

To: Board of Governors of the State Bar of California
Members of the Board Stakeholder Committee

From: Drew Steckler, Past Chair, Commission on Judicial Nominees
Evaluation

Subject: Commission on Judicial Nominees Evaluation Activities and Statistical
Report for 2011

I respectfully submit the 2011 Activities and Statistical Report for the Commission on Judicial Nominees Evaluation (JNE Commission or Commission). This Report provides comprehensive information about the JNE Commission's work during 2011.

Pursuant to Government Code section 12011.5, before the Governor may appoint or nominate a candidate for judicial office, the Governor shall first submit to a designated State Bar agency the names of all potential appointees or nominees for evaluation of their judicial qualifications. The Board of Governors of the State Bar created the JNE Commission, whose mission is to assist the Governor in the judicial selection process and to promote a California judiciary of quality and integrity by providing independent, comprehensive, accurate, and fair evaluations of candidates for judicial appointment and nomination.

In any given year, the number of Commission meetings and commissioner workload is determined by the timing and extent of the Governor's lists of candidates submitted to the Commission for investigation and evaluation. The Commission's periodic receipt of this list triggers the maximum 90-day period for investigating and reporting on the candidates. (Gov. Code § 12011.5(c).)

In 2011, the Governor did not submit the first candidate names until late summer, and this resulted in only five total meeting days for the year. In a typical year, 10 to 12 meeting days is common. The JNE Commission investigated and evaluated a total of 110 judicial candidates, of which ten were candidates for the court of appeal and one was a nominee for the California Supreme Court. Because each candidate was evaluated by a minimum of two commissioners, there were 268 total assignments resulting in an average of eight assignments per commissioner. Of the 110 total evaluations, 12 candidates were found exceptionally well qualified and 38 were found well qualified. Representing 10.91% and 34.55% of the total respectively, these percentages reflect an increase over previous years in these categories. Seven not qualified ratings represented 6.36% of the total, a decrease from previous years in this category.

The Governor made 15 appointments. Of these, four candidates had been rated by the Commission to be exceptionally well qualified, eight were well qualified, and three had received a rating of qualified. The sample size may be too

small for any meaningful statistical analysis of trends in these appointments; however, 27% of the Governor's appointments were candidates rated exceptionally well qualified in 2011, as compared to 8% in each of the previous two years. In 2011, 80% of the appointed judicial candidates had been rated exceptionally well qualified or well qualified.

It is worth noting that expenses for postage and supplies as well as printing and services have dramatically decreased over the last two years. This is no doubt due in large part to the Commission's successful conversion to paperless meetings and e-mailed confidential comment forms. The Commission is continuing to refine its use of e-mailed confidential comment forms, with the objective of converting entirely to electronic communications. Over time, it is expected that these paperless and postage-free processes will save the State Bar hundreds of thousands of dollars.

The Commission continues as an energetic and collegial deliberative body. Its conscientious volunteers invest countless hours undertaking investigations, drafting reports, and attending meetings. I am extraordinarily proud to have been a member, and chair, of this group who work tirelessly to ensure that evaluations are completed in a fair, accurate, comprehensive, and confidential manner.

It also is important to recognize the exemplary work invested in the JNE Commission by State Bar staff, led by Senior Administrative Specialist, Heidi Schwab-Wilhelmi. During my terms as vice chair and then chair, Heidi always provided sage advice and timely and excellent assistance. The entire State Bar JNE staff deserves special recognition for their support of the commissioners in their endeavors, particularly in this new era of paperless meetings and electronic confidential comment forms.

I hope the State Bar Board of Governors benefits from this report, and I trust it will continue its support of the JNE Commission and the vital service it performs. Thank you for the opportunity to serve on and chair the JNE Commission.