

**COMMISSION FOR IMPARTIAL COURTS**  
**Recommendations relating to the State Bar**

Judicial Candidate Campaign Conduct – Hon. Douglas Miller, Chair		
Recommendation	Status/Comments	
<p><b>7.</b> An unofficial statewide fair judicial elections committee should be established to</p> <ol style="list-style-type: none"> <li>1) educate candidates, the public, and the media about judicial elections;</li> <li>2) mediate conflicts; and</li> <li>3) issue public statements regarding campaign conduct in statewide and regional elections and in local elections where there is no local committee.</li> </ol>	<p>This recommendation was endorsed by the Judicial Council in June 2010 and referred to the State Bar of California for consideration. If appropriate for a particular statewide election, the State Bar could raise the need for an unofficial statewide group and contact local bars and their judicial committees to participate. An ad hoc statewide group could then be formed to address appellate issues that arise, and also address issues covered under Recommendation no. 42, concerning unwarranted criticisms of the judiciary that need a coordinated response.</p>	
<p><b>8.</b> The formation of unofficial local fair judicial elections committees to educate candidates, the public, and the media about judicial elections; to mediate conflicts; and to issue public statements regarding campaign conduct in local elections should be encouraged.</p>	<p>Done. A letter encouraging local bars to help set up such local committees was sent by State Bar President Bill Hebert on March 25, 2011. The letter also included recommendation 16 and also circulated a model campaign conduct code called for in recommendation 9. Note that the letter made it clear that local bars could pursue the goals through other means if they did not have the ability to establish new committees.</p>	
<p><b>9.</b> A model campaign conduct code for use by the state and local oversight committees should be developed.</p>	<p>This recommendation was endorsed by the Judicial Council in June 2010 and referred to the State Bar of California for consideration. On March 25, 2011, in conjunction with implementation of recommendations 8 and 16, State Bar President William Hebert circulated a model campaign conduct code. The local models already developed can be used as a model, with no need to develop a statewide model.</p>	
<p><b>10</b> The Code of Judicial Ethics should be amended to require all judicial candidates, including incumbent judges, to complete a mandatory training program on ethical campaign conduct.</p>	<p>If this recommendation is adopted, the State Bar could be involved with the mandatory training program.</p>	

16	Local county bar associations should consider creating independent standing committees that will respond to inaccurate or unfounded attacks on judges, judicial decisions, and the judicial system.	Done. A letter encouraging local bars to help set up such committees was sent by State Bar President Bill Herbert on March 25, 2011. The letter also addressed recommendations 8 and 9.
28.	The State Bar should be encouraged to discipline attorney candidates who engage in campaign misconduct.	This recommendation was endorsed by the Judicial Council in June 2010 and referred to the State Bar of California for consideration. The Bar's leadership is committed to implementing this recommendation. At the appropriate time in the cycle of judicial elections, the Bar will consider specific steps to take to remind lawyer candidates of their obligations and ensure referral to discipline system where appropriate.

**Public Information and Education – Hon. Judith McConnell, Chair**

<b>Recommendation</b>		<b>Status/Comments</b>
43.e.	<p>Recommendation 43 Every child in the state should receive a quality civics education, and judges, courts, teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society. To that end, the following are specifically recommended:</p> <p>Part e) The State Bar Board of Governors should be asked to grant Minimum Continuing Legal Education (MCLE) credits to attorneys who conduct K–12 civics and law-related education programs.</p>	This recommendation will be reviewed for future consideration, including a review of what content currently complies with the requirements for MCLE credit.
45.	The State Bar should be asked to offer an educational course to potential judgeship applicants.	Ongoing. These courses are routinely offered at the Annual meeting.
47.	The public should be informed that systems are in place to deal with judicial performance issues in fair and effective ways, including elections, appellate review, media coverage, the Commission on Judicial Performance, the State Bar's Commission on Judicial Nominees Evaluation, and local bar association surveys.	No action yet by State Bar, pending the discussion at the Leadership Group on Civics Education and Public Outreach, to whom this recommendation has been referred.

**Judicial Selection and Retention – Hon. Ronald B. Robie**

<b>Recommendation</b>	<b>Status/Comments</b>
<b>50.</b> In order to increase trust and confidence in the judicial selection process, the background and diversity of the commission members should be given more publicity, including by placing photographs of the members on the JNE Web site and making that site more accessible on the State Bar’s home page.	This recommendation was endorsed by the Judicial Council at its October 2010 meeting and referred to the State Bar of California for consideration. It has been referred to JNE. for initial consideration.
<b>51.</b> Legislation should be sponsored to require that a JNE rating of “not qualified” (and thus, by the absence of announcement, a rating of at least “qualified” or better) for a trial court judge be made public automatically at the time of appointment of a person with that rating.	This recommendation was endorsed by the Judicial Council at its December 2010 meeting, and referred to the State Bar of California for consideration. It has been referred to the Board Committee on Stakeholder Relations, for future consideration.
<b>52.</b> Legislation should be sponsored to make the current practice of releasing the JNE rating for a prospective appellate justice mandatory and permanent.	This recommendation was endorsed by the Judicial Council at its December 2010 meeting, and referred to the State Bar of California for consideration. It has been referred to the Board Committee on Stakeholder Relations, for future consideration.
<b>54.</b> The following Web sites should explain the judicial appointment process and link to each other: a) The judicial branch’s California Courts Web site; and b) The State Bar’s JNE Web site and the Governor’s Judicial Application Web site, both of which should be more user-friendly, contain appropriate information about JNE procedures and the rating system, and include videos explaining the judicial appointment process.	Subpart a) of this recommendation has been referred to the Leadership Group on Civics Education and Public Outreach.  Subpart b) was endorsed by the Judicial Council at its October 2010 meeting and referred to the State Bar of California for consideration. Some State Bar website improvements were launched in the Spring of 2010, and State Bar staff is considering other aspects of this recommendation.
<b>55.</b> Law schools should be encouraged to provide information about the judicial appointment process to law students by, for example, encouraging qualified JNE members, both past and present, to give presentations at law schools.	This recommendation was endorsed by the Judicial Council at its October 2010 meeting and referred to the State Bar of California for consideration. It has been referred to JNE for initial consideration.
<b>56.</b> To increase public knowledge of the judicial selection process, JNE should be encouraged to have its members speak to local and specialty bar associations, service organizations, and other civic groups.	See recommendation 55 above.

57.	The State Bar should amend the JNE rules to require that any member of the State Bar Board of Governors who attends a JNE meeting comply with the JNE conflict of interest rules.	This recommendation has been accomplished and the amendments made.
60.	The Commission on Judicial Nominees Evaluation should gather information regarding judicial applicants' exposure to and experience with diverse populations and issues related to those populations and should then communicate this information to the Governor.	Referred to JNE for initial consideration, noting the related recommendation 61, which provides that the Governor should consider an applicant's exposure to and experience with diverse populations and issues related to those populations and request this information on the judicial application form.
62	The judicial branch's public outreach programs should encourage qualified members of the bar to consider applying for judicial office.	This recommendation was endorsed by the Judicial Council at its October 2010 meeting and referred to the Executive Office Programs Division of the Administrative Office of the Courts for implementation/action. In January 2011, the Administrative Director of the Courts referred this recommendation to the State Bar of California for consideration, and it will be considered by appropriate State Bar staff / Board Committee.