
O—Outstanding                      VG—Very Good;                      S—Satisfactory;  
BA—Below Average                      U—Unsatisfactory;                      UNK—Unknown

**Professional Ability** O    VG    S    BA    U    UNK  
(Includes intellectual capacity, scholarship, written and oral communication skills)

Comments: \_\_\_\_\_

**Legal Experience** O    VG    S    BA    U    UNK  
(Includes litigation and non-litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, legal work before administrative agencies, and legal work in dispute resolution; case complexity; length of practice)

Comments: \_\_\_\_\_

**Judicial Temperament** O    VG    S    BA    U    UNK  
(Includes impartiality, objectivity, judgment, collegiality)

Comments: \_\_\_\_\_

**Professional Reputation**  
(Includes honesty, integrity, community respect)  
Comments: \_\_\_\_\_

O VG S BA U UNK

**Work Ethic**  
(Includes industry)  
Comments: \_\_\_\_\_

O VG S BA U UNK

**Bias**  No  Yes  
(Includes cultural sensitivity and commitment to equal access to justice; does candidate exhibit, or to your knowledge has candidate exhibited, any bias which may be perceived as based on race, sex, sexual orientation, religion, political affiliation, etc.?)  
Comments: \_\_\_\_\_

**Overall Rating**

- Exceptionally Well Qualified — Possessing qualities and attributes of remarkable or extraordinary superiority that enable the candidate to perform the appellate judicial function with distinction.
- Well Qualified — Possessing qualities and attributes indicative of a superior fitness to perform the appellate judicial function with a high degree of skill, effectiveness and distinction.
- Qualified — Possessing qualities and attributes sufficient to perform the appellate judicial function with a high degree of skill and effectiveness.
- Not Qualified — Possessing less than the minimum qualities and attributes listed above.

Your identity will be strictly protected and not disclosed to the full JNE Commission without your consent. Please mark one.

- I understand that my identity can be disclosed to the investigating JNE Commissioners, to the Chair, and to the Vice Chair. I do not consent to disclosure of my identity to the full JNE Commission.
- I consent to disclosure of my identity to the full JNE Commission.

Please check appropriate boxes

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

( ) \_\_\_\_\_  
Phone

( ) \_\_\_\_\_  
Phone After Hours

- |  |  |
|--|--|
| <b>Judge</b>                                     | <b>Attorney</b>                              |
| <input type="checkbox"/> Magistrate/Commissioner | <input type="checkbox"/> Public Defender     |
| <input type="checkbox"/> Federal                 | <input type="checkbox"/> District Attorney   |
| <input type="checkbox"/> Appellate               | <input type="checkbox"/> Other Public Office |
| <input type="checkbox"/> Superior                | <input type="checkbox"/> Private Practice    |
| <input type="checkbox"/> Retired                 | <input type="checkbox"/> Other _____         |
| <b>Other</b> _____                               |  |

*Governor Edmund G. Brown Jr. has asked The State Bar of California's Judicial Nominees Evaluation Commission to evaluate for judicial appointment the candidate referenced in the link below. Please click on the link and complete the attached CONFIDENTIAL questionnaire for NAME by Date.*

*The JNE Commission may email you multiple Confidential Comment Forms for multiple candidates. Please review each email and link. If you are unfamiliar with the candidate, please disregard the email. If you have already responded to a Confidential Comment Form, please disregard any subsequent confidential comments forms that you may receive on the candidate.*

*Please do not hesitate to contact JNE staff at [jneccf@calbar.ca.gov](mailto:jneccf@calbar.ca.gov) for assistance. Thank you for your time and attention to this matter.*

*To access the Confidential Comment Form, please click this link:  
<https://www.surveymonkey.com/s/S6GPQ2G>*

*(If clicking on the link doesn't work, paste the link into the URL line of your browser.)*



Office of Governor  
**Edmund G. Brown Jr.**

HOME ABOUT MULTIMEDIA CONTACT NEWSROOM

## Judicial Appointment Application

If you are applying for an appellate court appointment, read the *Instructions for Completing the Appellate Court Judicial Application*. If you are applying for a superior court appointment, look further down at the *Instructions for Completing the Online Superior Court Judicial Application*.

### Instructions for Completing the Appellate Court Judicial Application

Below is an application for an *appellate* judicial appointment for you to complete and return at your earliest convenience. Please follow the instructions in completing the application. Any errors will delay processing your application.

1. The information requested on pages 1 and 2 of the application form can be typed in the spaces provided. You may also type answers and questions contained on pages 1 and 2 by use of separate attachments, if necessary. Alternatively, you may use a word processor. However, if you choose to do so, please retain the same format and wording as in the original pages.
2. The information requested on the remaining pages should be answered sequentially on plain, letter-sized paper before each answer. Your answers should be typed and single spaced. Each page must be numbered consecutively.
3. Pages 1 and 2, your answers to the remaining requests and questions, and any enclosures, should be top 2-inch (the top), fastened with a metal clip, and submitted to our office at the address indicated below. Please do not send a signed original of the "Authorization and Release" form printed on a separate page. Original application and sending additional copies.

**Please Note:** If you have submitted your application in a previous administration, you must reapply using Governor Brown's new system. Attorneys applying for Appellate Court (.doc format)

Attorneys applying for Appellate Court (.pdf format)

Judicial Officer applying for Appellate Court (.doc format)

Judicial Officer applying for Appellate Court (.pdf format)

### Instructions for Completing the Superior Court Judicial Application

**WE RECOMMEND THAT YOU READ ALL OF THE INSTRUCTIONS PRIOR TO BEGINNING THE ONLINE APPLICATION**

The application is very lengthy and must be completed online in one session. You will not be able to start the process and return to the website to complete it later.

Failure to follow all of the instructions will delay or foreclose consideration of your application.

To simplify the application process, you should:

1. Make sure you have met the mandatory eligibility requirement to serve as a judge on a California court. "A person is eligible for record unless for 10 years immediately preceding selection, the person has been a member of the State Bar of California." Cal. Const. Art. VI, section 15 (2007). You must also be a member in good standing with the California State Bar. If you do not meet these requirements, consideration of your application may be delayed or foreclosed.
2. Review the entire application before completing it, so that you will be familiar with the questions you will be asked. The application is available in WORD format (rich text) and can be found here at the following link: "review application." If you do not have a link on your computer, an alternate version can be found in plain text here: "plain text application". Though the application cannot be submitted, you can use these Worksheets: (a) to review and consider your responses before entering them; (b) to fill in any narrative responses that require significant drafting and then simply copy and paste the contents of the worksheets into the application.

When working in the actual application, you have three hours to complete each page of the application and then pressing "next" to proceed to the following page, or pressing "add another entry" on any page, will reset the timer.

1. An answer to each question must be entered, or you will not be allowed to go to the next page of the application. N/A.
2. If you need to return to a previous page, do NOT click your browser's "back" button, instead select the page by appropriate link in the menu located on the upper left side of the page. Returning to a previous page will cause the page to refresh.
3. Be aware of the answers that are optional, and not required for you to answer.
4. Answer the call of the question completely and truthfully. When in doubt about whether to provide the information, do not provide it.
5. When entering certain dates in your application, you may be prompted to provide not only the relevant year, but also the relevant day and/or month (e.g., 6/8/1999). If you do not recall the relevant day and/or month, you may simply enter a "1" as a placeholder for the relevant day and/or month (e.g., 1/1/1999).
6. Complete the application and authorization and release form as you find it online. Do not delete, change, or re-submit the application.

Press SUBMIT when prompted to do so in order for the application to be entered into the electronic database. Obtain the supplemental information you will need to accompany your application, such as, your writing sample, resume, and release form, which must be signed under penalty of perjury.

Mail a copy of the authorization and release form, and supplemental documents to:  
 Office of the Governor  
 Judicial Appointments Unit  
 State Capitol  
 Sacramento, CA 95814

You may also inform us of any significant changes or corrections to your original application (e.g., notification of a change in professional accomplishments that occurred after the original application was completed; correction of typographical errors; or change in letter format (do not re-apply online or send an updated application) to the address listed above.

The process of reviewing your application and supplemental documents is a lengthy one. Each application is given the same amount of your patience while we consider the unique skills, experiences, and qualifications of each applicant, and the needs of the people of California. Again, thank you for your willingness to serve the people of California in the important role of a judicial officer.

When you are prepared to answer all of the questions in one session, complete the application online. The application is completed online by clicking on the following link Superior Court Application.

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**STATE OF CALIFORNIA  
OFFICE OF THE GOVERNOR**

**APPLICATION FOR APPOINTMENT AS  
JUDGE OF THE SUPERIOR COURT**

1. Name of Applicant:
2. Prior names used by Applicant (include the dates each name was used):
3. Preferred Judicial Position (you are not required to live in the county):  
  
Judge of the Superior Court of the State of California, County of:
4. If you would like to be considered for an appointment as a Superior Court Judge in another jurisdiction, please identify the county or counties in order of preference and describe your ties and connections to, and activities in, each county.
5. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Driver's License Number \_\_\_\_\_  
Social Security Number \_\_\_\_\_  
California Bar Number \_\_\_\_\_  
Admission Date (month/day/year) \_\_\_\_\_  
(Eligibility requirement: Member of the California State Bar for 10 years preceding your application.)

**INFORMATION FOR REPORTING PURPOSES**

6. State law requires the Governor's Office to collect, on an aggregate statewide basis, demographic data relative to race, ethnicity, gender, gender identity and sexual orientation (Gov. Code, §12011.5, subdivision (n)). To assist the Governor's Office with these reporting obligations, applicants are asked to voluntarily provide this information below. **YOUR ANSWERS TO THESE QUESTIONS ARE PURELY VOLUNTARY AND YOU MAY FREELY SKIP ANY OR ALL OF THESE QUESTIONS AND GO DIRECTLY TO QUESTION 7.** If you choose to respond, use the categories below to choose the one(s) with which you most closely identify.

Please identify your gender:    Male \_\_\_\_\_    Female \_\_\_\_\_

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Please identify your ethnicity:

- American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. The category includes, but is not limited to people that identify themselves as Cambodian, Chinese, East Indian, Filipino, Japanese, Korean, Malaysian, Pakistani, Thai, or Vietnamese.
- Black or African American: A person having origins in any of the original peoples of Sub-Saharan Africa.
- Hispanic: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White or Caucasian: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Other: Self-identify your race or ethnicity here \_\_\_\_\_

Please identify your sexual orientation/gender identity:

- Heterosexual
- Lesbian
- Gay
- Bisexual
- Transgender

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**PERSONAL INFORMATION**

You are expected to respond fully and honestly to all requests and questions below. Interpret the questions broadly rather than narrowly, and when in doubt, err on the side of disclosure.

7. Provide your current residence address and county.

\_\_\_\_\_  
Street

\_\_\_\_\_  
City County State Zip

8. Provide your previous residence addresses for the last ten years, and provide the approximate dates you resided at each.

9. Provide your preferred mailing address.

\_\_\_\_\_  
Street

\_\_\_\_\_  
City State Zip

10. Provide your current cell phone, residential telephone numbers and e-mail address.

Phone: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

Home e-mail: \_\_\_\_\_

11. Are you a citizen of the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

If you are a naturalized citizen, set forth the date and place of your naturalization.

Date: \_\_\_\_\_ Place: \_\_\_\_\_

12. Provide the full name, occupation and business address of your spouse, if married, or your domestic partner, if registered, and the names and birth dates of your children, if applicable.

13. Are you a registered voter? Yes \_\_\_ No \_\_\_

a. Identify the county in which you are registered to vote. \_\_\_\_\_ County

14. List all current and past political party affiliations, with dates of affiliation.

15. Identify your State Senator \_\_\_\_\_ and Assembly Member \_\_\_\_\_



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16. Identify any languages other than English that you either understand proficiently or speak fluently.

### **EDUCATIONAL INFORMATION**

17. Set forth your complete educational history, in chronological order, beginning with high school. For each school or other institution attended, provide the name of the institution, the dates you attended the institution, the degrees you received (if any), and the dates you received the degrees.

<u>Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Received</u>
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- a. Set forth your undergraduate major.
- b. Set forth any significant extracurricular activities (e.g., student groups, law review, volunteer activities, etc.) in which you participated while in college or law school.

### **PROFESSIONAL / CAREER INFORMATION**

18. Set forth your professional title, and the name of your business, firm or office. Provide your current business or professional address, and the phone number, fax number, and e-mail address.

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Professional Title

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Business/Firm/Office

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Street

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City

County

State

Zip

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

19. Describe with specificity the nature of your current employment.

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20. If you currently practice law, identify your subject-matter areas of emphasis or specialization, if any, including but not limited to, areas of specialization certified by the State Bar of California, and a description of your typical clients.
21. List the approximate month and year in which you passed the Bar exam in this state and in any other jurisdiction in which you are admitted.
22. List all courts in which you are presently admitted to practice, including the date of admission for each court. Provide the same information for administrative agencies that have special admission requirements.
23. If you previously applied for a judicial appointment, specify the year(s) and the position(s) sought. If you interviewed with the Commission on Judicial Nominees Evaluation, please provide the approximate date of your interview.
24. Have you ever been a candidate for judicial office? If so, identify the date(s) of candidacy, the position(s) you sought, the court(s) involved, and whether you were elected.
25. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number, and type of discharge.
26. Set forth your complete professional work history, including your current job, in inverse chronological order. For each job, provide:
  - a. the name and address (including county) of the employer,
  - b. the position held,
  - c. a brief summary of the job duties and a description of your typical clients,
  - d. the name and current phone number and address of your supervisor,
  - e. the dates you held the position, and
  - f. your reason for leaving.

### **QUALIFICATION / SUITABILITY FOR JUDICIAL APPOINTMENT**

27. Describe your personal background, character, personality traits, professional and life experiences, education, training, and/or skills which make you qualified and suitable for a judicial appointment and which you believe enrich your ability to serve as a judge.
28. What role can an attorney or judge play in making our society a better place? Relate any personal or professional efforts you have made in this regard.
29. Why do you want to be a judge? What would you seek to accomplish if appointed?

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30. What professional accomplishment are you most proud of?
31. How would you describe your personality?
32. Are you able to perform, with or without reasonable accommodation, the essential requirements of a superior court judge? These requirements include, among other things:
- Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work day of reasonable duration;
  - Perceiving a courtroom clearly, reviewing all types of evidence, including exhibits;
  - Reviewing and processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, jury instructions, transcripts);
  - Comprehending attorneys and others;
  - Absorbing, analyzing and weighing complex issues quickly and accurately; and,
  - Responding to situations with discretion, judgment, emotional and mental discipline, and restraint while under pressure.

### **SPECIFIC LEGAL EXPERIENCE**

33. Describe in detail your experience, if any, in the following areas of law-related work:
- a. Civil law.
  - b. Criminal law.
  - c. Juvenile, family or probate law.
  - d. Corporate and/or transactional law.
  - e. Litigation (trial and/or appellate).
  - f. Administrative.
  - g. House or staff counsel.
  - h. Legislative.
  - i. Other law-related work (specify).

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34. Within the past five years, approximately what percentage of your law-related work has been devoted to the following:
- a. Litigation.
  - b. Administrative.
  - c. Legislation.
  - d. Alternate dispute resolution, including arbitration or mediation.
  - e. Teaching.
  - f. Other law-related work (specify).
35. In the past five years, describe how frequently you have done the following on behalf of a client (approximate times per month, on average):
- a. Appeared in federal trial and/or appellate court.
  - b. Appeared in state trial and/or appellate court.
  - c. Appeared before an administrative law judge, or other tribunal.
  - d. Appeared before a board, commission, panel, legislative committee, or other body.
  - e. Participated in an alternative dispute resolution proceeding.
  - f. Participated in any other judicial or quasi-judicial proceeding.
36. For your entire career, state the number of cases you have tried to verdict or judgment in federal or state trial courts.
37. For the trials identified in the preceding answer that occurred in the last five years, provide the following additional detail (if more than five trials in the last five years, limit your response to the five most recent trials): (1) case name, (2) case number, (3) court, (4) trial date, (5) type and brief description of the case, (6) the party that you represented, (7) the judge, (8) the names, current addresses and phone numbers of counsel for the other parties, (9) the names, current addresses and telephone numbers of co-counsel, if applicable, and (10) whether it was a jury or non jury trial.

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38. For the past five years, list the five most significant matters you have resolved without trial (e.g., by dispositive motion, settlement, negotiation). For each matter, provide the name of the entity or tribunal involved, case name, type and description of case, dates involved, party you represented, name of the judge or other decision maker, resolution or disposition, names, current addresses and telephone numbers of counsel for the other parties, and the names, current addresses and telephone numbers of co-counsel, if applicable.
39. For your entire career, list the ten most significant matters you have handled as counsel (which may include one or more of the matters listed in your response to the preceding questions and may include trials, arbitrations, mediations, or cases that were resolved before trial). For each matter, provide the name of the entity or tribunal involved, case name, type and description of case, dates involved, party you represented, name of the judge or other decision maker, resolution or disposition, names, current addresses and telephone numbers of counsel for the other parties, and the names, current addresses and telephone numbers of co-counsel, if applicable.
40. Provide legal citations to all reported cases or decisions identifying you as a counsel of record.
41. For your entire career, estimate the number of depositions you have either taken or defended.
42. For your entire career, estimate the number of oral arguments you have conducted related to a dispositive motion.
43. To the extent not listed above, provide one or two examples of the most significant law-related activities on which you have worked in the last five years that did not involve an actual "case or controversy" (e.g., policy work, legal research and/or writing, committee or task-force work, public speaking, mentoring, a corporate transaction, bar activities, etc.).
44. If you have taught at a college, university or law school, identify the school and the dates that you taught, and describe the nature of your appointment and the course(s) you taught.

### **JUDICIAL OR QUASI-JUDICIAL EXPERIENCE**

45. Are you currently serving as a judicial officer or quasi-judicial officer:
  - a. Identify your judicial or quasi-judicial position: \_\_\_\_\_
    - i. Were you appointed? Yes \_\_\_\_\_ No \_\_\_\_\_  
Date of appointment: \_\_\_\_\_
    - ii. Were you elected? Yes \_\_\_\_\_ No \_\_\_\_\_  
Date of your election: \_\_\_\_\_

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46. If you have served as a judicial officer or quasi-judicial officer, provide the following information:
- a. The dates you served as a judicial or quasi-judicial officer.
  - b. Your duties.
  - c. List ten significant cases in which you presided as the judicial officer or quasi-judicial officer. For each case, provide the case name and number, a brief description of the case, the dates involved, and the names, current addresses and telephone numbers of counsel for the parties. Furnish a copy of any opinions, orders or decisions that you rendered in those cases that included substantial discussion of legal issues.
47. Describe the nature and extent of your service, if any, as a judge pro tem, arbitrator, mediator or neutral. Describe the more significant cases and identify the counsel involved, including names, current addresses and phone numbers, and dates of your service.

### **BUSINESS INTERESTS OR OTHER PROFESSIONAL EXPERIENCE**

48. If you are now an owner, officer, director, manager or supervisor of any business enterprise (whether for-profit or non-profit), identify the name of the enterprise, nature of the business, title of your position, nature of your duties, term of your service, and whether you intend to resign the position immediately upon your appointment to judicial office. If you do not intend to resign, please provide the reasons.
49. During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization or association? If so, identify the source of the compensation, nature of the business enterprise, institution, organization or association, dates the compensation was paid, and the nature of any services rendered by you.
50. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the office(s) involved, whether you were elected or appointed, the county and state in which you held office, and the dates of your service.
51. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, identify the date(s) of application, the issuing authority, the disposition of any such application, and, if granted, your number and present status.

### **WRITING**

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52. Describe your significant legal writing. In addition, if you have written, edited or published any legal or non-legal books, articles, letters to the editor or reports, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to the editor or op-ed articles you have authored.

### **HONORS AND AWARDS**

53. List any honors, prizes, awards, scholarships, fellowships or other forms of recognition you have received.

### **ORGANIZATIONS, MEMBERSHIPS AND COMMUNITY ACTIVITIES**

54. List all bar associations, committees, and legal professional societies in which you are, or have been, a member. In addition, give the titles and dates of any offices you held or subcommittees on which you served.
55. List all organizations, boards, clubs, associations or other groups (other than the bar associations and professional societies identified above) in which you have been a member. Regarding those organizations, identify the titles and dates of any offices you have held or committees on which you served.
56. Are you a member of any club, organization, association or group that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.
57. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals or others, including the names and addresses of the organizations and/or individuals and dates of service.
58. Describe the nature and extent of your involvement in community activities or community affairs other than those associated with the legal profession.
59. Describe your hobbies and/or personal interests.

### **ADDITIONAL QUESTIONS**

60. Have you ever been:
- a. Summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony, misdemeanor, or infraction violation (excluding traffic infractions)?

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- b. Ordered to appear before any prosecuting attorney, investigative agency, or administrative tribunal, in any matter, military or civil?
  - c. Ordered to appear as a party to any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. If so, provide the details, including the date, description of the alleged offense, locality and disposition.
61. Have you ever been a party to, or claimed an interest in, any civil proceedings (including dissolution of marriage, bankruptcy, damage suits, etc.)? Include all legal proceedings in which you were a party in interest, a material witness, or named as a co-conspirator or co-respondent. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.
62. As an attorney or judicial officer, have you ever been:
- a. Disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group?
  - b. Sanctioned in excess of \$1,000 by any court or for contempt in any court or tribunal having the power of contempt? If so, give the details, including the relevant dates and the names, current addresses and telephone numbers of the judges involved and the counsel for the adverse parties. (Identify every complaint even if it was dismissed, did not result in disciplinary action or a finding of contempt.)
63. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and the names, current addresses and telephone numbers of the counsel for the adverse parties.
64. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever:
- a. Been suspended, or otherwise disqualified, or had such license suspended or revoked?
  - b. Been reprimanded, censured or otherwise disciplined?
  - c. Had any charges, formal or informal, been made or filed against you? If so, state the complete facts and identify the dates, the disposition, and the organization in possession of the relevant records.
65. Have you ever held a bonded position? If so, specify the nature of the position(s), the date(s), and the amount of bond.



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- a. Has anyone ever sought to recover upon your bond or to cancel your bond? If yes, provide the details.
  - b. Have you ever been refused bond? If yes, provide the details.
66. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
67. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and the name, current address and telephone number of the claimant and claimant's counsel.
68. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.
69. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, the applicable dates, and the status of the matter.
70. Have you always filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.
71. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
72. Are you aware of any individual(s) or group(s) who might oppose your appointment? If so, identify the potential opponents and provide any needed explanation.
73. Describe any aspects of your personal, business, educational, professional conduct or background, which might reflect adversely on you or the Governor or might embarrass you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to judicial office.

### **FURTHER INFORMATION**

74. Please list five references (name, current address, telephone number, and a short one-sentence description of your relationship to the reference).

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Please attach your photograph (optional) and a copy of your resume. Attach a sample or samples of your legal writing (such as an appellate brief, memorandum of points and authorities, advice letter, legal opinion, etc.). The sample(s) should not exceed a total of 50 pages.

STATE OF CALIFORNIA  
OFFICE OF GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR  
APPELLATE COURT APPOINTMENT  
(Judicial Officer form)

Date: \_\_\_\_\_

1. Name: \_\_\_\_\_  
(List any other names you have used and the dates.)

2. Specific Judicial Position(s) Sought:

California Supreme Court \_\_\_\_\_

Court of Appeal, \_\_\_\_\_ Appellate District

Division (if applicable) \_\_\_\_\_

3. Title: \_\_\_\_\_

Court: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ City County State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

4. Residence Address: \_\_\_\_\_

\_\_\_\_\_ City County State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

5. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

6. State law requires the Governor's Office to collect, on an aggregate statewide basis, demographic data relative to race, ethnicity, gender, gender identity and sexual orientation (Gov. Code, §12011.5, subdivision (n)). To assist the Governor's Office with these reporting obligations, applicants are asked to voluntarily provide this information below.

**YOUR ANSWERS TO THESE QUESTIONS ARE PURELY VOLUNTARY AND  
YOU MAY FREELY SKIP ANY OR ALL OF THESE QUESTIONS AND GO**

**DIRECTLY TO QUESTION 7.** If you choose to respond, use the categories below to choose the one(s) with which you most closely identify.

Please identify your gender: Male \_\_\_\_\_ Female \_\_\_\_\_

Please identify your ethnicity:

- American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. The category includes, but is not limited to people that identify themselves as Cambodian, Chinese, East Indian, Filipino, Japanese, Korean, Malaysian, Pakistani, Thai, or Vietnamese.
- Black or African American:** A person having origins in any of the original peoples of Sub-Saharan Africa.
- Hispanic:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White or Caucasian:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Other:** Self-identify your race or ethnicity here \_\_\_\_\_

Please identify your sexual orientation/gender identity:

- Heterosexual
- Lesbian
- Gay
- Bisexual
- Transgender

7. Driver's License No: \_\_\_\_\_ Social Security No: \_\_\_\_\_

8. California Bar Admission Date: \_\_\_\_\_ Bar No: \_\_\_\_\_

9. For your current judicial position, and any previously held, please indicate the following:

<u>Position</u>	<u>Appointed/Elected</u>	<u>Period of Service</u>
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_____	_____	_____
_____	_____	_____

10. Are you a registered voter? \_\_\_ Yes \_\_\_ No County: \_\_\_\_\_

List all current and past political party affiliations, with dates: \_\_\_\_\_

11. Identify your State Senator and Assembly Member:

Senator: \_\_\_\_\_ Assembly Member: \_\_\_\_\_

12. Educational History (chronological order), beginning with high school:

<u>Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Degree Received</u>
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

a. Set forth your undergraduate major.

b. Set forth any significant extracurricular activities (e.g., student groups, law review, volunteer activities, etc.) in which you participated while in college or law school.

13. Professional Work History (including your current job, in inverse chronological order):

Employer (include address and COUNTY):

Position:

Supervisor (include current phone no. and address):

Dates you held the position:

**Provide the following information sequentially on plain, letter-size paper. Each request or question and your response should be typed and single-spaced. It is expected that all of the following requests and questions will be answered fully and honestly. Do not read questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure.**

14. If you previously applied for a judicial appointment, specify the year and position sought.
15. List your residence addresses for the past ten years (include approximate dates).
16. If you are a naturalized citizen, provide the date and place of naturalization.
17. Provide the full name, occupation and business address of your spouse, if married, or your domestic partner, if registered, and the names and birth dates of your children, if applicable.
18. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number and type of discharge.
19. Identify any languages other than English that you speak fluently.
20. List all courts in which you are presently admitted to practice, including the date of admission in each case. Provide the same information for administrative agencies having special admission requirements.
21. Describe with specificity the nature of your practice prior to your assumption of judicial office, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients.
22. With respect to your entire career prior to your assumption of judicial office:
  - a. How many years of civil litigation experience do you have?
  - b. How many years of criminal practice experience do you have?
  - c. State the number of cases you have tried to verdict or judgment in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?
  - d. Estimate the number of depositions you have either taken or defended.
  - e. Estimate the number of dispositive motions you have argued in a trial court.
  - f. Estimate the number of times you argued in an appellate court.

23. List the approximate month and year in which you passed the Bar exam in this state and in any other jurisdiction in which you are admitted.
24. Describe briefly your current and former judicial assignments and duties.
25. List 10 significant cases in which you presided as the judicial officer and provide the name of the case; the case number; a brief description of the case; the names, current addresses and phone telephone numbers of counsel for the parties; the name of the court; and the dates involved. Furnish copies of any opinions, orders or decisions in those cases which included substantial discussion of legal issues.
26. If you have served on the Appellate Department or on a pro tem assignment to the Court of Appeal, please identify the court, the members of the court with whom you served, and the period of service. Also, as to opinions you authored, please provide citations to reported decisions and attach copies of unpublished opinions to this application.
27. Furnish the citations of any appellate decisions which affirmed, reversed, remanded, or otherwise involved a decision or action by you. If your decision or action was reversed or disapproved in an unpublished appellate decision, include a copy with this application.
28. Have you ever been engaged in any occupation, business, or profession other than judicial office and the practice of law? If so, provide the details, including dates.
29. If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.
30. Have you ever taught at a law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?
31. Have you ever taught judicial education courses? If so, please describe the course(s) you taught, when and where you taught, and any materials you prepared for the course(s).
32. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.
33. Have you written, edited or published any legal or non-legal books, articles, letters to editor or reports? If so, please list them, giving full citations, dates and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.
34. List any honors, prizes, awards, scholarships, fellowships and other forms of recognition you have received.
- 35.

- a. List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.
  - b. List all organizations and clubs, other than the bar associations and professional societies identified in response to Question 35(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.
  - c. Are you a member of any club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.
36. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.
37. Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.
38. Describe your hobbies and/or personal interests.
39. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.
40. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.
- 41.
- a. Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond.
  - b. Has anyone ever sought to recover upon your bond or to cancel same?
  - c. Have you been refused bond? Provide the details if you answered yes to either (b) or (c).
42. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group?



If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)

43. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.
44. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
45. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.
46. Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.
47. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.
48. As a lawyer, were you ever sanctioned in excess of \$1,000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give the details, including dates and names, current addresses and telephone numbers of the judges involved and counsel for the adverse parties.
49. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.
50. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.
51. Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.

52. Are you able, with or without reasonable accommodation, to perform the requirements of an appellate court judge? These requirements include, among other things:
- Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work day of reasonable duration;
  - Processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, transcripts);
  - Comprehending attorneys and others;
  - Absorbing, analyzing, researching and weighing complex issues quickly and accurately;
  - Responding to situations with discretion, judgment and restraint while under pressure; and
  - Producing a large volume of written decisions in diverse and complex areas of the law.
53. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
54. Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.
55. Describe any aspects of your personal, educational, or judicial conduct which may reflect adversely on you or the Governor or might embarrass you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to the appellate court.
56. What do you consider the three most important qualities required of an appellate judge? Are any of these qualities different in importance from those required of a trial judge? Please explain why you believe you possess these qualities and how you acquired them.
57. Why do you want to be an appellate court judge? What do you think best qualifies you for elevation to such a position? What would you seek to accomplish if appointed?
58. What professional accomplishment are you most proud of?
59. How would you describe your personality?
60. Please attach your photograph (optional) and a copy of your resume.

61. If not already provided in response to earlier questions, please attach samples of your legal writing (e.g., decisions or opinions you authored). The samples should not exceed a total of 75 pages.
62. Please list five references (name, current address, telephone number, and a short one-sentence description of your relationship to the reference).

**CERTIFICATION, AUTHORIZATION AND RELEASE**

I hereby acknowledge and agree that my application may be given to the Commission on Judicial Nominees Evaluation of the State Bar of California ("JNE Commission") in the event my name is submitted for evaluation by that agency; and that all or portions of my application or the information contained therein may be given to or shared with the judicial evaluation committee of my local bar association (if that association is providing such assistance to the Governor's Office) and other committees and/or individuals who have been asked by the Governor to assist him in the evaluation of applicants for judicial appointment. I further acknowledge and agree that for the purpose of aiding the Governor in evaluating my background and qualifications, the foregoing organizations and individuals will be entitled to seek and obtain information and documents concerning me from firms, companies, corporations, law schools and other educational institutions, attorneys, judges and other third parties, including those mentioned in my application.

I hereby authorize any governmental, licensing or law enforcement agency, including but not limited to the State Bar of California and the Commission on Judicial Performance, and major national credit reporting organizations (collectively referred to as "agencies") to release to the Governor of the State of California and to the JNE Commission any and all information which those agencies may have about me (whether public, personal or confidential) for the purpose of aiding the Governor in evaluating my background and qualifications for appointment to the trial or appellate court. I understand that I will not receive and am not entitled to know the contents of confidential reports received from these agencies and I further understand that these reports are privileged, except that I am entitled to receive a copy of reports from major national credit reporting agencies and the Commission on Judicial Performance.

I hereby release and discharge the Governor and his representatives, the JNE Commission, all agencies, their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing, use and inspection of documents, records and other information and the investigation of my background and qualifications, and this release shall be binding on my legal representatives, heirs and assignees.

**I hereby declare under penalty of perjury under the laws of the State of California that the answers and statements provided by me in the foregoing application are true and correct.**

Type or \_\_\_\_\_ Signature \_\_\_\_\_  
Print Name

Executed at \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_

STATE OF CALIFORNIA  
OFFICE OF GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR  
APPELLATE COURT APPOINTMENT  
(Attorney form)

Date: \_\_\_\_\_

1. Name: \_\_\_\_\_  
(List any other names you have used and the dates.)

2. Specific Judicial Position(s) Sought:

California Supreme Court \_\_\_\_\_

Court of Appeal, \_\_\_\_\_ Appellate District

Division (if applicable) \_\_\_\_\_

3. Business/Government Title: \_\_\_\_\_

Firm/Office: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ City County State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

4. Residence Address: \_\_\_\_\_

\_\_\_\_\_ City County State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

5. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

6. State law requires the Governor's Office to collect, on an aggregate statewide basis, demographic data relative to race, ethnicity, gender, gender identity and sexual orientation (Gov. Code, §12011.5, subdivision (n)). To assist the Governor's Office with these reporting obligations, applicants are asked to voluntarily provide this information below.

**YOUR ANSWERS TO THESE QUESTIONS ARE PURELY VOLUNTARY AND YOU MAY FREELY SKIP ANY OR ALL OF THESE QUESTIONS AND GO**

**DIRECTLY TO QUESTION 7.** If you choose to respond, use the categories below to choose the one(s) with which you most closely identify.

Please identify your gender: Male \_\_\_\_\_ Female \_\_\_\_\_

Please identify your ethnicity:

- American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. The category includes, but is not limited to people that identify themselves as Cambodian, Chinese, East Indian, Filipino, Japanese, Korean, Malaysian, Pakistani, Thai, or Vietnamese.
- Black or African American:** A person having origins in any of the original peoples of Sub-Saharan Africa.
- Hispanic:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White or Caucasian:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Other:** Self-identify your race or ethnicity here \_\_\_\_\_

Please identify your sexual orientation/gender identity:

- Heterosexual
- Lesbian
- Gay
- Bisexual
- Transgender

7. Driver's License No: \_\_\_\_\_ Social Security No: \_\_\_\_\_

8. California Bar Admission Date: \_\_\_\_\_ Bar No.: \_\_\_\_\_  
(Eligibility requirement: Member of the California State Bar for 10 years preceding your application.)

9. If you ever served as a judge, magistrate, commissioner, referee or administrative law judge, were you:

Appointed? \_\_\_\_\_ Date: \_\_\_\_\_

Elected? \_\_\_\_\_ Date: \_\_\_\_\_

10. Are you a registered voter? \_\_\_ Yes \_\_\_ No County: \_\_\_\_\_

List all current and past political party affiliations, with dates: \_\_\_\_\_

11. Identify your State Senator and Assembly Member:

Senator: \_\_\_\_\_ Assembly Member: \_\_\_\_\_

12. Educational History (chronological order), beginning with high school:

<u>Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Degree Received</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

a. Set forth your undergraduate major.

b. Set forth any significant extracurricular activities (e.g., student groups, law review, volunteer activities, etc.) in which you participated while in college or law school.

13. Professional Work History including your current job, in inverse chronological order:

Employer (include address and COUNTY):

Position:

Brief summary of the job duties and a description of your typical clients:

Supervisor (include current phone no. and address):

Dates you held the position:

Reason for leaving:

**Provide the following information sequentially on plain, letter-size paper. Each request or question and your response should be typed and single-spaced. It is expected that all of the following requests and questions will be answered fully and honestly. Do not read questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure.**

14. If you previously applied for a judicial appointment, specify the year and position sought.
15. List your residence addresses for the past ten years (include approximate dates).
16. If you are a naturalized citizen, provide the date and place of naturalization.
17. Provide the full name, occupation and business address of your spouse, if married, or your domestic partner, if registered, and the names and birth dates of your children, if applicable.
18. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number and type of discharge.
19. Identify any languages other than English that you speak fluently.
20. List all courts in which you are presently admitted to practice, including the date of admission in each case. Provide the same information for administrative agencies having special admission requirements.
21. Describe with specificity the nature of your current practice, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients. If your practice is substantially different now from in the past, give the details of your prior practice, including the time periods involved.
22. List the approximate month and year in which you passed the Bar exam in this state and in any other jurisdiction in which you are admitted.
23. With respect to your entire career:
  - a. How many years of civil litigation experience do you have?
  - b. How many years of criminal practice experience do you have?
  - c. State the number of cases you have tried to verdict or judgment in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?



- d. Estimate the number of depositions you have either taken or defended.
  - e. Estimate the number of dispositive motions you have argued in a trial court.
  - f. Estimate the number of times you argued in an appellate court.
  - g. Provide the citations to all reported cases in which you were counsel of record in the trial or appellate courts.
24. With respect to the past five years:
- a. What percentage of your practice has been devoted to litigation?
  - b. How frequently have you appeared in court (times per month on average)?
  - c. How frequently have you appeared at administrative hearings (times per month on average)?
  - d. What percentage of your practice involving litigation has been: (1) civil, (2) criminal and (3) administrative hearings?
  - e. What percentage of your appearances was in: (1) federal courts, (2) state courts, (3) administrative agencies and (4) arbitrations?
  - f. List the cases you have tried to verdict or judgment in courts of record during the past five years including whether you were sole, associate or lead counsel. For each case, list the case name and number, court, date, type of case, party represented, name of judge presiding, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such trials, please limit your list to the last five trials.
  - g. List the appeals or other proceedings before appellate courts that you have handled during the past five years, including whether you were sole, associate or lead counsel. For each case, list the case name and number, citation (if published), court, date, type of case, nature of appellate proceeding (e.g., appeal, writ petition), party represented, name of appellate judges, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such matters, please limit your list to the last five matters.
25. For your entire career, list 10 significant cases, trial or appellate, in which you have appeared as counsel (which may include one or more of the cases listed in your response to the preceding questions and may include trials, arbitrations, mediations, or cases that were resolved before trial). For each case, furnish copies of appellate briefs of which you were the principal author and provide the name of the case; case or citation number; a brief description

of the case; the names, current addresses and telephone numbers of counsel for the other parties; the name of the court and the judge, arbitrator, or judges before whom the case was litigated or appealed; the dates involved; the disposition; whether the case was tried, and, if so, before a judge or jury; whether you were sole, lead or associate counsel; and the names, current addresses and telephone numbers of co-counsel, if applicable.

26. Summarize your trial and appellate experience prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same information which was requested in Question 24.
27. Have you ever taught at a law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?
28. Describe the nature and extent of your service, if any, as a judge pro tem, as a mediator, or as an arbitrator, either privately or through a judicial arbitration program. Describe the more significant cases and identify the counsel involved (including names, current addresses and phone numbers) and dates of your service. Furnish copies of opinions, orders or decisions in those cases which included substantial discussion of legal issues.
29. Describe any non-litigation aspects of your legal experience which you believe are relevant to your qualifications to serve as an appellate court justice.
30. If you are currently serving as a judicial officer, commissioner, or administrative law judge, provide the following information:
  - a. Describe briefly your judicial duties.
  - b. List 10 significant cases in which you presided and provide the following information: name of case, court, tribunal or administrative agency; case number; brief description of the case; dates involved; and the names, current addresses and telephone numbers of counsel for the parties. Furnish a copy of any opinions, orders or decisions in these cases which included substantial discussion of legal issues.
31. Have you ever been engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.
32.
  - a. If you are now an officer, director or otherwise engaged in the management of any business enterprise (whether for-profit or non-profit), identify the name of such enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service and whether you intend to resign such position immediately upon your appointment to judicial office. If you do not intend to resign, please provide the reasons.
  - b. During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization or

association of any kind? If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, the dates such compensation was paid, and the nature of any services rendered by you.

33.

a. Have you ever held judicial office or been a candidate for judicial office? If so, identify the courts involved, whether elected or appointed, and the dates of service and dates of candidacy.

b. If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.

34. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.

35. Have you written, edited or published any legal or non-legal books, articles, letters to editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.

36. List any honors, prizes, awards, scholarships, fellowships and other forms of recognition you have received.

37.

a. List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.

b. List all organizations and clubs, other than the bar associations and professional societies identified in response to Item 37(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.

c. Are you a member of any club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.

38. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.

39. Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.

40. Describe your hobbies and/or personal interests.

41. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.
42. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.
43.
  - a. Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond.
  - b. Has anyone ever sought to recover upon your bond or to cancel same?
  - c. Have you been refused bond? Provide the details if you answered yes to either (b) or (c).
44. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)
45. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.
46. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
47. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.
48. Have you ever been a party to or claimed an interest in any civil proceedings (including dissolution of marriage, bankruptcy, damage suits, etc.)? If so, provide the particulars, including the case name and number, court, disposition, and names, current addresses and telephone numbers of counsel for the parties in each case.

49. Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.
50. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.
51. Have you ever been sanctioned in excess of \$1,000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give the details, including dates and names, current addresses and telephone numbers of the judges involved and counsel for the adverse parties.
52. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.
53. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.
54. Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.
55. Are you able, with or without reasonable accommodation, to perform the requirements of an appellate court judge? These requirements include, among other things:
- Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work day of reasonable duration;
  - Processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, transcripts);
  - Comprehending attorneys and others;
  - Absorbing, analyzing, researching and weighing complex issues quickly and accurately;
  - Responding to situations with discretion, judgment and restraint while under pressure; and
  - Producing a large volume of written decisions in diverse and complex areas of the law.

56. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
57. Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.
58. Describe any aspects of your personal, educational, business or professional conduct or background which may reflect adversely on you or the Governor or might embarrass you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to judicial office.
59. What do you consider the three most important qualities required of an appellate judge? Are any of these qualities different in importance from those required of a trial judge? Please explain why you believe you possess these qualities and how you acquired them.
60. Why do you want to be an appellate court judge? Why do you believe you are qualified? What would you seek to accomplish if appointed?
61. What professional accomplishment are you most proud of?
62. How would you describe your personality?
63. Please attach your photograph (optional) and a copy of your resume.
64. If not already provided in response to earlier questions, please attach samples of your legal writing (such as appellate briefs, memoranda of points and authorities, opinion letters, etc.). The samples should not exceed a total of 75 pages.
65. Please list five references (name, current address, telephone number, and a short one-sentence description of your relationship to the reference).

**CERTIFICATION, AUTHORIZATION AND RELEASE**

I hereby acknowledge and agree that my application may be given to the Commission on Judicial Nominees Evaluation of the State Bar of California ("JNE Commission") in the event my name is submitted for evaluation by that agency; and that all or portions of my application or the information contained therein may be given to or shared with the judicial evaluation committee of my local bar association (if that association is providing such assistance to the Governor's Office) and other committees and/or individuals who have been asked by the Governor to assist him in the evaluation of applicants for judicial appointment. I further acknowledge and agree that for the purpose of aiding the Governor in evaluating my background and qualifications, the foregoing organizations and individuals will be entitled to seek and obtain information and documents concerning me from firms, companies, corporations, law schools and other educational institutions, attorneys, judges and other third parties, including those mentioned in my application.

I hereby authorize any governmental, licensing or law enforcement agency, including but not limited to the State Bar of California and the Commission on Judicial Performance, and major national credit reporting organizations (collectively referred to as "agencies") to release to the Governor of the State of California and to the JNE Commission any and all information which those agencies may have about me (whether public, personal or confidential) for the purpose of aiding the Governor in evaluating my background and qualifications for appointment to the trial or appellate court. I understand that I will not receive and am not entitled to know the contents of confidential reports received from these agencies and I further understand that these reports are privileged, except that I am entitled to receive a copy of reports from major national credit reporting agencies and the Commission on Judicial Performance.

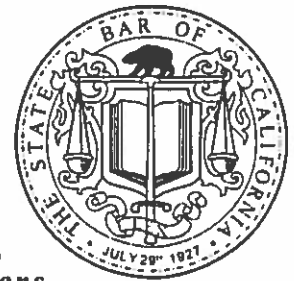
I hereby release and discharge the Governor and his representatives, the JNE Commission, all agencies, their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing, use and inspection of documents, records and other information and the investigation of my background and qualifications, and this release shall be binding on my legal representatives, heirs and assignees.

**I hereby declare under penalty of perjury under the laws of the State of California that the answers and statements provided by me in the forgoing application are true and correct.**

Type or \_\_\_\_\_ Signature \_\_\_\_\_  
Print Name

Executed at \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_

**THE STATE BAR OF CALIFORNIA**  
Application for 2014-2015 Appointments



***E***ach year The State Bar of California offers lawyers in California an opportunity to contribute to the legal profession and the public by volunteering to serve on one of the State Bar's committees. For 2014-15, the State Bar is recruiting applicants for 48 entities (10 standing committees, 16 section executive committees, 20 special committees, boards and commissions, and two external groups). In 2014, the State Bar's Board of Trustees (Board) will appoint approximately 150-200 new members. The Board strives to make appointments that will achieve diversity and broad representation.

**THE APPOINTMENT PROCESS**

The participation of all State Bar members throughout the State of California is encouraged. From time to time, the Board will appoint public members (i.e., representatives of other professions, members of the public, or lawyers who are not admitted in California). The State Bar complies with all applicable anti-discrimination laws in its appointment process.

***Eligibility / Appointment Policies.*** Applicants may apply to a maximum of three committees but can be appointed to only one. Committee members may not serve on more than one committee at any one time unless an exception is authorized by the Board. In no case will the Board appoint a person who is subject to disciplinary probation. Factors that militate against appointment, but are weighed among other factors, include: 1) if a lawyer appointment, whether there is any public information known to the State Bar about the applicant or a record of public discipline; 2) whether any other member of applicant's firm is on the committee; and 3) whether the applicant previously served on the committee. Due consideration will be given in the appointment process to the budget impact of any additional costs that may be incurred by the State Bar due to the service of out-of-state members.

Applicants to a section executive committee must be members of that section to be eligible for appointment, and the level of each applicant's involvement in the section's activities also is a factor considered during the appointment review. Specific requirements for individual committees are noted in the committee descriptions on the following pages.

***Appointment Term.*** Members generally serve three-year terms. A few committees have two or four-year terms. On occasion, the Board may appoint a member to an unexpired vacancy (i.e., the appointee serves only the remaining portion of the term of the member who resigned). The committee year runs from Annual Meeting to Annual Meeting. The 2014-15 committee year starts at the close of the 2014 State Bar Annual Meeting (Sept. 14, 2014) and ends at the close of the 2015 State Bar Annual Meeting (Oct. 11, 2015). The new 2014-15 terms commence at the close of the 2014 State Bar Annual Meeting (Sept. 14, 2014).

***Time Commitment and Committee Service.*** Committees differ in the number of meetings scheduled in a year, but a typical meeting requires two to four hours of preparation and at least four to six hours of attendance. The meeting locations tend to alternate between San Francisco and Los Angeles, and some meetings may be conducted by conference call. An additional time commitment may be required for special tasks and projects.

Committee members take an oath of office and receive no compensation for services. Committee members may be reimbursed for approved travel expenses in accordance with the State Bar's policies and the committee's budget.

***Application.*** All applicants are to file the State Bar Application for 2014-2015 Appointments. Unless otherwise published at the State Bar website, the deadline for most committees is **February 3, 2014**.

Filing instructions are found at the last page of the application form. All applications and letters of recommendation must be submitted to the State Bar's Appointments Office.

***Application Review and Board Appointments.*** The committees review the applications and forward their recommendations for appointment to the Board's appointments committee. In 2014, that committee is the Nominations and Appointments Committee, aka NAC. NAC will consider the appointments between May and July, and will forward its recommendations to the Board. The ultimate authority to make appointments rests with the Board of Trustees.

***Notification.*** Applicants normally are notified of the Board's appointments as early as possible following the Board's July meeting so that new members may participate in the State Bar's Annual Meeting. Any applicant who does not receive notification by the last day of the State Bar Annual Meeting (Sept. 14, 2014) should contact the Appointments Office.

Applications of those not selected will be kept on file for approximately one year for consideration for vacancies that may arise during the 2014-15 committee year.

*Descriptions of the committees follow.*



**STANDING COMMITTEES**

A standing committee is created or maintained if its primary purpose is to advise and serve the board with regard to an enduring concern that relates to the administration of justice or that affects the profession at large.

**Committee on Administration of Justice.** This committee studies and reports recommendations on proposed changes in civil procedure, court rules and administration, rules of evidence, and other matters having an impact on the administration of justice in the civil courts. The committee's work consists of in-depth evaluations of, and occasional preparation of amendments to, proposed court rules and state legislation. The committee reviews California Law Revision Commission's studies and proposals of the California Judicial Council related to civil justice. Members prepare court rules and affirmative legislative proposals. The committee normally meets about once a month. Members are encouraged to attend meetings in person when possible. All meetings are held via telephone conference call, which means that members who cannot appear in person may attend via telephone. Applicants must have a **minimum of three years** in practice and experience in the civil practice field. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, etc. Lawyers throughout California who can meet these requirements and can make the time commitment are encouraged to apply.

*Expected 2014-15 vacancies: 5+*

*Meetings per year: 12 (conference call and in person)*

*2013-14 Chair: Sonja Sonnenburg, San Francisco*

*Staff: Saul Bercovitch (415) 538-2306*

**Committee on Alternative Dispute Resolution.** This committee analyzes and comments on proposals relating to alternative dispute resolution (ADR), drafts proposals relating to ADR for consideration by the Board, identifies issues concerning the relationship of ADR to the practice of law, the administration of justice and improving access to justice, plans and administers educational programs relating to ADR, and encourages lawyers involved in ADR to become active participants in the State Bar. The committee is composed of a diverse group of practitioners and other persons with expertise or an interest in ADR.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 6*

*2013-14 Chair: Dana Welch, Berkeley*

*Staff: Saul Bercovitch (415) 538-2306*

**Committee on Appellate Courts.** This committee reviews proposed changes to the rules of court affecting appellate courts; reviews and comments on proposed legislation affecting appellate court operation and appellate practice; and may initiate legislative and rules proposals in these areas. An Approved Legal Specialization Provider in the area of Appellate Law, the committee plans and participates in the presentation of MCLE programs at the State Bar's Annual Meeting. The committee consists of 16 lawyers who may be drawn from diverse sources as appellate court research staff, defense and prosecution offices handling criminal appeals, law firms, solo practitioners, and law school faculty.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 5*

*2013-14 Chair: Kira Klatchko, Indian Wells*

*Staff: Saul Bercovitch (415) 538-2306*

**Committee of Bar Examiners.** This committee examines applicants through the structure and administration of the First-Year Law Students' Examination and the California Bar Examination; screens applicants for moral character; recommends all qualified applicants to the California Supreme Court for admission to the bar; accredits law schools in California; registers unaccredited law schools; and studies and reports on proposed changes in the law and other matters concerning requirements for admission to practice law in California. The committee is composed of 10 lawyers, including one young lawyer admitted three years or less before the time of appointment, and nine public members (who must not be members of the State Bar or admitted to practice before any court in the United States). The Governor, the Senate Rules Committee, and the Speaker of the Assembly appoint the public members. The State Bar's Board of Trustees appoints only the lawyer members to this committee, and this application is for the Board appointments only. Lawyer applicants must be active members of the State Bar of California, cannot currently be employed as a law school administrator or professor, or associated with a bar review company, and should not have a relative taking the California Bar Examination or First-year Law students' examination during the term of office.

*Expected 2014-15 vacancies: 2 lawyer members*

*Meetings per year: 7 meetings (one-two days per meeting), plus an equal number of meetings for examination research, structure and grading, and additional time for subcommittees, meeting preparation, moral character applicant interviews, and law school visitations.*

*2013-14 Chair: Larry Sheingold, Sacramento*

*Staff: Gayle Murphy (415) 538-2322*

**Committee on Delivery of Legal Services.** The Standing Committee on the Delivery of Legal Services (SCDLS) is a 20-member advisory committee that identifies, develops, and supports improvements in the delivery of legal services (civil and criminal) to low-and moderate-income individuals in California; serves as a resource to the Board of Trustees on legal services issues; maintains liaison relationships with other State Bar and external entities; and works to encourage and increase pro bono participation in California. In addition to pro bono, other major activity areas include: commenting on State Bar, Judicial Council and other proposals; promoting legal services delivery systems for the moderate income; recognizing California attorneys for outstanding pro bono contributions and lifetime achievement for extending legal services to the poor; and developing, coordinating and promoting trainings to improve the delivery of legal services. SCDLS seeks lawyers who are from diverse geographic areas, practice areas and practice settings (e.g., legal aid, government, small/mid-size/large law firm, solo, corporate, academia, indigent criminal defense, courts), and who are committed to the broad goals stated above. Public members with experience in the delivery of legal services to low-and-moderate-income individuals are eligible to apply. Letters of recommendation are strongly encouraged for all applicants but are not required. Members should be prepared to complete tasks assigned to them and to devote a minimum of six-ten (6-10) hours on average per month on projects, and be active participants during committee meetings. Committee meetings are usually held on Fridays and generally alternate between the State Bar's offices in San Francisco and Los Angeles as in-person or video conference meetings. Travel time is in addition to the scheduled meeting time.

*Expected 2014-15 vacancies: 8*

*Meetings per year: 5-6 (plus working group conf. calls)*

*2013-14 Chair: Elizabeth S. Bluestein, Los Angeles*

*Staff: Sharon Ngim; sharon.ngim@calbar.ca.gov*

**Committee on Federal Courts.** This committee studies, recommends, and reports on proposed changes in the rules, procedures and practices of the federal courts in California. It works to enhance relations between the State Bar and the federal courts in California and meets with judges and representatives of each of the federal district courts in California to understand the issues of importance to the federal judiciary. The committee seeks lawyers who are knowledgeable in Federal Court practice.

*Expected 2014-15 vacancies: 7*

*Meetings per year: 4*

*2013-14 Chair: Mia Giacomazzi, Fresno*

*Staff: Saul Bercovitch (415) 538-2306*

**Committee on Group Insurance Programs (COGIP).**

This committee oversees the State Bar sponsored Group Insurance Programs and acts as an advisor to the Board of Trustees with respect to the program. The committee oversees insurance programs which include life, accidental death and dismemberment, disability, personal auto & homeowners, long-term care, and workers' compensation. It studies and makes recommendations and/or changes to the existing programs, evaluates program carriers and brokers, monitors long-term financial issues, proposes product enhancements, directs pricing and design, and related matters. The committee strives to ensure that the program is philosophically and structurally attuned to the needs of California's lawyers and consumers. Applicants should be lawyers with experience and expertise in insurance/insurance regulation, dealing with brokers and carriers, understanding insurance policies and business aspects of insurance, or lawyers who are familiar with group and/or association plans. Experience and expertise in loss prevention/competency enhancement, claims handling, underwriting, policy language, and policy provisions and pricing are helpful.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 4*

*2013-14 Chair: Ruben D. Reyes, San Mateo*

*Staff: Laila Bartlett (415) 538-2232*

**Committee on Professional Liability Insurance**

**(COPLI).** This committee oversees the State Bar Approved Professional Liability Insurance Program and acts as an advisor to the Board of Trustees with respect to the program. The committee studies and makes recommendations and/or changes to the existing program, including carrier and broker evaluation, long-term financial issues, product enhancement, product pricing and design, and related matters. The committee also works to reduce the quantity and severity of lawyer malpractice claims through attorney loss-prevention and competency education programs, and also has a claims oversight component. In general, the committee strives to ensure that the program is philosophically and structurally attuned to the needs of California's lawyers and consumers. Members may serve two consecutive terms. Applicants should be lawyers with experience and interest in insurance regulation, professional liability litigation, risk management, law office management and/or other areas related to the work of the committee. Experience and expertise in loss prevention/competency enhancement, claims handling, underwriting, policy language, and policy provisions and pricing are helpful. Committee rule prohibits appointment of anyone carrying files by program carrier or whose law firm

carries files by program carrier. The existing Professional Liability Insurance Carrier is Arch Insurance Group.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 4

*2013-14 Co-Chairs:* Randall A. Miller, Los Angeles; Glen Olson, San Francisco

*Staff:* Raquel Hines (415) 538-2201

**Committee on Mandatory Fee Arbitration.** The committee's primary function is to oversee the mandatory attorney-client fee arbitration program established by Business & Professions (B&P) Code §§6200-6206. Fee arbitration is currently provided by 39 local bar associations and State Bar programs. The committee: 1) reviews and comments upon any proposed legislation that may affect either the mandatory fee arbitration program or attorney fee agreements in general; 2) makes recommendations to the Board regarding amendments to the fee arbitration statutes, the State Bar's Fee Arbitration Rules and local bar associations' Rules of Procedure for Fee Arbitration, the Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs, and the State Bar's Model Rules of Procedure; 3) monitors developments in both substantive and procedural law relating to mandatory fee arbitration; 4) oversees the State Bar's Mandatory Fee Arbitration Department and is responsible for drafting the State Bar approved sample fee agreements, arbitration advisories and program advisories; and 5) conducts continuing education seminars, including fee arbitrator training sessions for fee arbitrators with the local and State Bar MCLE programs relating to legal fees. The basic time commitment for members includes attending six meetings per year, involving about 12 hours per month in months when meetings occur. Members who speak at educational seminars and arbitrator training programs incur more hours. Members are assigned projects often on a team subcommittee basis, which may require dozens of hours of research, writing and editing. Lawyers and public members experienced in a local bar mandatory fee arbitration, including experienced fee arbitrators, chairs, vice chairs and staff administrators from local bar fee arbitration programs, are encouraged to apply.

*Expected 2014-15 vacancies:* 6 (lawyer and public member positions)

*Meetings per year:* 6-8, plus special projects

*2013-14 Chair:* Gary W. Powell, San Diego

*Staff:* Doug Hull (415) 538-2015

**Committee on Professional Responsibility and Conduct (COPRAC).** This committee addresses matters involving professional ethics and helps educate and provide guidance to the membership about their ethical duties. The committee's work consists of: drafting advisory opinions

on issues of professional ethics based on questions submitted to the committee or developed by the committee on its own initiative; conducting studies and providing advice to the Board on professional responsibility; and studying and recommending changes to the Rules of Professional Conduct. The committee sponsors educational and outreach programs, including an annual ethics symposium. The committee currently is composed of 14 lawyers and two public members. In evaluating potential members, the committee uses the following criteria, though no single factor is dispositive: 1) prior experience in the legal ethics field; 2) time and energy to undertake the significant responsibilities of committee membership; 3) writing and verbal skills; 4) factors lending diversity to the committee, including diversity based on race, sex, color, national origin and sexual orientation, as well as location and field of practice, years in practice (including status as a California Young Lawyer), and size of firm (if applicable); and 5) prior volunteer experience, particularly involvement in legal and other professional groups. For public members, the committee values the ability to contribute a client perspective to the committee's deliberations. In addition to completing an application, successful applicants may be required to participate in a personal interview, typically held in March or April. Committee meetings generally are held on Fridays; two-day meetings are held Friday and Saturday.

*Expected 2014-15 vacancies:* 5 (lawyer and public member positions)

*Meetings per year:* 10 (two meetings are two-days)

*2013-14 Chair:* Wendy Chang, Los Angeles

*Staff:* Lauren McCurdy (415) 538-2107

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### **SECTION EXECUTIVE COMMITTEES**

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State Bar sections address the concerns and interests of a specific segment of the profession. The section executive committee directs the policies and affairs of the section, subject to and in accordance with the section's bylaws, the policies of the Board, and the *Rules of the State Bar*. The executive committee assists the Board in matters relating to the section and supervises the section's activities, such as its educational programs, membership communications, publications, and standing or substantive committees.

**Eligibility.** Applicants to a section executive committee are required to be members of that section. Section participation also is a factor considered in the appointment review. The executive committee consists of 15-17 members who previously have served on the

section's standing/ substantive committees or otherwise been active in section activities. The Board may in its discretion appoint to the executive committee members who have been nominated by the section. Nominations for such appointments may be made by the executive committee acting as a nominating committee or by a petition signed by at least 15 members of the section.

***Appointment to a Section Standing Committee.*** The Board does not make appointments to a section's standing committees. Those interested in applying to section's standing committee are to contact the section's chair or staff administrator.

***Antitrust and Unfair Competition Section Executive Committee.*** This section focuses on developments under the Cartwright, the Unfair Practices Act, and the Unfair Competition Law (UCL), section 17200, et seq., of the B&P Code. The section deals with both private and government (federal, state and local) enforcement actions, civil and criminal, and government criminal procedures. It offers MCLE-accredited section programs throughout the year, an annual UCL Conference, an annual Golden State Antitrust and Unfair Competition Law Institute, and an Antitrust Lawyer of the Year Award. The section publishes *Competition Journal* periodically and updates its two-volume treatise as appropriate. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, etc. Prior section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

***Expected 2014-15 vacancies:*** 5

***Meetings per year:*** 1+ monthly conference calls; 1 annual committee in-person weekend retreat; in-person attendance for committee kick-off meeting at annual State Bar meeting; attendance at the section's educational events is encouraged.

***2013-14 Chair:*** Kenneth R. O'Rourke, Los Angeles

***Staff:*** Mitch Wood (415) 538-2594

***Business Law Section Executive Committee.*** With over 9,000 members, the Business Law Section is the largest section of the State Bar. This executive committee oversees the section's educational, legislative, and publishing activities. The section has 15 standing committees plus the *Business Law News* Editorial Board. The standing committees are actively involved in providing member services and educational activities as well as initiating, developing, and proposing California

legislation, commenting upon state and federal legislation, and participating in regulatory reform in California. The section focuses on providing services to its members electronically and through the section's website. The section sponsors educational programs and publishes a monthly e-newsletter, the quarterly *Business Law News*, opinion reports, and other written materials. Executive committee members act as liaisons to the section's standing and ad hoc committees and actively participate in the section's projects. Members are expected to attend regularly the executive committee meetings and to handle projects outside the meetings. Applications from the section's lawyer members who have actively participated in its standing committees are strongly encouraged. Committee communications are conducted electronically and posted on the section's website, and each member must have access to the Internet and an e-mail address to receive and review committee meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

***Expected 2014-15 vacancies:*** 5

***Meetings per year:*** 8

***2013-14 Chair:*** Charles E. McKee, Sherman Oaks

***Staff:*** John Buelter (415) 538-2341

***Criminal Law Section Executive Committee.*** This committee engages in a wide range of activities including authoring opinions on criminal justice legislation, presenting educational programs for criminal law practitioners, and fostering communication with law students interested in career opportunities in criminal law. The executive committee publishes a journal on a quarterly basis, and sponsors an annual writing competition for law students. The committee is balanced geographically and by nature of the practice with state and federal prosecutors and defense lawyers. Advisors consist of former committee members, including lawyers, judges, and members of the Board. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, reports, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more

involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 4 in-person, 1 or 2 by conference call

*2013-14 Chair:* Mark E. Jackson, Oakland

*Staff:* Lynn Taylor (415) 538-2042

***Environmental Law Section Executive Committee.*** This section provides a statewide forum for the exchange of ideas and knowledge among California environmental lawyers and other professionals in the environmental field. The section engages a broad range of substantive areas of environmental law, including water quality, water supply, air quality, land use, natural resources, solid waste, hazardous waste, toxic substances, endangered species, wetlands, coastal protection, environmental justice, and energy. The executive committee includes lawyers from private firms, regulatory agencies, state and local governments, public interest groups, business, and academia. The executive committee sponsors numerous MCLE programs, conducts outreach programs, furnishes technical comments concerning proposed legislation, and publishes periodic updates and insights on the practice of environmental law in California. The executive committee implements the section's goal of preventing pollution and conserving and supporting the sustainable use of natural resources. The section welcomes applications from lawyers with a background in environmental law. In addition to in-person and teleconference meetings, committee communications are often conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, reports, etc. Section and State Bar participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 9 (including conference calls)

*2013-14 Chair:* Alexander G. Crockett, San Francisco

*Staff:* Julie Martinez (415) 538-2523

***Family Law Section Executive Committee.*** The purpose of the Family Law Section is to further the knowledge of its members in all areas of family law such as dissolution of marriage, legal separation, annulment, registered domestic partnerships, child custody, child and spousal support, community property, adoption, and dependency. The section produces continuing legal education programs, the *Family Law News*, and an electronic newsletter. The executive committee consists of 15-17 lawyer members

from northern and southern California, and several advisors. The executive committee reviews all proposed family law legislation, assists the State Bar in working with the Legislature to develop family law legislation, drafts affirmative family law legislation, and lends its family law expertise by providing comments and testimony to the Legislature. The executive committee seeks members committed to family law, and those who enjoy hard work in a collegial atmosphere. The committee meets several times a year, across the state. Substantial preparation is required before each meeting. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation, bar activities, legal experience, and diversity are factors considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 4

*2013-14 Chair:* Andrew M. Cain, San Jose

*Staff:* Mitch Wood (415) 538-2594

***Intellectual Property Law Section Executive Committee.*** This section's areas of interest encompass all aspects of intellectual property law, including patents, trademarks, copyrights, trade secrets, and computer law. The section sponsors seminars regarding intellectual property law issues and works on other projects related to intellectual property law. The section also publishes a newsletter, *New Matter*, approximately four times per year and meets in executive sessions four or five times per year. Those with a background in intellectual property and a willingness to join a hard-working section are encouraged to apply. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation (e.g., involvement in one of the section's standing committees, authoring an article for the *New Matter* publication, speaking at one of the section's MCLE programs, etc.) is considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair, or visit the State Bar's website.

*Expected 2014-15 vacancies:* 4

*Meetings per year:* 5

*2013-14 Chair:* Andrew W. Stroud, Sacramento  
*Staff:* Kristina Robledo (415) 538-2467

***International Law Section Executive Committee.*** This executive committee communicates recent developments and current issues in international law and practice to its section membership and facilitates interaction among its members and foreign lawyers. The section presents MCLE-accredited programs throughout the year, holds retreats and networking receptions, and publishes the *California International Law Journal*, among other exciting activities. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5  
*Meetings per year:* 5 (including conference calls)  
*2013-14 Chair:* S. Elizabeth Foster, Los Angeles  
*Staff:* Julie Martinez (415) 538-2523

***Labor and Employment Law Section Executive Committee.*** The section provides a forum for individuals with an interest in labor relations and employment issues. Section members include specialists and generalists from across the labor law spectrum, individual practitioners, law firms, government agencies, labor unions, corporate representatives, and neutrals. The executive committee strives to keep a balance of plaintiff side practitioners, defense side practitioners and neutrals. All section members are encouraged to participate on the standing committees, but only lawyer members admitted in California are eligible to serve on the executive committee. The executive committee presents MCLE-accredited section programs throughout the year, including a multi-day conference focused on both public sector and private sector employment and labor law, and it publishes six issues of the *Labor and Employment Law Review*. Executive committee members are expected to be actively involved in organizing and leading these programs/publications. Section participation and previous experience in planning and coordinating education programs are factors considered in the appointment review. In addition, diversity of all kinds is a core belief of the committee. Lawyers throughout California who meet these qualifications and who are willing and able make the time commitment are encouraged to apply. For questions regarding how to become more involved in section

activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5  
*Meetings per year:* 4 in-person, 1 by conference call  
*2013-14 Chair:* Carol L. Koenig, San Jose  
*Staff:* Lynn Taylor (415) 538-2042

***Law Practice Management and Technology Section Executive Committee.*** This section's mission is to help lawyers practice ethically and profitably. The section works to improve the quality of law practice through effective management techniques and technology. Areas of focus include administration, financial management, time management, marketing a law practice, systems and procedures, information security, computer software and hardware, and effective use of internal Web platforms as well as external public presence on the Internet. The section's work includes conducting MCLE webinars and live programs on these topics as well as interfacing with local bar associations, law librarians, legal secretaries, paralegals, and other law-related associations. The section publishes an electronic newsletter as well as a bi-monthly magazine, *The Bottom Line*, which will celebrate its 35<sup>th</sup> anniversary in 2014. *The Bottom Line* is one of the oldest and most respected publications devoted to law practice management and technology issues. Each issue includes in-depth articles including one article that qualifies for CLE credit. The section offers substantial discounts to its members who attend legal technology conferences and a special members-only area of the State Bar's website. Committee communications are conducted electronically, and each member must have an e-mail address to receive meeting notices, agendas, etc. Section participation is a factor considered in the appointment review, as is demonstrated expertise relating to law practice management and technology issues. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5  
*Meetings per year:* 4 (plus conference calls)  
*2013-14 Chair:* Tangelia Terry, Los Angeles  
*Staff:* Kristina Robledo (415) 538-2467

***Litigation Section Executive Committee.*** The purpose of the Litigation Section is to promote excellence in all areas affecting dispute resolution, including protection of the rights of all litigants, pre-trial discovery, the expeditious trial of lawsuits, alternative dispute resolution, effective judicial administration, uniform

rules of court, and the protection and preservation of the independence of a judiciary of high quality. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chairperson.

*Expected 2014-15 vacancies: 7*

*Meetings per year: 7*

*2013-14 Chair: Robert Bodzin, Oakland*

*Staff: Mitch Wood (415) 538-2594*

**Public Law Section Executive Committee.** The mission of the Public Law Section is to ensure that the laws relating to the function and operation of public agencies are clear, effective and serve the public interest; to advance public service through public law practice; and to enhance the effectiveness of public law practitioners. The section focuses on administrative law, municipal law, open meeting laws, political law, education law, state and federal legislation, public employment, government contracts, tort liability and regulations, land use/environment issues, and public lawyer ethics. The section provides topical educational programs, seminars and resource materials; works to enhance the recognition of, and participation by, public sector lawyers in the State Bar; presents its annual "Ronald M. George Public Lawyer of the Year" award to public lawyers who have made significant and continuous contributions to the profession; and publishes the quarterly *Public Law Journal*. The section also sponsors an annual Student Writing Competition, awarding the winning student a cash prize and publishing his or her article in the *Public Law Journal*. Committee communications are conducted electronically, and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation, prior volunteer service, and leadership skills are factors considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 4*

*2013-14 Chair: David Hirsch, San Luis Obispo*

*Staff: Kristina Robledo (415) 538-2467*

**Real Property Law Section Executive Committee.** The executive committee creates and administers programs and activities for over 7,000 section members, including the quarterly *California Real Property Journal*, an annual professional retreat, substantive and geographic subsections (e.g., real estate finance, commercial leasing, litigation, zoning and land use, environmental law), legislative initiatives, a website containing a wide range of resources, and periodic educational seminars. The executive committee is focused on providing services of value to its members and expanding its membership of the diverse population of real property practitioners in the state. The section seeks applicants with prior speaking, writing or organizational experience, preferably for the section or other volunteer groups in a related field. Written communications are conducted electronically. Each member must have an e-mail address to receive meeting notices and agendas, and to communicate with members. Lawyers throughout California who meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or greater involvement in the section, please contact the section's staff administrator or chair.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 8 (six are in-person meetings)*

*2013-14 Chair: Julie Baird, San Francisco*

*Staff: Julie Martinez (415) 538-2523*

**Solo and Small Firm Section Executive Committee.** This section provides a forum for solo and small firm practitioners, both specialists and those in general practice. The section presents educational programs and publishes a quarterly newsletter on technology and practice management for solo/small firm lawyers and on substantive law topics. The section publishes a Mentor Directory listing lawyers statewide who offer to section members free consultations in their listed areas of expertise. The section is compiling and will publish a list of "hot topics" of special concern to solo and small firm practitioners in the management of their practices. As committee communications are conducted electronically, each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies: 5*

*Meetings per year: 6*

*2013-14 Chair:* Shirish Gupta, San Mateo

*Staff:* John Buelter (415) 538-2341

***Taxation Section Executive Committee.*** The executive committee has responsibility for a wide variety of activities, including the quarterly publication of *California Tax Lawyer* and presentations and programs at the Tax Section Annual Meeting and California Tax Policy Conference, the State Bar Annual Meeting, the Annual Income Tax Seminar, the Annual Estate and Gift Tax Seminar, the Eagles Lodge West conference and the Washington DC and Sacramento Delegations, where academic papers are presented to taxing authorities and legislators. The executive committee also oversees several sub-committees including: compensation and benefits; exempt organizations; income/other tax, state and local tax; tax policy, practice and legislation; international tax; tax procedure and litigation; corporate and pass-through entities; and young tax lawyers. The committee seeks applications from active tax lawyers with demonstrated commitment to professional and public service from diverse geographic, ethnic and practice backgrounds, who can serve as role models for our membership and who have a minimum of five (5) years of experience working in a tax-related profession prior to appointment consideration. Section participation is also a factor considered in the appointment review. Committee communications are conducted electronically. Tax professionals throughout California who can meet these requirements and who can make the time commitment are encouraged to apply. For questions regarding section requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 5 (four are multi-day meetings)

*2013-14 Chair:* Bradley Marsh, San Francisco

*Staff:* Lynn Taylor (415) 538-2042

***Trusts and Estates Section Executive Committee.*** The substantive issues of the Trusts and Estates Section include: incompetency (including conservatorship, guardianship and elder law); estate planning and tax; ethics and professional responsibility; legislation; litigation; trust and estate administration; and trusts. The executive committee, consisting of lawyer members from northern and southern California, is active in developing programs to serve both members of the Bar and the public in general, and produces the highly regarded *California Trusts and Estates Quarterly*. The committee has developed a series of brochures on the topics of wills, estate plans and trusts (in both English and Spanish); produced a video tape designed to prevent estate planning "scams" on senior citizens statewide; and developed a speakers bureau of

California lawyers who are engaged in active outreach to senior and public service organizations throughout the state. The committee seeks hardworking lawyers with a significant number of years specializing in any area of estate planning, trust and probate law. Other qualities sought include a demonstrated commitment to volunteer professional work (e.g., bar activities, speaking, writing, legal services, etc.) and the ability to work as a collegial committee member. Committee communications are conducted electronically, and each member must have an e-mail address to receive meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet these requirements and can make the time commitment are encouraged to apply. For questions regarding how to become more involved, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Approximate number of meetings per year:* 9 (one is a three-day, long-range planning meeting; the others are six-hour Saturday meetings) plus participation in substantive committee work between meetings

*2013-14 Chair:* Bart Schenone, Hayward

*Staff:* John Buelter (415) 538-2341

***Workers' Compensation Section Executive Committee.*** This section focuses on the practice of workers' compensation law and is comprised of workers' compensation specialists, practitioners from the applicant and defense bar, and workers' compensation judges. The section presents MCLE and legal specialization accredited programs throughout the year, publishes the *Workers' Compensation Quarterly*, and has five active committees on which members are encouraged to participate (Awards and Recognition, Education, Legislation, Practice and Ethics, and Publications). Membership in the section is open to public members, but only lawyers and judges may serve on the executive committee. Lawyers with background in workers' compensation are encouraged to apply. Certification as a specialist is not a prerequisite for applying to vacancies on the executive committee. Committee communications are conducted electronically and each member must have an e-mail address to receive committee meeting notices, agendas, etc. Section participation is a factor considered in the appointment review. Lawyers throughout California who can meet the requirements and make the time commitment are encouraged to apply. For questions about requirements or how to become more involved in section activities, contact the section's staff administrator or chair.

*Expected 2014-15 vacancies:* 5

*Meetings per year:* 4-6



*2013-14 Chair:* Paige Levy, Marina Del Rey  
*Staff:* Tricia Horan (415) 538-2223

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***SPECIAL COMMITTEES, BOARDS AND COMMISSIONS***

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The purpose of these entities is to advise and serve the Board with regard to an immediate concern relating to the administration of justice or the practice of law. These committees are given a specific, clearly articulated charge, and a specific deadline for the completion of their task(s).

***California Commission on Access to Justice.*** The 26-member commission of lawyers and judges, as well as academic, business, labor and community leaders, was established to explore ways to improve access to civil justice for Californians living on low and moderate incomes. The commission was instrumental in establishing the \$10 million Equal Access Fund for civil legal services to the indigent and works closely with the Judicial Council to improve access to the courts. Members also serve on one or more subcommittees. The State Bar appoints 10 members to the commission; the remaining 16 members are appointed by other statewide entities. Terms are three years and members may serve two consecutive terms.

*Expected 2014-15 vacancies:* 2

*Meetings per year:* 6 (two by conference call; four in-person and videoconference between San Francisco and Los Angeles locations)

*2013 Chair:* Hon. Ronald Robie, Sacramento

*Staff:* Sarah Lindsey Chanrasmi (415) 538-2534

***California Young Lawyers Association (CYLA).*** The 20-member committee is appointed by the Board to advise the Board of the interests of California young lawyers, to develop strategies for increasing young lawyer involvement and participation in the State Bar, and to facilitate the development of programs and services that would assist young lawyers in their professional and leadership advancement and programs that benefit the public. Members must meet the California young lawyer criteria (i.e., a member in good standing of the State Bar of California who is in his or her first five years of practice in California or who is age 36 or under). Six of the 20 seats are for representatives of each of the six State Bar districts, one member per district; the other 14 positions are filled by appointments at large. Members consist of active State Bar members drawn from diverse constituencies, including but not limited to geographic location, racial and ethnic diversity, practice setting, practice type, district representation, and gender and sexual orientation. Members serve as ambassadors of the State Bar to the young lawyer organizations within the state and screen

candidates for the annual Jack Berman Award of Achievement. Membership is a time-consuming obligation. Meetings require research and reading, and outreach efforts can occupy up to ten hours/month. The average full committee meeting may take six to seven hours on a Friday or Saturday. Subcommittee meetings occur on a more ad hoc basis, but can entail one or more conference calls/month. A member can expect to devote no less than one to two weeks of typical workdays/year.

*Expected 2014-15 vacancies:* 4 at-large seats and 1 District 6 seat

*Meetings per year:* 6 (3 in-person and 3 conf. calls)

*2013-14 Chair:* Alexander Calero, San Diego

*Staff:* Laila Bartlett (415) 538-2232

***Client Security Fund Commission.*** The Client Security Fund (CSF) reimburses clients who have lost money or property due to theft or an equivalent dishonest act committed by a California lawyer acting in a professional capacity. CSF is overseen by the Client Security Fund Commission, an independent body that is appointed by and reports to the Board of Trustees. The commission determines whether or not applications filed with CSF qualify for reimbursement under the fund's rules. The commission also makes recommendations to the Board of Trustees on the fund's rules, the methods for reviewing applications, and the financial and administrative needs of the fund. The commission has seven members—four lawyers and three non-lawyer public members. The members are selected based on how their backgrounds and experience can contribute to CSF's goals.

*Expected 2014-15 vacancies:* 3 (lawyer and non-lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Colleen Dietz, Los Angeles

*Staff:* Lori Meloch, Betty Yung (213) 765-1150

***Continuing Education of the Bar (CEB) Governing Committee.*** This is a joint committee of the University of California and the State Bar of California. The Governing Committee reviews and approves CEB's annual publishing and educational program, strategic objectives, annual budget, and recommendations from the Executive Director on the overall operation of CEB. The committee consists of nine voting members: five appointed by the University of California and four appointed by the State Bar. The University appoints the chair, and the State Bar appoints the vice chair, who must be a lawyer in active practice in California. The other three State Bar members include the Executive Director of the State Bar, or his representative who must be a lawyer, and two members who are lawyers actively practicing law in California, at least one of whom

represents the interests of the sections of the State Bar. Members of the Governing Committee serve two-year terms and terms are renewable. Applicants must be lawyers actively practicing in California. Incumbents whose terms are expiring are eligible to reapply and must submit the State Bar Application for 2014-2015 Appointments.

*Expected 2014-15 vacancies:* 1

*Meetings per year:* 4 (at the CEB office in Oakland)

*CEB Office:* Pamela Jester, Director

300 Frank Ogawa Plaza, Suite 410

Oakland, CA 94612 (510) 302-2032

**Council on Access and Fairness.** This committee serves as the State Bar's "diversity think tank" and advises the Board of Trustees on advancing State Bar's diversity strategies and goals along the diversity pipeline to enhance opportunities and advancement in the legal profession for diverse populations, particularly those who have been historically underrepresented. The 25-member council consists of both lawyers and public members from diverse practice settings and constituencies and represents the full spectrum of the diversity pipeline. The diversity pipeline includes the early education pipeline pre-K to 12; college, law school and bar exam prep; recruitment, hiring, retention and promotion in the profession; and judicial diversity. Members are expected to have a record of leadership, a working knowledge of diversity pipeline issues, and experience developing and implementing strategic initiatives to address diversity pipeline challenges, as well as ideas that they are able to articulate for fulfilling the council's mission.

*Expected 2014-15 vacancies:* 8 (lawyer and public member positions)

*Meetings per year:* 4 and additional monthly committee conference calls, plus other calls as needed

*2013-14 Chair:* Cynthia Loo, Los Angeles

*Staff:* Patricia Lee (415) 538-2240

**Legal Services Trust Fund Commission.** This commission administers the Interest on Lawyers Trust Accounts Program and the Equal Access Fund, and it jointly administers the Justice Gap Fund with the California Commission on Access to Justice. The commission is composed of 21 voting members (15 lawyers and six public members who have never been members of the State Bar or admitted to practice before any court in the United States) and three nonvoting judges. At least two of the 21 voting members shall be client members (those eligible for services as "indigent persons" as defined at §6213(d) of the B&P Code). The State Bar's Board appoints 14 voting members (10 lawyers, four non-lawyer public members), and this application is only for the State Bar appointments. The chair of the Judicial Council

appoints seven voting members and three nonvoting judges. The commission seeks lawyers and public members who possess a commitment to the delivery of legal services to the poor and sensitivity to the needs of low-income communities. Lawyers and members of the public who have experience or familiarity addressing the particular problems of self-represented litigants, as well as persons who have knowledge of the structure and practices of banking and financial institutions are encouraged to apply. No employee or independent contractor acting as a consultant to any agency that is a potential recipient of funds under the Legal Services Trust Fund Program shall be appointed to the commission. All members appointed shall be bound by the Board's established rules governing conflicts of interest. The commission currently has three standing committees that handle specific projects, and members are assigned to one or more of these standing committees.

*Expected 2014-15 vacancies:* 5 (lawyer positions)

*Meetings per year:* 4-6 commission meetings plus additional standing committee meetings

*2013-14 Co-Chairs:* Donna Hershkowitz, Burbank; Adrian Dollard, San Francisco

*Staff:* Stephanie Choy (415) 538-2249

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### **LEGAL SPECIALIZATION**

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**California Board of Legal Specialization (CBLS).** This board administers the State Bar of California Program for Certifying Legal Specialists, with the assistance of specialty advisory commissions. This program was created by the California Supreme Court to provide consumer protection and encourage attorney competence. The CBLS recommends program rules and provides policies and guidelines for certification of specialists; develops testing and legal education criteria for specialists; develops outreach efforts to increase awareness of the program and advises the Board of Trustees on establishment of specialty fields and appointment of advisory commissions.

The CBLS consists of 11 members and one advisor; at least three members must be non-lawyer public members. Lawyer applicants to the CBLS must be certified specialists in their field unless a specialty does not currently exist for that field (e.g., labor and employment law). Currently, attorneys can earn certificates of specialization in the following areas of law: Admiralty and Maritime Law; Appellate Law; Bankruptcy Law; Criminal Law; Estate Planning, Trust and Probate Law; Family Law; Franchise and Distribution Law; Immigration and Nationality Law;

Legal Malpractice Law; Taxation Law; and Workers' Compensation Law. CBLS tries to achieve a balanced representation of geographic and specialty areas (based on the size of the specialty), and also looks for experience in areas such as education, examination development, or public relations. Non-lawyer applicants are selected when their experience will contribute to the program's goals, particularly in the areas of outreach and/or strategic planning.

*Expected 2014-15 vacancies:* 4 (lawyer and non-lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Bryan Hartnell, Redlands

*Staff:* Scott Kiddy (415) 538-2125

**Advisory Law Commissions to the Board of Legal Specialization.** Eleven advisory commissions advise the California Board of Legal Specialization (CBLS) in the administration of the certification programs for each of the following specialties: Admiralty and Maritime Law; Appellate Law; Bankruptcy Law; Criminal Law; Estate Planning, Trust and Probate Law; Family Law; Franchise and Distribution Law, Immigration and Nationality Law; Legal Malpractice Law; Taxation Law; and Workers' Compensation Law. Each advisory commission passes upon applications for certification and recertification as a legal specialist; drafts and grades specialist examinations with oversight from professional examinations consultants; evaluates and accredits programs and providers of continuing legal education; and otherwise assists the CBLS in administering the program.

Advisory commissions are composed of one non-lawyer public member and eight lawyer volunteers who have been certified by the CBLS in the area of law for which their commission advises the CBLS. Meetings are typically held every month on Fridays at State Bar offices in either San Francisco or Los Angeles. Some commissions occasionally meet via teleconference or videoconference. Note that there will be committee work that is done outside of the meetings, such as examination drafting, but the committee will endeavor to give several weeks or more of notice to any such deadline.

The advisory commissions' chairs and staff contacts are:

**Admiralty & Maritime Law Advisory Commission**

*Expected 2014-15 vacancies:* 1 (lawyer position)

*Meetings per year:* 6

*2013-14 Chair:* Sterling Stires, San Diego

*Staff:* Fabienne Lopez (415) 538-2344

**Appellate Law Advisory Commission**

*Expected 2014-15 vacancies:* 2 (lawyer specialist positions)

*Meetings per year:* 6

*2013-14 Chair:* Cynthia Larsen, Sacramento

*Staff:* Scott Kiddy (415) 538-2125

**Bankruptcy Law Advisory Commission**

*Expected 2014-15 vacancies:* 3 (lawyer specialist and non-lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Gary Kaplan, San Francisco

*Staff:* Fabienne Lopez (415) 538-2344

**Criminal Law Advisory Commission**

*Expected 2014-15 vacancies:* 2 (lawyer specialist positions)

*Meetings per year:* 6

*2013-14 Chair:* Michael Berg, San Diego

*Staff:* Scott Kiddy (415) 538-2125

**Estate Planning, Trust & Probate Law Advisory Commission**

*Expected 2014-15 vacancies:* 3 (lawyer specialist positions)

*Meetings per year:* 6

*2013-14 Chair:* Philip Savage, Riverside

*Staff:* Scott Kiddy (415) 538-2125

**Family Law Advisory Commission**

*Expected 2014-15 vacancies:* 3 (lawyer specialist positions)

*Meetings per year:* 6

*2013-14 Chair:* Rolf Kruger, Menlo Park

*Staff:* Scott Kiddy (415) 538-2125

**Franchise & Distribution Law Advisory Commission**

*Expected 2014-15 vacancies:* 6 (lawyer specialist and non-lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Jeffrey Fillerup, San Francisco

*Staff:* Fabienne Lopez (415) 538-2344

**Immigration & Nationality Law Advisory Commission**

*Expected 2014-15 vacancies:* 3 (lawyer specialist and non-lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Donald Sheppard, San Diego

*Staff:* Fabienne Lopez (415) 538-2344

**Legal Malpractice Law Advisory Commission**

*Expected 2014-15 vacancies:* 3 (lawyer positions)

*Meetings per year:* 6

*2013-14 Chair:* Deborah Wolfe, San Diego

*Staff:* Scott Kiddy (415) 538-2125

***Taxation Law Advisory Commission***

***Expected 2014-15 vacancies:*** 3 (lawyer specialist and non-lawyer positions)

***Meetings per year:*** 6

***2013-14 Chair:*** Ronald Mollis, Newport Beach

***Staff:*** Scott Kiddy (415) 538-2125

***Workers' Compensation Law Advisory Commission***

***Expected 2014-15 vacancies:*** 3 (lawyer specialist positions)

***Meetings per year:*** 6

***2013-14 Chair:*** Thomas Richard, Oakland

***Staff:*** Fabienne Lopez (415) 538-2344

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***OTHER ENTITY APPOINTMENTS***

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***American Bar Association (ABA) House of Delegates.***

The terms of six State Bar delegates to the ABA House of Delegates expire in August 2014. The ABA House of Delegates is the policy-making body of the association. The House of Delegates meets twice each year, at ABA Annual and Midyear Meetings. Pursuant to the ABA Constitution, the State Bar of California appoints 11 delegates, one of whom serves as the young lawyer delegate, to the House of Delegates. The State Bar's delegates are part of California delegation, which consists of other delegates appointed by ten local bar associations, ABA sections and divisions, and former officers and ABA board members. The elected State Delegate heads the California delegation.

State Bar delegates serve two-year terms, which begin and end upon adjournment of the ABA Annual Meeting in August. Terms are staggered with six terms expiring in even-numbered years (e.g., Aug. 2014) and five terms, which includes the young lawyer term, expiring in odd-numbered years (e.g., Aug. 2015). State Bar delegates may serve up to three consecutive terms or six consecutive years.

Delegates must be ABA members in good standing throughout their tenure as delegates and **must pay their own travel expenses**. The delegates are expected to attend the Midyear and Annual ABA meetings, and on occasion, to participate in conference calls. Each year, delegates' attendance at the ABA House meetings is verified and comments regarding participation are solicited from the California State delegate. The State Bar may also appoint one or more alternates to serve in the place of any delegate who is unable to attend the Midyear or Annual Meeting. An alternate serves a one-year term and has no official standing with the ABA until he or she is certified by the State Bar to replace a delegate.

In considering applications, the Board weighs the applicants' qualifications, participation in ABA activities and work contributed to the organization in the past two years, knowledge and understanding of current issues before the House of Delegates, and the State Bar's selection guidelines (see below). The Board is expected to make the appointments at its March 2014 meeting.

***State Bar Selection Guidelines for the ABA House of Delegates.*** The State Bar will strive to appoint members from its applicant pool meeting the following guidelines:

- a. One (1) delegate who qualifies as the young lawyer representative [i.e., the delegate must be less than 35 years of age at the commencement of the term];
- b. Up to two (2) delegates to include the most immediate past member of the ABA Board of Governors and any immediate past officer of the ABA from the California ABA Delegation;
- c. Two (2) members who have not had substantial volunteer experience but who possess the leadership and other skills to be successful delegation members; and,
- d. Six (6) delegates who have substantial bar experience, especially with the ABA, and are typical of other State Bar appointments.

Unless otherwise authorized by the Board, each member of the State Bar's ABA delegation is eligible for reappointment to no more than three consecutive two-year appointments or a maximum of six consecutive years of service with the delegation. Delegates who have completed such service may apply in the future after a period of not less than two years from the date of the expiration of the delegate's last term of service with the State Bar. All members are encouraged to become broadly participant in ABA activities in order to fully represent the interests of California attorneys.

***Application deadline:*** February 3, 2014. All applicants, including incumbents who are eligible for an additional term, must submit the State Bar Application for 2014-2015 Appointments.

***Available positions:*** 6 delegate seats

***Questions:*** Contact the State Bar's Appointments Office (415) 538-2370

***Judicial Council.*** In 2014, the State Bar will have two lawyer positions to fill on the Judicial Council. The Judicial Council is a state constitutional agency that provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure and administration. The Judicial Council consists of the Chief Justice, one other associate justice of the Supreme

Court, three justices of the Courts of Appeal, ten judges of the superior courts, four lawyers appointed by the State Bar, one member appointed by the legislative leaders in each house of the Legislature, two nonvoting court administrators, and other nonvoting positions as determined by the council. The four lawyer members are appointed to staggered three-year terms. Members receive no compensation for services but are reimbursed by the council for approved travel expenses. The two terms begin September 15, 2014, and end September 14, 2017.

Service on the council is a significant time commitment (approximately 300 hours per year for meetings and assignments). Each year the council meets six to eight times, with the meetings typically set for two days (usually Thursday and Friday). Members may serve on one of the council's internal committees, which meet frequently at a convenient location or by conference call. In addition, council members are assigned special tasks, which are supported by staff. The council reimburses members for their travel expenses in accordance with the reimbursement schedule for state employees. Information about the council is available at its website:

<http://www.courts.ca.gov/policyadmin-jc.htm>

Criteria deemed important for service on the council are: 1) demonstrated interest in and experience with court administration issues; 2) broad experience in the legal field, including trial experience; 3) a keen analytical ability, independent judgment and a big picture perspective regarding the role of the judicial branch; and 4) collegial working relationships and credibility as a leader both within the home county and statewide. At its discretion, the Board may conduct interviews of selected applicants. The Board is expected to make the appointments at its March or May 2014 meeting.

*Application deadline: February 3, 2014*

*Available positions: 2*

*Questions: Contact the State Bar's Appointments Office (415) 538-2370*

**2015 Commission on Judicial Nominees Evaluation (JNE Commission).** The JNE Commission, established pursuant to Government Code Section 12011.5, evaluates all candidates who are under consideration for a judicial appointment by the governor. The 38-member commission is composed of lawyers in active practice, one or more retired judges, and non-lawyers. Commissioners serve terms of approximately one year and may serve up to three consecutive terms. Commissioners receive no compensation for services.

The State Bar seeks applications from California lawyers, former judges, and members of the public whose background, skills and experience would enable them to

assess candidates for judicial appointment in a thorough, objective and professional manner and to provide timely and well-written reports, while maintaining a code of strict confidentiality. Lawyer applicants must be in active practice, for preferably ten or more years. Consideration will be given to those practitioners who have substantial litigation, trial and/or appellate experience. Former judges with appellate backgrounds are encouraged to apply. Public member applicants must never have been admitted to the practice of law.

*Time Commitment and Workload.* Those who apply must be available to attend a two-day Orientation meeting to be scheduled in January or February 2015, and must be able to commit at least 40 hours each month. In addition, there are 12-14 meeting days a year. The meetings last two days (usually Friday and Saturday) and take place every second month. The meetings alternate between San Francisco and Los Angeles. Commissioners work in teams of two to four. Typically, each team will have two to four assignments. Commissioners may travel outside their county and geographic area to conduct interviews. Interviews may last between two and three hours and are conducted at one of the State Bar's offices. Commission members are reimbursed for approved travel in accordance with State Bar policy and the commission's authorized budget.

*Oath and Conditions of Appointment.* Each commission member takes an oath of office and is sworn in at the mandatory Orientation meeting. Because a portion of the JNE Commission's work is conducted electronically, commissioners must have access to a computer and an e-mail address that can be published at the State Bar's website. Commissioners are subject to a criminal history clearance by the California Department of Justice and FBI. As a condition of appointment, each commissioner agrees that during his or her service on the commission, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process. Commissioners may not apply for or accept a State of California judicial appointment nor permit his or her name to be submitted for evaluation as a candidate for such an appointment while a member of the commission or until such time thereafter that a majority of the commission consists of members with whom the commission member did not serve (i.e., two or three years after completing service on the commission). Commissioners are appointed by and serve at the will and pleasure of the Board of Trustees and may be removed with or without good cause. The rules of the commission provide that a member may be removed for breach of confidentiality, failure to perform assigned

duties, and failure to attend meetings. At its discretion, the Board may conduct interviews of selected applicants. The Board is expected to make the appointments at its July 2014 meeting.

*Application Deadline:* June 2, 2014

*Expected positions:* 15

*2013 Chair:* Lara Krieger, Los Angeles

*2014 Chair:* Jason Lee, Los Angeles

*Staff:* Heidi Schwab-Wilhelmi (415) 538-2274

***Review Committee of the Commission on Judicial Nominees Evaluation (RJNE).*** The Review Committee (RJNE), established pursuant to Article 6, Rule 7.66 of the Rules and Procedures of the Judicial Nominees Evaluation Commission (JNE Commission), is a five-member committee that is charged with reviewing requests from those candidates that are seeking reconsideration of the JNE Commission rating of "not qualified". RJNE evaluates information pertaining to the investigation of the candidate and focuses on possible violations of rules or procedure. RJNE is composed of two members of the Board of Trustees (one lawyer member and one public member), one past member of the JNE Commission, and two at-large members.

In 2014, the term of one at-large member will expire. Applicants should have attorney or other legal-related experience, knowledge of the judiciary, strong analytical skills, and an ability to assess confidential information in a thorough and objective manner. Meetings are conducted by conference call and typically last 30-60 minutes. They may be held as often four or five times a year. Members may require between two to four hours to review materials prior to the conference call.

*Application Deadline:* June 2, 2014.

*Meetings per year:* 4-5 (by conference call)

*Available positions:* 1 (at-large member)

*Staff:* Heidi Schwab-Wilhelmi (415) 538-2274

***Lawyer Assistance Program (LAP) Oversight Committee.***

The Lawyer Assistance Program (LAP) was implemented in January 2002 pursuant to Senate Bill 479. The program helps protect the public, the courts, and the legal profession by offering education and rehabilitative programs to State Bar members suffering from substance abuse and mental illness. The State Bar established the LAP Oversight Committee to oversee the operation of the program and to establish practices and procedures to support the administration of the program. The committee's 12 members include six appointed by the State Bar, four by the Governor's Office and one each by the Senate Rules Committee and the Assembly Speaker. Members serve four-year renewable terms, and terms run Jan. 1-Dec. 31.

Pursuant to statute, the six State Bar's appointments must include:

- a. Two members who are licensed mental health professionals with knowledge and expertise in the identification and treatment of substance abuse and mental illness;
- b. One member who is a physician with knowledge and expertise in the identification and treatment of alcoholism and substance abuse;
- c. One member of the board of directors of a statewide nonprofit organization established for the purpose of assisting lawyers with alcohol or substance abuse problems, which has been in continuous operation for a minimum of five years; and
- d. Two members who are lawyers, at least one of whom is in recovery and has at least five years of continuous sobriety.

*Application deadline:* June 2, 2014

*2015 Available Positions:* 2 positions: 1) a licensed mental health professional (see a. above) and 2) member of a board of directors of a statewide nonprofit organization (see c. above). Incumbents who wish to reapply must submit the State Bar Application for 2014-2015 Appointments.

*Terms:* Jan. 1, 2015 – Dec. 31, 2018

*Meetings per year:* 4 (two in San Francisco and two in Los Angeles; the time commitment between meetings is one to two hours—a combination of conference calls and reading materials to prepare for meeting.)

*2014 Chair:* Philip Belleville, Rolling Hills

*Staff:* Richard Carlton (415) 538-2355

***Additional Applications available from:***

*Appointments Office*

*The State Bar of California*

*180 Howard Street*

*San Francisco, CA 94105-1639*

*(415) 538-2370*

*Or from The State Bar's website:* [www.calbar.ca.gov](http://www.calbar.ca.gov)

*Select links to*

*► About Us*

*► Committees and Commissions*



**THE STATE BAR OF CALIFORNIA**  
**APPLICATION FOR 2014 – 2015 APPOINTMENTS**

Your application is confidential. You may apply to up to three committees, but can only be appointed to one. A separate application must be submitted for each committee to which you apply. If you are not appointed to a committee of your choice, your application may be circulated to other committees if you so authorize. You can find each committee's requirements at the State Bar's website ([www.calbar.ca.gov](http://www.calbar.ca.gov); see Committees and Commissions page). Requirements also available from the State Bar's Appointments Office and the committee's staff administrator. You will be notified by letter of the decision on your application no later than 9/14/14. The notification letter will be mailed to your State Bar address of record. Terms for most committees begin at the close of the 2014 State Bar Annual Meeting (9/14/14). Terms for the American Bar Association (ABA) House of Delegates begin at the close of the 2014 ABA Annual Meeting (8/12/2014); the Judicial Council terms begin 9/15/2014; the Lawyer Assistance Program (LAP) Oversight Committee terms begin 1/1/2015; and terms for the 2015 Judicial Nominees Evaluation (JNE) Commission begin 2/1/2015.

Office Use Only (1) Processed: \_\_\_\_\_

**Instructions:** Type or print clearly with dark ink. If the space provided is not sufficient for your response, you may attach a separate page. Date and sign the application. Attach: 1) a statement of interest indicating why you wish to serve on the committee and what you can contribute, 2) a resume or biography, and 3) any letters of recommendation (maximum three). Do not submit copies of books, articles or certificates with your application. Follow filing instructions found at the last page.

**PART ONE**

**NAME:** \_\_\_\_\_

**STATE BAR NUMBER:** \_\_\_\_\_

**CHECK HERE IF YOU ARE NOT ADMITTED TO PRACTICE LAW IN CALIFORNIA:**

Applicants who are not lawyers and/or who are not admitted to practice law in California may apply for some positions as a public member. Some committees require public members to be non-lawyers. Please review the committee descriptions to verify which committees seek applications from public members and the requirements. If appointed, your address information may be published at the State Bar website. If you do not wish your e-mail address to be public, check the "Private" box at the e-mail address line below.

**NAME OF COMMITTEE TO WHICH YOU ARE APPLYING:** \_\_\_\_\_

**COMMITTEE PREFERENCES:** You may apply to three committees but must list them in your order of preference. If you are applying to two or three committees, list your preferences below; you must submit a separate application for each committee. Your order of preferences must be the same on each application.

**1<sup>st</sup> choice:** \_\_\_\_\_

**2<sup>nd</sup> choice:** \_\_\_\_\_

**3<sup>rd</sup> choice:** \_\_\_\_\_

If you are not selected for one of these committees and would you like to be considered for a position on another State Bar committee, please check here:

**NAME OF EMPLOYER / FIRM / AGENCY:** \_\_\_\_\_

**MAILING ADDRESS: STREET ADDRESS/ CITY / ZIP CODE:** \_\_\_\_\_

**DAYTIME PHONE:** (     ) \_\_\_\_\_

**FAX NUMBER:** (     ) \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

My e-mail is public:       My e-mail is private:

**How did you learn of this vacancy? (check one)**

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Trustees member (name): _____ | <input type="checkbox"/> Local bar association            |
| <input type="checkbox"/> Committee chair                        | <input type="checkbox"/> State Bar publication or website |
| <input type="checkbox"/> Colleague                              | <input type="checkbox"/> Other (specify): _____           |

**Which one of the following best describes your occupation? (check one)**

- |   |   |
|---|---|
| <input type="checkbox"/> Private practice         | <input type="checkbox"/> Non-governmental legal services organization |
| <input type="checkbox"/> Publicly employed lawyer | <input type="checkbox"/> Non-profit organization                      |
| <input type="checkbox"/> Corporate law department | <input type="checkbox"/> Retired justice or judge                     |
| <input type="checkbox"/> Law teaching             | <input type="checkbox"/> Retired lawyer                               |
| <input type="checkbox"/> Quasi-judicial officer   | <input type="checkbox"/> Other (specify): _____                       |

**What is the size of your office? (check one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Sole practitioner   | <input type="checkbox"/> 36-100 lawyer office |
| <input type="checkbox"/> 2-10 lawyer office  | <input type="checkbox"/> 101+ lawyer office   |
| <input type="checkbox"/> 11-35 lawyer office | <input type="checkbox"/> Not applicable       |

**DATE ADMITTED TO THE STATE BAR OF CALIFORNIA (month and year):**

I am currently (check one):  Active  Inactive

List other jurisdictions to which you have been admitted to practice:

**LENGTH OF TIME IN PRACTICE:**

If not a lawyer, list length of time in profession:

**FIELDS IN WHICH YOU PRACTICE:**

**FIELDS IN WHICH YOU ARE CERTIFIED AS A SPECIALIST (Lawyer applicants to the legal specialization entities, except Admiralty/Maritime Law and Legal Malpractice Law, must be certified specialists):**

**VOLUNTEER SERVICE.** List, or attach as a separate page, prior volunteer service with the State Bar, local or specialty bar associations, community or other organizations. Please focus on those activities that prepare you for a position on the committees to which you are applying:

**STATE BAR SECTIONS.** List the State Bar sections of which you are a member (all applicants to a section's executive committee must be members of that section):

**DISCIPLINE RECORD.** List any formal disciplinary charges filed against you, including disposition of such charges and any public record of discipline. You may attach a separate sheet if needed.



## PART TWO

The State Bar of California values diversity and broad-based representation in its appointments. The legal community is diverse and it serves an even more heterogeneous population. The recruitment and selection of applicants with diverse backgrounds, experiences, outlooks, and ideas will bring qualities essential to the governance of the legal profession and to the services the State Bar provides to its diverse members and to the public. It is therefore the policy of the State Bar to encourage the participation of all State Bar members in order to obtain broad representation on each entity. To the extent available, the State Bar will consider factors which encourage breadth and depth of perspective including, but not limited to, the following: geographic location of work and residence, practice area, size of law practice, length of time practicing, volunteer work, educational background, specific accomplishments, ethnicity, gender, age, sexual orientation, and disability. The State Bar provides equal access to all applicants and complies with all applicable anti-discrimination laws in its appointment process.

**Please complete the following portion of the Appointment Application to let us know how you can contribute to the diversity and broad composition of the State Bar's committees and commissions. You may attach a separate sheet if needed.**

What unique characteristics, perceptions, experiences, personal talents, or qualifications would you bring to the committee?

Please describe the communication skills and leadership abilities that you possess that will lend to the activities of the committee:

Please describe any hardship or disadvantage you have had to overcome and how this experience will contribute to your service with the State Bar:

Is there any additional information about yourself that you would like to share with us?

**Applicants are requested, but not required, to provide the following information. If you wish to self-identify as a member of a community or to describe your background, please complete the following:**

**Gender:** \_\_\_\_\_ **Sexual Orientation** (e.g., do you self-identify as a member of the gay, lesbian, bisexual or transgender community): \_\_\_\_\_

**Ethnicity:** \_\_\_\_\_

**Age:** \_\_\_\_\_

**Other Diversity Factor(s):** \_\_\_\_\_

**SIGNATURE:** Sign and date your application.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

THE STATE BAR OF CALIFORNIA  
Application for 2014-2015 Appointments

**APPLICATION FILING INSTRUCTIONS**

- You may apply to a maximum of three committees. If you are applying to two or three committees, you must submit a **separate application for each committee**. For each committee application, print an original copy. Sign and date the original.
- Attach your statement, resume and letters of recommendation in the order below:
  - 1) Committee application form
  - 2) Statement of interest (e.g., why you want to serve on the committee)
  - 3) Resume or biography
  - 4) Letters of recommendation (no more than three)
- **Copies:** For each committee's application, make one (1) single-sided copy of the form and attachments. Submit the two (2) sets (original and copy) of each application by the committee's deadline.
- **Resume/Biography:** Your resume or biography may include any of the following: business, occupational or professional licenses; legal and general educational background; academic, professional or civic honors; articles or publications authored (*do not attach copies*); accomplishments of note; proven commitment to volunteer work/capacity to make expected time commitment; national, state and/or local bar committee service, professional and/or community association memberships, personal and/or organizational references.
- **Letters of Recommendation:** Letters are helpful but not required. You may submit a maximum of three (3) letters of recommendation. It is preferred that letters of recommendation be attached to the application, but they may be submitted separately. All letters of recommendation must be submitted to the Appointments Office in the State Bar's San Francisco office. If more than three letters of recommendation are submitted, only the first three will be included in the application.
- **American Bar Association (ABA) House of Delegates:** In your statement of interest, please describe your ABA activities and the contributions you have made to the organization in the past two years.
- **2015 Commission on Judicial Nominees Evaluation (JNE Commission):** Lawyer applicants must be State Bar members in good standing and in active practice. Public member applicants must not be admitted to the practice of law. In your statement of interest, please describe why you are interested in the commission, any experience you have with interviewing professional applicants, and your ability to make the time commitment and to attend a mandatory Orientation meeting to be scheduled on a Friday and Saturday in Jan. or Feb. 2015. A letter of recommendation, especially from an employer, is helpful.
- **DEADLINES:** Unless otherwise published at the State Bar's website, the 2014 application deadlines for the following entities are:

<b>Feb. 3, 2014:</b>	ABA House of Delegates, Judicial Council, and the State Bar Standing, Section Executive and Special Committees
<b>June 2, 2014:</b>	2015 JNE Commission, Review Committee of the JNE Commission, LAP Oversight Committee

Applications for committees with immediate vacancies may have different deadlines. Please check the State Bar's website (Committees and Commissions page) for deadlines for committees with immediate vacancies. On occasion, the application deadline may be extended for certain committees. Deadline extensions are posted at the website; applicants also may contact the Appointment Office for information on extended deadlines.
- **MAIL OR DELIVER EACH COMMITTEE APPLICATION (originals and copies) to:**

Appointments Office  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639


Applications must be received by the deadline noted above. We will accept your application by fax on the day of the deadline if the original and copy are mailed and postmarked by the deadline. The Appointments Office fax number is (415) 538-2305.
- **Questions:** Contact the Appointments Office at (415) 538-2370.

State Bar of California  
Council on Access & Fairness

## Strategies for Eliminating Bias in the Legal Profession

**SPEAKER:**  
**CYNTHIA LOO**  
Chair, Council on Access & Fairness

Panel Discussion on State Bar Appointments  
Southwestern Law School  
January 8, 2013



Council on Access & Fairness




- ✓ State Bar's Council on Access & Fairness
- ✓ The Case for Diversity
- ✓ The Educational Pipeline
- ✓ California Partnership Law Academies
- ✓ "When You Dream"
- ✓ 2+2+3 Community College into the Profession Initiative
- ✓ The Legal Profession
- ✓ Implicit Bias
- ✓ Diversity on the Bench
- ✓ Offering Solutions / Accomplishments



Diversity in the legal profession has long been recognized as one of the key strategies by the State Bar of California.

The diversity priorities are articulated in the State Bar's Strategic Plan:

**Mission, Vision and Values**  
From the successful execution of its mission, the Bar envisions a variety of beneficial results for the public and the profession . . . .

- A justice system reflective of the diversity of the State it serves

**Administration of Justice – Strategies:**


- Undertake activities to enhance the diversity of the legal profession to eliminate bias in the practice of law, taking care that mandatory dues are expended appropriately.

Note: All Access & Fairness activities are funded through voluntary contributions to the State Bar.

State Bar of California  
Council on Access & Fairness

## The State Bar of California Council on Access & Fairness (COAF)


- ❖ COAF serves as State Bar's diversity "think tank"
- ❖ Advises the BOT on advancing the Bar's diversity strategies and goals along the diversity pipeline to enhance opportunities and advancement.



State Bar of California  
Council on Access & Fairness

## Council on Access & Fairness (COAF)

- ❖ **The COAF focuses on key sections of the Diversity Pipeline:**
  - ❖ Early Education Pipeline, K to 12;
  - ❖ College and Law School;
  - ❖ Legal Profession, recruitment, hiring, retention and promotion;
  - ❖ Judicial



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Council on Access & Fairness

## The Case For Diversity


- The Administration of Justice
- The Business Case
- Leadership and Policymaking
- The Demographic Rationale



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### The Case For Diversity Administration of Justice Imperative

- *Diversity and inclusion is first and foremost a matter of social justice.*
- Social justice" means intrinsic fairness and equality.



### The Importance of Diversity The Administration of Justice

A diverse profession creates greater public confidence in the legal profession and the judicial system



- ❖ Public trust and confidence in the courts
- ❖ The appearance of fairness in the legal system

*See Judicial Council Survey on Public Confidence*  
<http://www.courts.ca.gov/5275.htm>

A diverse legal profession will strengthen the quality of social justice and democracy.

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Council on Access & Fairness

### The Business Case

A diverse profession is more responsive to client demands



**Client Demands Strengthen the Business Case for Law Firm Diversity**

**DIVERSE LAW FIRMS MAKE GOOD BUSINESS SENSE –**  
Business entities are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces from many different backgrounds, perspectives, and skill sets. And more frequently, clients now expect and sometimes demand lawyers who are culturally diverse

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### The Importance of Diversity Leadership and Policymaking



Attorneys account for:  
100% judges

and approximately:

- 50% of our Presidents
- 58% U.S. Senators
- 37% U.S. Representatives
- 40% Governors
- 14% State Legislators
- 11% major CEOs

As Justice O'Connor reminded us in her opinion in the *Grutter* case, this society draws its leaders from the ranks of the legal profession.

### The Demographic Rationale


A diverse profession is more reflective of today's changing demographics

**AN AGING POPULATION:**

- ❖ 38.7 million: Number of U.S. residents 65 and over in 2008
- ❖ 88.5 million: Projected number of U.S. residents 65 and over in 2050

**A MORE ETHNICALLY AND RACIALLY DIVERSE POPULATION:**

- ❖ 46.7 million: Number of *Hispanics* residing in the U.S. in 2008
- ❖ 132.8 million: Projected number of *Hispanics* residing in the U.S. in 2050
- ❖ 15.5 million: Number of *Asians* residing in the U.S. in 2008
- ❖ 40.6 million: Projected number of *Asian* residents of the U.S. in 2050




The U.S. population is getting older and more diverse.

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### The Educational Pipeline


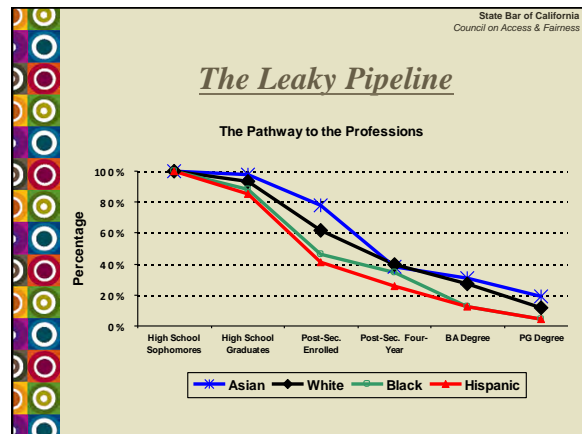
- ❖ The educational route to the legal profession for students
- ❖ Encompasses early education (Pre-K to 12), College (2-year and 4-year), and law school (including the bar exam)



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Council on Access & Fairness

### Why Is it Important?


- ❖ A robust, diverse educational pipeline ensures continued diversity in the profession and judiciary
- ❖ **The educational pipeline is the pathway to success in the profession**
- ❖ A law degree and legal experience open doors and create opportunities unlike many other professional credentials:
- ❖ *"Always make the choice that brings you more choices"* – choosing the legal profession leads to better options

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### Critical Leaks Along the Pipeline

- ❖ Achievement gap
- ❖ Dropout and expulsion rates in early years
- ❖ Disparities in law school admissions and academic support programs
- ❖ Law school admission shut-out rate
- ❖ Bar passage rates




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### Critical Leaks Along the Pipeline

#### School to Prison Pipeline


- ❖ What is the "School to Prison Pipeline"?
- ❖ Policies and practices pushing school children, in particular minority and low income students, out of the classroom and into the juvenile and criminal justice system



See: What is the School to Prison Pipeline? ACLU at <http://www.aclu.org/racial-justice/what-school-prison-pipeline>

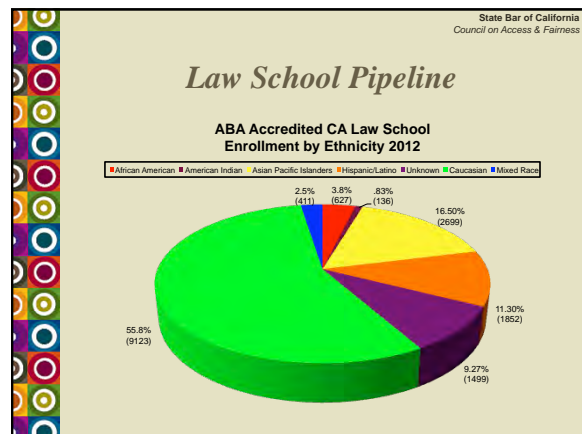
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### College Enrollments



- ❖ **Race and family income are highly correlated with whether a student immediately enrolls in college.**
- ❖ The immediate college enrollment rates of high school graduates from low and middle-income families trailed those of their peers from high-income families by more than 10 percentage points in each year between 1972 and 2007.

Source: US DOE "The Condition of Education 2009"



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Council on Access & Fairness

### Response by the Profession

- ❖ Data show that low-income students and students of color achieve at high levels when schools and school systems are organized to support student success  
*Source: The Education Trust, Education Watch (April 2009)*
- ❖ Attorney participation in pipeline programs:
  - Mentoring
  - Role models
  - Speaker bureaus
  - Internships
  - Mock trial programs
  - Law-themed schools

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### Response by the Profession

Pipeline programs help to foster:

- Critical Thinking
- Written and Oral Communication
- Working Collaboratively
- Problem Solving
- Study Skills
- Aspirations
- Preparation for College and Law School
- SAT and LSAT Prep



## CALIFORNIA PARTNERSHIP LAW ACADEMIES

A Partnership of:  
The State Bar of California  
&  
The California Department of Education

State Bar of California  
Council on Access & Fairness

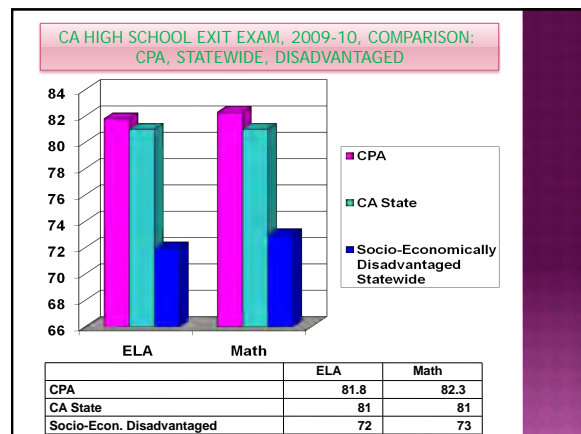
### Response by the Profession

#### CA Partnership Law Academies

- ❖ The *legal profession* seeks diversity among future practitioners by creating a **DIVERSITY PIPELINE** from pre-school into the profession.
- ❖ The *CDE* is responsible for educating California's children in a state that is richly diverse in its population.
- ❖ "schools within a school" which focus on smaller learning communities with a law-career theme
- ❖ "At-risk" youth; at least 70% students of color
- ❖ Components include a career technical curriculum Local Advisory Boards include judges, attorneys, local and minority/specialty bars, law schools, law career representatives, and community members
- ❖ Programs include mentoring teams, internships, in-class presentations, site visits, field trips, mock trials, etc.

### THE PIPELINE INTO THE LAW

The California Partnership Academy model provides an excellent avenue for the profession's desire for diversity in the profession.

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**Achieving Concrete Results:**

- Academy students are 15 % more likely to graduate from high school than non-academy participants.
- Academy students are 21% more likely to meet University of California entrance requirements than non-academy students.
- Graduating Students are *college-ready* and *work-ready*.
- 46% attending community college and also employed




**LAW ACADEMIES**

- Crawford High School**  
(San Diego County)
- Cabrillo High School**  
(Long Beach)
- De Anza High School**  
(W. Contra Costa County)
- Florin High School**  
(Sacramento County)
- McClatchy High School**  
(Sacramento County)
- Woodrow Wilson High School**  
(Los Angeles County)
- Jesse Bethel High School** (8-2013)  
(Solano County)
- Washington High School** (1-30-14)  
(Los Angeles County)



**GET INVOLVED**



Law Day 2013 at the California Supreme Court

**THURSDAY, JANUARY 30, 2014:** Invitation to Join the Advisory Committee— Washington High School, California Law Academy

When: Thursday, January 30, 2014, at 5:00 p.m. Where: Loyola Law School, Room 515 in the Casassa



**Community College Pipeline**

- ❖ Two-year institutions are becoming more popular starting points for law school applicants
- ❖ Students who begin undergraduate education at two-year colleges perform comparably to those who begin at four-year institutions in both law school admission success and first- year law school performance.



See LSAC Report:  
"From Two-Year Institutions to Law School"

**Community College Pipeline**

**"When You Dream ...  
Community College –  
Pathway to Law School"**



Hon. Tani Gørre Cantil-Sakauye  
Chief Justice of California  
Sacramento City College

Niles Pierson  
USC Law Student  
Riverside Community College

<https://sites.google.com/site/calbardream/>  
A Link to short version (9 minutes, approx.)  
<http://youtu.be/P7FTW-OWik>

**Community College Students**

**61.7% to 68.8%**

	CCCs	CA Pop.*
African-American	7.5%	5.8%
Native American	0.5%	1%
Asian	11.5%	12.8%
Filipino	3.0%	**
Pacific Islander	0.5%	0%
Hispanic	35.9%	37.6%
White	31.2%	40.1%
Multi-Ethnicity	2.8%	1.3%
Unknown/ Nonrespondent	7.1%	—

\* Data from 2013 Fast Fact Sheet - CCLC

Study by Law School Admissions Council


- + Increasing recruitment efforts at two-year institutions may **positively impact the diversity** of future applicant pools.
- + More law school applicants, **especially Hispanic/Latino applicants**, are beginning their undergraduate education at more racially diverse two-year institutions.
- + To improve the likelihood of law school admission for applicants starting at two-year institutions, more attention might be given at two-year institutions to **developing logical reasoning, reading comprehension, and analytical reasoning skills**.

**2 + 2 + 3 Community College Pathway to Law School**

**An Initiative By the State Bar of California**

**2 + 2 + 3 Community College Pathway to Law School**



Development of articulation/admissions agreements among the three institutions in this part of the pipeline – community colleges, four-year colleges, and law schools – which would agree to support and mentor students along the pipeline into law school.



**2 + 2 + 3 Community College Pathway to Law School**

*Thousands of talented young people leak out of the education pipeline from community college to law school every year because of a lack of support, mentoring, financial resources, and information about what is needed to gain admission to and succeed in law school.*

*“2+2+3” is meant to address all of these leakages.*

**4 Law Schools**

- U.C. Davis
- U.C. Irvine
- Santa Clara
- U.S.C.

**20- 36! Community Colleges**

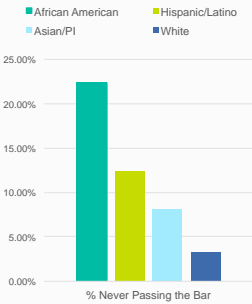


**Closing the Gap by Raising the Bar**

A critical first step to address the worsening diversity gap in the legal profession is improving bar passage.

The only national study of bar passage rates by race and ethnicity (LSAC, 1998) showed that a significant proportion of under-represented minorities who graduate from law school do not pass the bar.

We need continued research into bar passage rates. *For instance, the only state to report bar admissions based on ethnicity is California.* More needs to be done to track the gap.



Race/Ethnicity	% Never Passing the Bar
African American	~22.00%
Hispanic/Latino	~12.00%
Asian/PI	~8.00%
White	~3.00%

Microsoft



### Strategies to Improve URM Bar Passage

**Make bar prep part of standard law school curriculums**

If under-represented minorities passed the bar at the same rate as whites (96.7%), this would have same impact as increasing number of under-represented minorities law school by 18%.

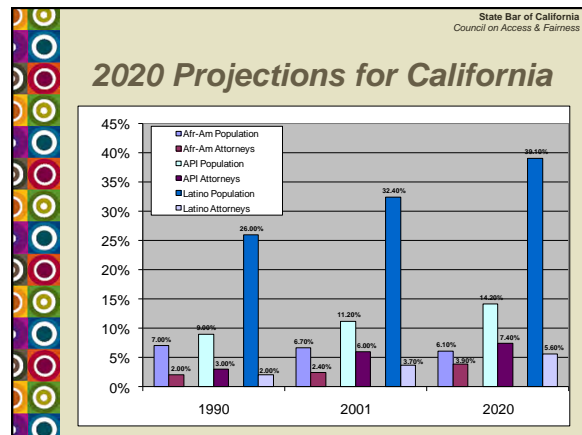
Florida International University College of Law has made bar prep a standard part of its last semester curriculum. Its class is 55.9% URM, first-time bar pass rate is 89.3%.

**Provide financial support to enable all students to adequately prepare for the bar exam**

Highly rated bar preparation courses are expensive and time consuming, often putting them out of reach for some.

### Other Strategies from Similar Professions

### Diversity in the Legal Profession



### The Diversity Divide

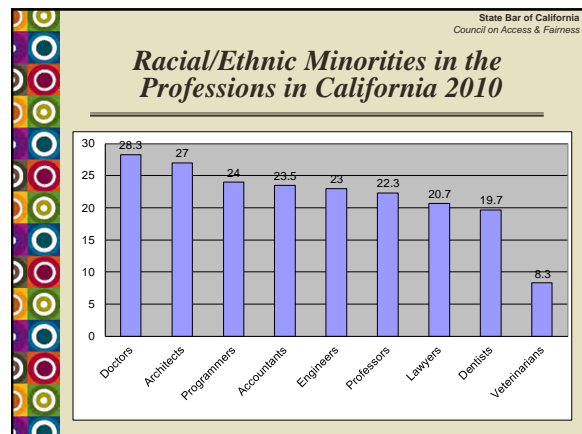
**In 2012, people of color made up nearly one-third of the labor force**

The United States becomes more diverse every year. The legal profession does not.

The gap between diversity in the law profession and diversity in the U.S. has worsened over the past 9 years.

Yet there exists today a profound lack of research into the diversity of individuals entering law in comparison to other professions and a critical lack of focus on the issue.

Source: Bureau of Labor Statistics




State Bar of California  
Council on Access & Fairness

### *Legal Profession Lags Behind Others in Diversity and Inclusion*

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- ❖ **Intolerable for legal profession to lag behind other professions in diversity and inclusion.** Other professions, require just as much schooling but less direct focus on such values as justice, leadership, and democracy, have achieved diversity and inclusion.
- ❖ Lawyers are leaders and problem-solvers who are on the front lines, protecting, preserving and promulgating equality and fairness.



Sandra Yamate, Chief Executive Officer  
Institute for Inclusion in the Legal Profession

State Bar of California  
Council on Access & Fairness

### *California State Bar Diversity*

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Categories	2001 Survey	2006 Survey	2011 Survey	2010 Census
Active Bar Members	148,000	154,500	172,402	
Race/Ethnic Minorities				
African American	2.4%	1.7%	2.7%	6.2%
Latino/Hispanic	3.7%	3.8%	4.2%	37.6%
Asian/Pacific Islander	6.0%	5.3%	7.7%	13.4%
Other/Mixed	4.9%	4.8%	6.1%	2.7%
Total Minorities	17.0%	15.6%	20.7%	59.9%
Women	32.0%	34.0%	39.4%	50.7%
LGBT	2.4%	5.2%	4.6%	3.2%
Disabilities	4.0%	no data	no data	10.0%

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### *Attorney Demographics in the Private Sector vs. Population Figures*

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	Minority	African American	Asian Pacific Islander	Hispanic/Latino
2010 Statewide Population	59.9%	6.2%	13.4%	37.6%
<b>LAW FIRM PARTNERS (from NALP 2006 data)</b>				
	Minority	African American	Asian Pacific Islander	Hispanic/Latino
California	4.04%	1.38%	1.31%	1.2%
<b>LAW FIRM ASSOCIATES (from NALP 2006 data)</b>				
	Minority	African American	Asian Pacific Islander	Hispanic/Latino
California	14.63%	4.07%	7.01%	2.96%

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### *More than 75% of Minority Female Lawyers Leave Law Firms Within 5 Years*

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- Focus of unwanted or unfair critical attention
- Greater sense of "outsider status" than other groups
- Reported more racial and gender stereotyping, and more feelings of sexism than white women.
- Missed out on high profile assignments and important client engagements
- Limited growth opportunities



Data Sources: Catalyst (2009)

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### *Implicit Bias*

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- Studies conclude all people stereotype others unconsciously.
- Stereotypes arise from ordinary tendencies to make associations and conflicts with conscious attitudes and intentional behaviors.
- Thus, notwithstanding protestations to the contrary, people are generally not blind to demographic characteristics.
- In numerous studies participants systematically preferred socially privileged groups: men over women, young over old, white over black, other people over Arab/Muslim, able over disabled, and straight over gay.

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### *Gender / Implicit Bias*

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- Curricula vitae were sent to numerous academicians.
- CV came from a real-life scientist and were identical, but names were changed to reflect traditional male and female names.
- Both male & female academicians significantly more likely to hire a male than an equally qualified potential female.
- Both sexes reported the male applicant had adequate teaching, research and service experience compared to the female job applicant with an identical record.

Data Source: Steinpreis, Anders and Ritzke (1999)

### Race/Ethnic / Implicit Bias in Hiring




- Comparable resumes were sent to numerous employers in Boston and Chicago.
- Used names such as "Emily" or "Greg" to signal whiteness and "Lakisha" and "Jamal" to signal blackness.
- → The simple manipulation of the name produced a 50% difference in callback rates.

Data Source: Bertrand and Mullainathan (2004)

### How Implicit Bias Predicts Shooter Bias


- Study → how much easier it is to shoot African Americans compared to whites in a game simulation.
- Participants asked to make one response if the person holds a weapon, and another if holding a harmless object such as a cell phone.
- Responses differed as a function of race: Both African-American & White participants were quicker to "shoot" an armed black target than armed white target, but slower to "not shoot" an unarmed black target than an unarmed white target.



Data Source: Joshua Correll (2002)

### Are Ideal Litigator's White?

- Do participants have implicit stereotypes linking the ideal litigator toward particular racial groups (White versus Asian American).
- Two depositions, heard via headphones and simultaneously read on screen.
- Beginning of each, shown 5 seconds picture of litigator, accompanied by name
- → Strong implicit bias stereotype associating litigators with Whiteness, strong upgrading of "White" attorney, though transcript was the same.



Data Sources: See Jerry Kang et al., "Are Ideal Litigators White? Measuring the Myth of Colorblindness," 7 J. Empirical Legal Stud. 886 (2010)

### Raising the Bar:

*OFFERING SOLUTIONS - Modern Hiring & Retention Practices for Achieving Diversity*




Microsoft

### The Takeaways

Although careers in medicine, business, and law are similar, why do these careers have less of a diversity gap than law?

License passage rates are significantly higher in medical fields	Loan forgiveness is more available and better established	Similar professions do a better job reflecting U.S. diversity
No national law scholarships on the scale of medical and business	Minority employment in the legal profession grew just .8% to 8.4%	



Microsoft

### OFFERING SOLUTIONS

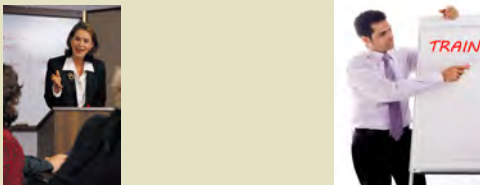
1. Develop and Communicate the Business Case for Diversity
2. Have Senior Partners Take the Lead
3. Establish Accountability



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4. Dispel Myths & Stereotypes Through Diversity Training / Implicit bias training
5. Develop Mechanisms for Effective Mentoring and Networking Programs and/or Develop Affinity Networks



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6. Expand Recruitment Beyond Box Criteria & Emphasize Lateral Hires
7. Promote Work-Life Balance
8. Create and/or Implement Diversity & Inclusion and Tolerance Policies



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9. Support Diversity Activities Inside and Outside of the Organization; Give Billable Hour Credit for Diversity-Related Work
10. Develop Equal Treatment Programs



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### *Diversity in the California Courts*

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### *WHY VALUE JUDICIAL DIVERSITY?*

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“In my view, a diverse bench not only will maintain and enhance our state’s tradition of having an excellent judiciary, but also will serve to reinforce our guiding principle – that we are committed to making our justice system fair and accessible to all.

- Chief Justice Ronald M. George, Welcoming remarks, “Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary”, June 2006, San Jose, CA, convened by the State Bar

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### *Why Diversity on the Bench Matters*

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“I strongly believe that any judge should be able to fairly hear and decide any case, no matter who the parties and regardless of the racial, ethnic, religious, economic or other minority group to which they belong. **Nevertheless, it cannot be questioned that a bench that includes members of the various communities served by the courts will help instill confidence in every segment of the public that the courts are indeed open to all persons and will fairly consider everyone’s claims.**”

Former Chief Justice Ronald M. George, Remarks at 2007 Senate Judiciary Committee’s Public Hearing on the Judicial Selection Process

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### WHY VALUE JUDICIAL DIVERSITY?

- “...Judges can and do influence each other. They exchange ideas on and off the bench. A judiciary that is comprised of judges from differing backgrounds and experiences leads to an interplay and exchange of divergent viewpoints, which in turn prevents bias, and leads to better, more informed decision making. Diversity of opinion among decision makers encourages debate and reflection, and fosters a deliberative process that leads to an end product that is greater than the sum of its parts.”

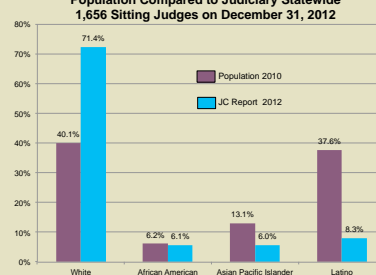


*Editorial, American Judicature Society Magazine, March/April 2010 ed.*

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### Diversity in the California Courts

**Population Compared to Judiciary Statewide  
1,656 Sitting Judges on December 31, 2012**

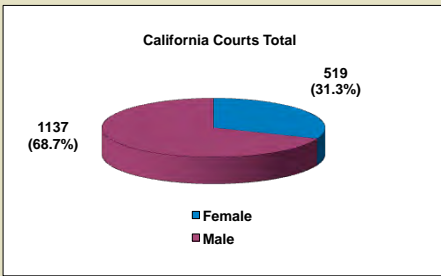


Ethnicity	Population 2010	JC Report 2012
White	40.1%	71.4%
African American	8.2%	6.1%
Asian Pacific Islander	13.1%	6.0%
Latino	37.6%	8.3%

Data Sources: Judicial Council's 2012 annual SB56 report and 2010 Census report.

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### Gender – All Courts – YE 2012



**California Courts Total**

1137 (68.7%) Female  
519 (31.3%) Male

Source: Judicial Council Annual SB56 Report for 2012

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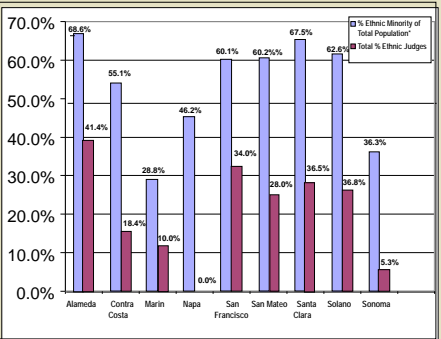
### Other Diversity in the Courts

	Heterosexual	LGBT	No Info	Totals
2011	57.7% (969)	2.16% (37)	40% (672)	99.86%* (1678)
2012	58.6% (970)	2.26% (39)	39.1% (647)	99.96%* (1659)

Source: Judicial Council Annual SB56 Report for 2011 and 2012. Judicial Council numbers reflect 99.96% of the bench

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### San Francisco Bay Area Dec 2012

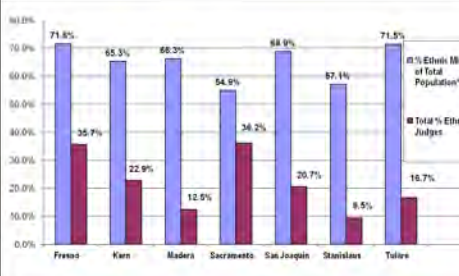


County	% Ethnic Minority of Total Population	Total % Ethnic Judges
Alameda	68.6%	41.4%
Contra Costa	55.1%	18.4%
Marin	28.8%	10.0%
Napa	46.2%	0.0%
San Francisco	60.1%	34.0%
San Mateo	60.2%	28.0%
Santa Clara	67.5%	36.5%
Solano	62.6%	36.8%
Sonoma	36.3%	5.3%

Sources: 2010 Census and Judicial Council Annual SB56 Report for 2012  
(Note: "Ethnic" = All Non-Caucasian Census Categories)

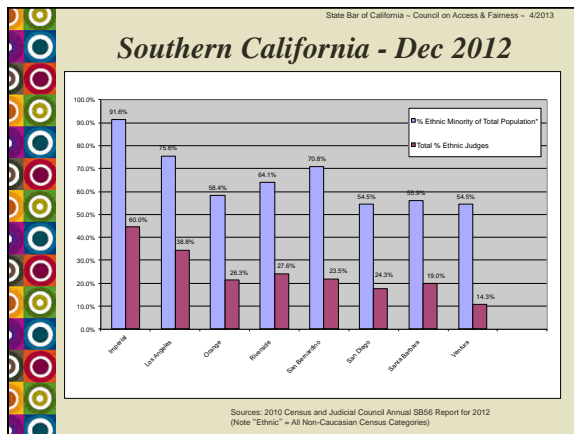
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### Central Valley - Dec 2012



County	% Ethnic Minority of Total Population	Total % Ethnic Judges
Fresno	71.8%	35.7%
Kern	65.3%	22.9%
Madera	68.3%	12.0%
Sacramento	54.6%	34.2%
San Joaquin	68.9%	20.7%
Stanislaus	67.1%	8.5%
Tulare	71.5%	16.7%

Sources: 2010 Census and Judicial Council Annual SB56 Report for 2012  
(Note: "Ethnic" = All Non-Caucasian Census Categories)



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- 10<sup>th</sup> diverse county out of 45
- Approximately 75% of the population of LA County is an ethnic minority, and only 30.9% of its judges are ethnic minorities.
- 45% of the population is Latino; only 11.7% of its judges are Latino.
- 33.2% of judges are women; 66.8% are men

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### The Potential Pool: Who Qualifies the Qualified?

- **Informally: The Governor's Judicial Selection Advisory Committees** (aka "Secret Committees")
  - WE DON'T KNOW- Membership, diversity, evaluation criteria, investigative methods; members don't receive implicit bias training

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### The Potential Pool: Who Qualifies the Qualified?

- **Formally: State Bar's Commission on Judicial Nominees Evaluation (JNE)**
  - WE DO KNOW - Membership, diversity, evaluation criteria, investigative methods seek broad input from all stakeholders; members receive implicit bias training and cultural sensitivity training, Diversity of legal experience training (Govt. Code Sec. 12011.5(d))

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### The Potential Pool: Who Qualifies the Qualified?

- **Formally: Local and Minority Bar Judicial Appointments Evaluation Committees**
  - Appointments through bar association policies and protocols; membership, including diversity thereof, is known and made public, specific criteria for evaluating candidates; not sure if undergo implicit bias training

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### The Potential Pool - JNE Ratings by Ethnicity 2011-2012 (raw numbers)

	EWQ 2011/2012	WQ 2011/2012	Q 2011/2012	TOTALS 2011/2012
Asian/Pacific Islander	2 / 1	4 / 5	8 / 7	14 / 13
African American	1 / 1	4 / 4	6 / 7	11 / 12
Hispanic	0 / 2	1 / 11	12 / 16	13 / 29
White	8 / 14	25 / 51	24 / 56	57 / 121
TOTALS	11 / 18	34 / 71	50 / 86	95 / 175

Source: JNE Annual SB56 Reports for 2011 and 2012

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### The Potential Pool - JNE NQ Ratings 2011 - 2012

	2011		2012	
	Total Applications	Total NQ Ratings	Total Applications	Total NQ Ratings
Asian/Pacific Islander	16	2 (12.5%)	19	6 (31.6%)
African American	11	0	13	0
Hispanic	16	3 (18.8%)	40	10 (25%)
White	59	2 (3.4%)	135	12 (8.9%)
<b>TOTALS</b>	<b>102</b>	<b>7 (6.9%)</b>	<b>207</b>	<b>28 (13.5%)</b>

Source: JNE Annual SB56 Reports for 2011 and 2012

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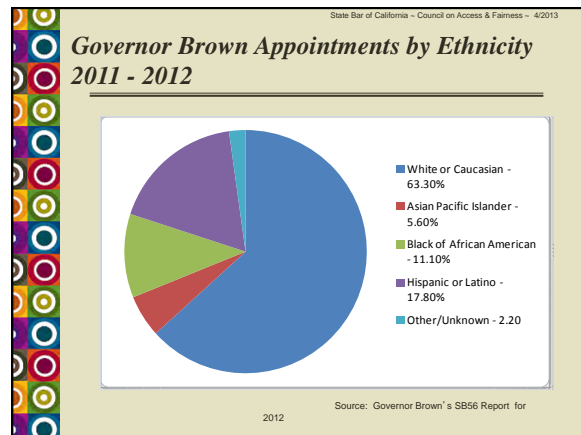
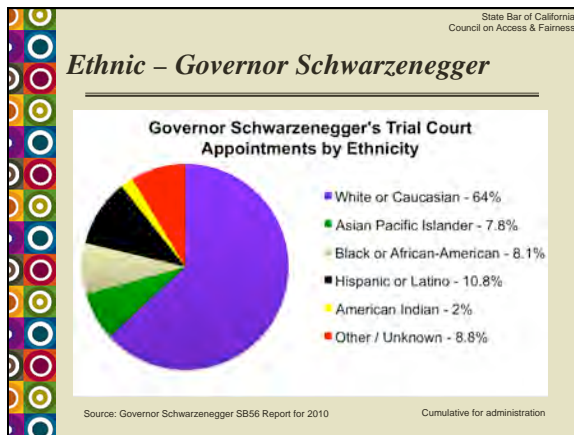
### The Potential Pool -- 2011-2012 JNE Ratings by Gender

	EWQ 2011/2012	WQ 2011/2012	Q 2011/2012	Totals 2011/2012
WOMEN	4 / 5	14 / 23	19 / 38	37 / 66
MEN	8 / 14	24 / 52	33 / 48	70 / 137

	2011		2012	
	Total Applications	Total NQ Ratings	Total Applications	Total NQ Ratings
WOMEN	40	3 (7.5%)	78	8 (10.3%)
MEN	70	4 (5.7%)	137	22 (16.1%)

Source: JNE Annual SB56 Reports for 2011 and 2012



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### Governor Brown Appointments by Ethnicity Through August 31, 2013

Total Appointments	122
African-Americans (%)	15 (12.3%)
Asian/Pacific Islanders (%)	10 (8.2%)
Latino/as (%)	20 (16.4%)
<b>Total Ethnic (% Ethnic)</b>	<b>40 (36.9%)</b>

Source: Governor Brown's SB56 Reports and African American, Asian/Pacific Islander, and Latino judges associations

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### Governor Appointments by Ethnicity

Appointments	Schwarzenegger	Brown
African-Americans (%)	(8.1%)	(12.3%)
Asian/Pacific Islanders (%)	(7.5%)	(8.2%)
Latino/as (%)	(10.8%)	(16.4%)
<b>Total Ethnic (% Ethnic)</b>	<b>(26.4%)</b>	<b>(36.9%)</b>

Source: Governor Brown's SB56 Reports and African American, Asian/Pacific Islander, and Latino judges associations

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### 2006 -2013 Increase in Percentage of Ethnic Minorities

Appointments	12/2007	12/2012
African-Americans (%)	(4.4%)	(6.1%)
Asian/Pacific Islanders (%)	(4.4%)	(5.8%)
Latino/as (%)	(6.3%)	(8.3%)
<b>Total Ethnic (% Ethnic)</b>	<b>(15.1%)</b>	<b>(20.2%)</b>

Source: SB 56 Judicial Council of California

### *Gender Diversity in the Courts*

**Governor Schwarzenegger's Appointments by Gender**

MEN	WOMEN
<b>65.7%</b>	<b>34.3%</b>

**Governor Brown's Appointments by Gender**

MEN	WOMEN
<b>60.7%</b>	<b>39.3%</b>

Data Source: Governors SB56 Report for 2010, 2011, 2012

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- ### *Accomplishments Since 2006*
- Increase (Slight) in Percentage of Ethnic Minorities and Women Judges
  - Judges From More Diverse Backgrounds
  - Legislation Mandating Annual Statistical Data & Broad Experience
  - State Bar Council on Access and Fairness- Diversity Think Tank
  - Judicial Diversity Toolkit For Courts
  - Transgender Judge Elected in Alameda

- State Bar of California - Council on Access & Fairness - 4/2013
- ### *Accomplishments Since 2006*
- Implicit Bias and "Broad Experience" Training for JNE Commissioners
  - Changes to Appointment Application
  - State Bar Online Tips on Applying
  - "Road Show" Educational Program
  - In 2007 First Woman and First African American Judicial Appointments Secretary
  - All-Female Confirmation Panel for Last Supreme Court Justice

- State Bar of California  
Council on Access & Fairness  
June 2012
- ### *Accomplishments Since 2006*
- First Female Presiding Justice on the Fourth District Court of Appeal, Division Three
  - First Latino Justice on the Sixth District Court of Appeal
  - First Muslim-American Judge in California
  - First Latina Judge in Riverside County Superior Court

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### *Other Diversity in the Courts*

#### DIVERSITY OF LEGAL EXPERIENCE

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**Govt. Code Sec. 12011.5 (d) –**  
 In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability and legal experience. *The State Bar shall consider legal experience broadly, including, but not limited to, litigation and non litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.*" (italics added)



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### Diversity of Experience

**COMMENTARY: Further Defining "Legal Experience"**

- Diverse practice areas should be considered to ensure that legal experience is viewed in the broad sense envisioned by Government Code section 12011.5(d).
- Concern that those selected to be judges must:
  - ✓Be a district attorney
  - ✓Have trial experience
- More than just criminal jury trial work is being done.
- The legal profession is comprised of many different practice areas.

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### JNE Rankings by Practice Setting 2012

Practice Setting	EWQ	WQ	Q	NQ	Totals
Administrative	14	43	38	15	110
Civil Law	18	66	75	25	184
Legislative	7	16	12	10	45
House/Staff Counsel	2	18	18	9	47
Juvenile/Family/Probate	12	47	52	21	132
Criminal	16	56	62	23	157
Litigation(Trial/Appellate)	18	74	84	29	205
Corporate/Transactional	4	16	20	9	49
Other Legal Practice	2	18	21	5	46

Source: JNE Annual SB56 Report for 2012

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### Diversity of Experience

Civil / Private Practice	186
Prosecutor	64
Judicial Officer	119
Public Defender	26
Other Government	24
<b>TOTAL</b>	<b>585</b>

Source: Civil Justice Association of California, January, 2011

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### Diversity of Experience

**Brown's Appointments by Practice Area 2011 - 2012**

Civil	25	28.00%
Prosecutor	16	18.00%
Judicial Officer	20	22.00%
PD/Defense Attorney	16	18.00%
Other - Pub. Interest, Law Professor, Research Attorney, County Counsel, CA Bar	13	14.00%

Source: Governor Brown's press announcements

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6/2012

### Diversity of Experience

**Los Angeles Times**

Gov. Jerry Brown appoints Goodwin Liu to California Supreme Court

July 27, 2011 | By Maura Dolan, Maria L. La Ganga and Jessica Garrison, Los Angeles Times

Brown said he was not concerned that Liu has never served as a judge. Among California's greatest judges was the late Roger Traynor, who was a tax professor at UC Berkeley when appointed to the state high court, he said.

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June 2012

### Diversity of Experience

**Daily Journal**

**Brown names 17 to the bench, including two for appeals courts**

"Brown's latest batch of nominations also includes two firsts: The first Latino Justice on the 6th District Court of Appeal and what is believed to be the first Muslim judge on the state bench. They also include several public defenders - a group largely bypassed during previous administrations. Deputy district attorneys have historically comprised the bulk of judicial appointments in California.

'I mean you could just about count on the fingers of one hand the people that were appointed from public defender's offices under [governors] Deukmejian and Wilson. Schwarzenegger did a little better but not much.' [Santa Clara Law Professor Gerald] Uelmen said."

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June 2012

### Diversity of Experience

*"We need to expand the notion of who will be a good judge to include areas of law that have been traditionally overlooked..."*

*We only want the best, but how do you define the best? If it's always the smartest one in law school, from the best law school, the most prestigious law firm, the most experienced district attorney, you are pulling from a narrow subset of people.*

*What if we expand our definition to include people who will be humble, empathetic, who will treat folks with dignity and respect?"*

JUSTICE MARIA RIVERA,  
FIRST DISTRICT, DIVISION FOUR OF THE CALIFORNIA COURT OF APPEALS

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### Issues to be Addressed

- Filling existing judicial vacancies
- Increase diversity of applicant pool
- Mentoring re application process
- Bias and scope of diversity training for judicial screening committees
- Continued transparency re numbers and process

### OFFERING SOLUTIONS

#### *How to Increase Diversity*

- *Leadership, Collaboration, Mentorship, Addressing Implicit Bias*

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### Increasing Judicial Diversity

- Recruit and encourage minorities, women, LGBTs, attorneys with disabilities, to apply
- Push for better retirement system to attract more applicants
- Create more early pipeline programs

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### Increasing Judicial Diversity (cont.)

- Encourage more judicial mentoring programs – Alameda County Bar Association model
- Encourage more ethnic minority, women, and LGBT attorneys to run for open judicial seats
- Appoint more from the pool of qualified candidates

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### Increasing Judicial Diversity (cont.)

- Level the playing field by providing opportunities for women, minority, and LGBT judges, and judges with disabilities to sit on assignment on the appellate courts
- Don't dilute the definition of "diversity" so as to mean a wider range of different experiences

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***Increasing Judicial Diversity (cont.)***

- Educate public on importance of diversity, and provide status report on levels in communities
- Encourage courts to put on programs on how to become a judge – Use Judicial Diversity Toolkit

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***Accomplishments Since 2006***

- New Chief Justice in 2010 – Tani Cantil-Sakauye - Woman of Color
- Supreme Court- Majority Women
- Supreme Court - Majority of Ethnic Minorities -API
- African American Judges Almost on Par With Population
- Judicial Mentoring Programs in Alameda, Contra Costa, Los Angeles, San Francisco, et al.
- Court-sponsored “How To” Programs

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***Accomplishments Since 2006***

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***Time For You To Join The Effort***

- “. . . It may well be that we will have to repent in this generation, not merely for the vitriolic words of the bad people and the violent actions of the bad people, but for the appalling silence and indifference of the good people, who sit around and say ‘wait on time.’ Somewhere we must come to see that social progress never rolls in on the wheels of inevitability. It comes through the tireless efforts and the persistent work of dedicated individuals, and without this hard work, time itself becomes an ally of the primitive forces of social stagnation. So we must help time. We must realize the time is always right to do right.”



*Excerpt from address by  
Dr. Martin Luther King, Jr.  
Memorial Auditorium, Stanford University,  
April 14, 1967*

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***THANK YOU!!!***

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