

## TAB 15 Appointment Policies and Procedures

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### Historical Note

Prior to 1999, the board committee charged with the board's appointment screening was called the Board Committee on Communications and Bar Relations. In 2001, the name of the board committee charged with the board's appointment screening was the Appointments Committee.

In 2001, the Board of Governors established a Board committee structure comprised of five standing committees and a Board Operations Committee (BOPS). The Board further directed that the standing committees could include the following, with the understanding that the Board may continue to refine the structure as experience and need requires: (1) Planning, Program Development, and Budget (PPDB) Committee, (2) Member Oversight Committee (MOC), (3) Regulation, Admission and Discipline Oversight Committee (RAD), (4) Stakeholder Relations Committee (SRC) / Legal Services Committee, (5) Volunteer Involvement Committee (VIC).

- 2004 - 2005, SRC and VIC were combined to create the Communications and Bar Relations Committee (COMBAR).
- During 2005 – 2006, the Board went back to the six-committee governance structure adopted in 2001 with separate SRC and VIC committees
- 2009 – 2010, VIC and MOC were combined to form a Member Involvement Relations & Services committee (MIRS).
- 2010 – 2011, the Board returned to the six-committee structure adopted in 2001, with separate VIC and MOC committees.
- 2011-2012, the Board changed the name of the Volunteer Involvement Committee (VIC) to Nominations and Appointments Committee (NAC) to clarify the jurisdictional boundaries between various working groups during the 2011-12 Board year and because in recent years, the central mission of the VIC -- and the bulk of its work -- has been nominations and appointments.

### Article 1

#### **A PROGRAM ENCOURAGING THE OPPORTUNITY OF ALL MEMBERS OF THE STATE BAR OF CALIFORNIA TO PARTICIPATE IN ACTIVITIES OF THE STATE BAR**

##### ***Section 1 General***

It is the policy of the Board of Trustees to encourage the opportunity of all members of the State Bar to participate in activities of committees and to achieve a diversified membership on committees (including, but not limited to, standing and special committees and executive bodies to which the Board of Trustees has the authority to make appointments) and in order to further encourage all members in such participation, the board adopts the following procedures, applicable generally whenever there are vacant positions to be filled by board appointments to such bodies.

**(Source: Board of Governors' Resolutions, June 1977, August 1987, Long Range Strategic Plan August 2002, Long Range Strategy, July 2008.)**

### **Section 2 Recruitment**

At a time calculated to give reasonable notice to applicants that the board will make appointments and to give applicants opportunity to apply for such appointments, the Executive Director of the State Bar, or the executive director's designee, shall cause the following information to be publicized in State Bar publications and cause notice to be circulated to all legal newspapers in California and to all local, specialty and minority bars:

- (a) The name of the committee, section, commission, board, or other body to which an appointment is to be made; the terms of office; the function and work of each; the number of appointments to be made to each; the major duties and responsibilities required of an appointee; an estimate of the total time commitment necessary to carry out such duties and responsibilities (including but not limited to traveling and attending meetings or other sessions of the particular body) and, if any, minimum qualifications required by law or reasonably related to serving as an appointee. For the purpose of these procedures, positions as chairpersons or vice-chairpersons and those positions which may be filled by reappointment of incumbents, shall be considered as vacant positions.
- (b) The manner by which applicants may file application for appointment or reappointment with the State Bar; and
- (c) A tear out form of application for appointment or tear out form for requesting an application shall be publicized in State Bar publications, and may be publicized elsewhere, as feasible.

(Source: Board of Governors' Resolutions, June 1977, August 1987, September 1992.)

### **Section 3 Achieving a Diversified Membership**

Diversity includes a multitude of factors identified under Criteria, article 2, section 2, subparagraph b.(3). These factors include geography, type of practice, size of practice, gender, ethnicity, sexual orientation, disability, length of time in practice, etc.

(Source: Board of Governors' Resolution, March 1997.)

### **Section 4 Encouragement of Participation**

- (a) Encouragement of Minorities and Women's Participation: The Board of Trustees is determined to increase the diversity of the State Bar members participating in the operation of the State Bar. The State Bar does not discriminate against persons on the basis of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) or mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, political affiliation, sexual orientation, disabled veteran or Vietnam era veteran status. The Board of Trustees resolves to actively solicit and encourage women and members of the foregoing groups to submit applications for appointments to all bar sponsored entities.

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(b) Outreach Program: In order to implement the above policy objective, the Board of Trustees hereby encourages:

- (1) Each member of the board who is liaison to a particular board appointed entity to recruit and obtain minority and women applicants for each of the entities to which the board makes appointments; and
- (2) The chair of each entity to recruit and obtain minority and women applicants for each of the entities to which the board makes appointments.

**(Source: Board of Governors' Resolutions July 1982, August 1987, February 1994, March 1997, November 2006; California's Department of Fair Employment and Housing revised EEO policy statement, February 1993.)**

(c) Encouragement of Bar Associations' Participation: In consultation with the designated board committee [Nominations and Appointments Committee], and to the extent practicable, the executive director or designee shall:

- (1) Contact local minority and specialty bar associations (including, but not limited to, associations sending representatives to the Conference of Delegates) and appropriate law related organizations for the purpose of publicizing and announcing these procedures and enlisting their aid in encouraging members of the State Bar to apply for appointment to bodies to which the board has the authority to make appointments;
- (2) Formulate, arrange, or cooperate in programs, speeches or appearances before such associations or organizations by individual members of the board or State Bar staff, chairpersons and others serving on such bodies, to publicize the work and function of such bodies and to encourage members to apply for appointment; and
- (3) Provide appropriate assistance to any section executive committee and any standing or special committee created by the board to encourage applications of women and minority members.

**(Source: Board of Governors' Resolutions, June 1977, August 1987, Action Plan October 2001.)**

(d) Recruitment Plan: Each State Bar section executive committee and each State Bar committee and commission shall submit an individual plan for improving the diversity of its applicant pool and report on the implementation of that plan at the time of submitting its annual appointment recommendations.

**(Source: Board of Governors' Resolution, July 1990.)**

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- (e) The Board of Trustees reaffirms its commitment to discussion about and implementation of steps to increase the participation of gay and lesbian attorneys within the leadership structures of the State Bar, the Board directs all State Bar boards, committees and sections to take affirmative steps to achieve sexual orientation diversification within their ranks and to conduct outreach efforts to recruit gay and lesbian members.

(Source: Board of Governors' Resolution, June 1994.)

### **Section 5 Applications**

Applications for appointment shall be in writing. The executive director or designee shall prepare a form of application to be furnished applicants upon request and placed at locations or with organizations convenient for the applicants to obtain them.

The application shall contain two parts. Part I of the application shall seek the following information:

- (a) The name of the applicant.
- (b) Appointment for which the applicant is applying.
- (c) Alternative appointments for which the applicant desires to be considered.
- (d) The mailing address of the applicant and daytime telephone number.
- (e) The geographic location of the applicant's principal place of business and State Bar District.
- (f) The applicant's profession or vocation, the length of time in such profession or vocation and if a lawyer, the member's State Bar number, and date of admission to the practice of law in California.
- (g) The applicant's:
  - (1) Employment experience;
  - (2) Legal and general educational background;
  - (3) Dates of admission to the practice of law in other jurisdictions;
  - (4) Other business, occupational or professional licenses presently held;
  - (5) Areas or fields of law practice in which presently engaged;
  - (6) Articles or other publications authored by the applicant;
  - (7) Teaching activity; and

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(8) Academic and/or professional honors.

(h) In addition:

(1) How the applicant became aware of the vacant position(s) to be filled: (a) State Bar publications; (b) local bar association (specify); or (c) other (specify).

(2) Which one of the following best describes the applicant's occupation?

- Private law practice
- Employed by corporation (law department)
- Employed by government (federal, state, local)
- Employed by nongovernmental legal services organization (Legal Aid, etc.)
- Law teaching
- Quasi-judicial officer
- Retired (inactive member of the Bar)
- Other (specify)

(3) If engaged in law practice, what is the total number of lawyers associated in or with the member/applicant (or law department, if employed)?

- One (sole practice)
- 2-10 lawyers
- 11-35 lawyers
- More than 35 lawyers

### **APPLICATION PART II (RESPONSE IS OPTIONAL)**

(i) Part II of the application form shall be voluntary, and may solicit information concerning professional and/or community activities; gender, age, race and ethnicity contributing to diversity and broad representation; and other characteristics the applicant believes will contribute to diversity of representation on the particular entity.

Part II of the application form shall be preceded by the following statement:

PART II. 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

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public. It is therefore the policy of the State Bar's Board of Trustees 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 residence and work, practice area, size of law practice, length of time practicing, specific accomplishments, volunteer work, educational background, ethnicity, gender, age, sexual orientation, and disability. The State Bar provides equal access to all applicants and does not discriminate against persons on the basis of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) or mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, political affiliation, sexual orientation, disabled veteran or Vietnam era veteran status.

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.

[Suggested Questions]

- (1) What unique characteristics, perceptions, experiences, personal talents, or qualifications would you bring to the committee?
- (2) Please describe the communication skills and leadership abilities that you possess that will lend to the activities of the committee.
- (3) Please describe any hardship or disadvantage you have had to overcome and how this experience will contribute to your service with the State Bar.
- (4) Is there any additional information about yourself that you would like to share with us.
- (5) Applicants are requested, but not required, to provide the following information: Gender, Sexual Orientation, Ethnicity, Age, and Disability [pursuant to the American Disabilities Act]

(Source: Board of Governors' Resolutions, June 1977, August 1987, October 2001.)

### **Section 6 Confidentiality**

- (a) For one (1) year following appointment, the executive director or designee shall keep the applications concerning the appointment, except that the

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executive director or designee may keep applications of appointees during their terms of service.

Applications shall be maintained in confidence and be available only to those persons involved in the appointment process.

- (b) The executive director or designee shall compile, consistent with law, statistical data concerning the participation in activities of committees, sections, commissions, or other bodies to which the board has authority to make appointments, and shall report thereon annually, in July of each year, (or at a time calculated to give the best information prior to making appointments) to the Nominations and Appointments Committee. Any and all data, worksheets, and other information used to compile the statistical data shall be confidential and shall be available only to members of the board and designated staff involved in the appointment process.
- (c) In addition, the chairs of each committee, section executive committee or entity to which the Board makes appointments shall furnish the Appointments Administrator through visual survey, with statistical data concerning the current representation of ethnic minorities, racial minorities and women on the particular entity.
- (d) Statistical analyses of State Bar appointments shall also include sexual orientation as a diversity factor and shall be available to all persons and entities authorized under the State Bar's appointments process to review, evaluate, and make further recommendations for appropriate Board action.

(Source: Board of Governors' Resolutions, June 1977, July 1981, August 1987, June 1994, Governance Action Plan October 2001.)

### **Section 7 Appointment**

- (a) In consultation with the appropriate board liaison and the chair of the entity to which appointment is sought, the appropriate board committee as designated in section 8, below, shall review, report on and make recommendations to the board concerning appointments to bodies created by the board (including but not limited to standing and special committees, executive committees of sections, boards and commissions).
- (b) The board has the ultimate authority and responsibility to make appointments from among applicants.

(Source: Board of Governors' Resolutions, June 1977, August 1987, February 1994, November 2006.)

### **Section 8 Appointment Screening**

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Appointments to all State Bar entities shall be screened by the designated board committee [Nominations and Appointments Committee]. The exceptions to this policy are those appointments explicitly assigned, by board committee charter or the President, to other board committees.

(Source: Board of Governors' Resolution August 1987, Annual Board of Governors' Resolution, Governance Action Plan October 2001; Volunteer Involvement Committee Charter.)

### **Article 2 CRITERIA**

#### **Section 1 General**

The board intends that all appointments that it makes, subject to appropriate criteria, be open to all members of the bar and, to the maximum extent practicable, the criteria for appointment shall be applied so as to achieve diversification and broad representation on each committee, commission, executive committee of sections or other entity and so as to encourage the participation of women, minorities, recent admittees and more experienced attorneys.

(Source: Board of Governors' Resolutions, September 1981, August 1987.)

#### **Section 2 Criteria**

The board adopts the following criteria to guide the board committee which reviews, reports on and makes recommendations to the board concerning such appointments:

- (a) Consistent with the application of a variety of factors, and to the maximum extent practicable, the criteria for appointment shall be applied so as to achieve diversification and broad representation on each committee, commission, executive committee of sections or other entity and so as to encourage the participation of women, ethnic minorities, racial minorities, recent admittees and more experienced attorneys.
- (b) In considering recommendations of applicants to the board for appointment, the board committee shall:
  - (1) Define the general and specific purposes of the entity to which the appointments are to be made and other relevant factors relating to its duties and functions, including, but not limited to, the number of meetings budgeted or anticipated, the estimated volunteer time, the difficulty of tasks, and projected work product deadlines.
  - (2) Identify particular, legal, organizational or cultural expertise that may be appropriate for meaningful contribution to the entity's purposes, duties and functions.
  - (3) To the extent available, and permitted by law, identify factors which encourage breadth and depth of perspectives including, but not limited to,

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the following: length of time in the practice of law or, if appointment is of a non-lawyer, the length of time in a given profession or vocation; specific accomplishments of note and/or respect achieved; 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., whether public, house counsel, private, etc.; whether personal injury, litigation, plaintiff or defense, etc.); gender, age, race ethnicity and other factors of minority status including religious creed, physical or mental handicaps or sexual orientation contributing to diversity and broad representation; prior experience in national, state or local bar association work, or similar experience of a non-lawyer appointment; and prior experience in the subject area of the entity.

- (4) Identify factors which could militate against appointment, but which should be weighed among other factors:
- (A) if a lawyer appointment, any public information known to the State Bar about the applicant or a record of public discipline imposed;
  - (B) whether any other member of applicant's firm is on the entity; and
  - (C) prior participation of the applicant on the entity.

In no case shall the Board of Trustees appoint a person who is subject to State Bar disciplinary probation.

- (c) In order to ensure that the appointments process shall remain open to all members of the bar, the board, where practicable, shall make appointments from applications received pursuant to the recruitment policy adopted in June 1977, as amended, and the Nominations and Appointments Committee shall monitor the implementation of the recruitment policy and from time to time modify it to ensure that all segments of the bar receive adequate and timely notice of upcoming appointments.

**(Source: Board of Governors' Resolutions, September 1981, August 1987, February 1994; Governance Action Plan October 2001.)**

### **Section 3    *Limitations and Restrictions***

- (a) *Ex Officio Members, Advisers, and Consultants.* Unless expressly authorized by the Board, advisers, ex officio members, and consultants shall not be appointed to State Bar standing or special committees.

**(Source: Board of Governors' Resolution, September 1981.)**

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- (b) The executive committee may appoint non-voting advisors who serve at the pleasure of the committee.

**(Rule 3.54 adopted effective May 16, 2008; amended effective January 1, 2012.)**

### Historical Note

State Bar Rule 3.54(E) supersedes Article XIII § 4F of the Rules and Regulations of the State Bar of California (Sections of the State Bar of California), repealed May 16, 2008.

- (c) *Appointment to More than One Entity.* Only in exceptional cases shall the Board of Trustees appoint one person to more than one standing committee or commission of the State Bar.

**(Source: Board of Governors' Resolution, May 1982.)**

- (d) *Appointment of State Bar Staff Members to State Bar Volunteer Entities.* In order to minimize the potential for actual or perceived conflict and favoritism and to encourage maximum participation from the membership of the bar, that, as a general rule, the board is not inclined to appoint members of the staff of the State Bar to section executive committees, standing committees, special committees, boards and commissions of the bar, said policy to be disregarded only in the most exceptional circumstances.

**(Source: Board of Governors' Resolution, October 1990.)**

- (e) *Section Executive Committees.* Only members of the section are eligible for appointment to the section's executive committee. To the extent practical, the executive committee shall be representative of the various fields covered by the section.

**(Source: Board of Governors' Resolutions, May 1976; March 1977.)**

- (f) *Guidelines for Appointment and Participation of Out-of-State Members in State Bar Sub-Entities.* An out-of-state member of the State Bar may be appointed to serve on a State Bar sub-entity subject to these Guidelines:
- (1) The potential appointee, considered in light of the relevant applicant pool, shall fulfill the requirements and standards for appointment and be subject to the same appointment process and standards as resident members, except that;
  - (2) Due consideration shall 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 the out-of-state member.

**(Source: Board of Governors' Resolution, May 2005.)**

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- (g) *Inactive Members.* An inactive member may be appointed by the Board of Trustees upon any committee other than a committee whose membership is restricted by statute or other Board policy.

(Board of Governors' Resolution, December 2004)

### **Historical Note**

Article 2, Section 2 (g) Inactive Members was formerly titled Article I, §4 Privileges of Inactive Members of the Rules and Regulations of the State Bar of California (repealed May 16, 2008).

## **Article 3 PROCEDURE FOR SECTION EXECUTIVE COMMITTEES**

### **Section 1 Board Committee Consent Agenda**

- (a) Section appointment recommendations will be placed on the consent agenda for the appropriate Board committee, with any committee member retaining the right to remove any section's recommendation from consent in order to allow for fuller discussion. If any section's recommended slate of appointments is to be removed from the board committee's consent agenda, it should be removed in its entirety;
- (b) Any recommendation removed from consent will be deferred until a subsequent meeting of the committee. In the interim, the section having offered the recommendation will be notified and invited to participate in the committee's discussion of its recommendation. All section appointment recommendations that are passed by the committee will be placed on the consent agenda of a subsequent meeting of the board;
- (c) As soon as is practicable following the board committee meeting, the list of all those section appointment recommendations passed by the appropriate board committee will be compiled and distributed to all members of the Board, who will be given two weeks to notify the Secretary of the State Bar of any appointment recommendation that should be removed from the Board consent agenda.
- (d) Any section offering an appointment recommendation that has been removed from the board's consent agenda will be notified and invited to participate in the board's discussion of that appointment.

(Source: Board of Governors' Resolution, January 1999.)

## **Article 4 TERMS OF OFFICE AND OATH**

### **Section 1 Committee Year**

Unless otherwise specified by the Board of Trustees, appointment terms for standing, special and section executive committees follow the committee year. The normal committee year shall commence with the close of the Annual Meeting and continue until the close of the Annual Meeting of the following year.

(Source: Board of Governors' Resolution, August 1992.)

### **Section 2 Term, Maximum.**

The term of office for all members of standing, special and section executive committees shall be three years; said terms to be staggered. Members serve no more than three years, except to permit service as Chair, Vice-Chair or Chair-Elect in a fourth year, or Chair in a fifth year.

The exceptions to this policy are section executive committee members who serve as an officer in a fourth year, or as Chair, Vice-Chair or Chair-elect in a fifth year, or as Chair, in a sixth year; the Committee of Bar Examiners, the LAP Oversight Committee and the Committee on State Bar Approved Professional Liability Insurance, whose members serve four-year terms, and the Continuing Education of the Bar (CEB) Governing Committee, whose members serve two-year terms, and the California Commission on Access to Justice, whose members may serve two consecutive three-year terms and whose officers may serve one or two additional one-year terms. Officers are appointed by the Board of Trustees and serve one-year terms.

(Source: Board of Governors' Resolutions, August 1982, July 1986, July 1989, July 2005, July 2010; State Bar Rule 3.54 adopted effective May 16, 2008; Agreement between the State Bar of California and University of California Continuing Education of the Bar, §VIII.A.6.)

#### **Historical Note**

State Bar Rule 3.54 supersedes Article XIII, § 4 of the Rules and Regulations of the State Bar of California (The Executive Committee), repealed May 16, 2008.

### **Section 3 Term, Reappointment of Members Filling Unexpired Vacancies**

Members appointed to fill unexpired terms of one year or less may be reappointed for a full three-year term. Members appointed to fill unexpired vacancies of more than one year are not eligible for reappointment, except to serve as an officer. This reappointment limitation does not apply to members of the Committee of Bar Examiners or the CEB Governing Committee.

(Source: Board of Governors' Resolution, April 1993.)

### **Section 4 Terms of Office, Committee on Professional Liability Insurance**

- (a) The term of office for members of the Committee on Professional Liability Insurance (Committee) shall be up to four (4) years prospectively; to the extent practicable, said terms shall be staggered.
- (b) Upon recommendation by the Committee and appointment by the Board, a Committee member may serve a consecutive four-year term.
- (c) The term of office for the chair and vice-chair may be up to two (2) years.
- (d) At its discretion, the Board of Trustees (Board) may appoint a past chair for a term up to two (2) years.
- (e) Committee members who serve the maximum of two consecutive four-year terms and do not serve as a chair or vice-chair will rotate off the Committee assuming that qualified applicants are available for appointment. Members serving two terms as chair and vice chair may serve an additional term of two years or less as past chair upon recommendation of the Committee and appointment by the Board.
- (f) To the extent practicable, terms of the Committee's vice-chair, chair and Chair Emeritus shall be staggered to allow for succession every two years.
- (g) To the extent practicable, succession into the vice-chair or chair position occur no later than the 6th year of total service on the Committee or earlier if the Committee recommends and the Board approves.
- (h) Committee members serve no more than ten (10) consecutive years as a member, chair, and vice chair if qualified applicants are available for appointment.
- (i) All current Committee members may complete their current terms (i.e., terms ending at the close of the State Bar meeting in 2005 and 2006). Current Committee members who have served ten (10) or more years will be ineligible for reappointment unless there are no qualified applicants and the Board approves the reappointment.

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(Source: Board of Governors' Resolution, July 2004.)

### **Section 5 Oath of Office**

Each person appointed to a State Bar committee is required to file the oath of office with the State Bar within 30 days of the effective date of the appointment.

(Source: Government Code §§1360 et seq.; California Constitution, article XX, §3; State Bar Rule 3.54 adopted effective May 16, 2008.)

#### **Historical Note**

State Bar Rule 3.54 supersedes Article XIII, § 4 of the Rules and Regulations of the State Bar of California (The Executive Committee), repealed May 16, 2008.

## **Article 5 GUIDELINES FOR APPOINTMENT TO THE COMMISSION ON JUDICIAL NOMINEES EVALUATION**

### **Section 1 Statutory Requirements**

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 §§ 6013, 6013.4, and 6013.5, inclusive, of the Business and Professions Code. It is the intent of subdivision (b) of § 12011.5 of the Government Code that the designated agency of the State Bar responsible for evaluation of judicial candidates shall be broadly representative of the ethnic, sexual and racial diversity of the population of California and composed in accordance with §§ 11140 and 11141 of the Government Code. The further intent of § 12011.5 (b) of the Government Code 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 § 12011.5 (b) of the Government Code.

(Source: Gov. Code, §12011.5(b).)

### **Section 2 Appointment of Chair and Vice Chair**

The chair and vice-chair shall be appointed by the Board of Trustees of the State Bar of California.

(Source: Board of Governors' Resolution, January 1981.)

### **Section 3 Procedures for Appointment**

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

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In order to assure that the Commission on Judicial Nominees Evaluation is "broadly representative of the ethnic, sexual and racial diversity of the population of California" as required by § 12011.5 of the Government Code and fulfills board policies on diversity and tenure, the board hereby establishes the following procedures to govern appointment of commissioners:

- (a) Commissioners shall be appointed by the board upon recommendation of the board committee designated to review appointments to State Bar committees.
- (b) All appropriate diversity considerations shall be taken into account in making recommendations and appointments, including, but not limited to, legally mandated criteria and board policies on diversity and criteria for membership on State Bar appointed entities from time to time in effect. Without limiting the generality of the foregoing, recommendations and appointments shall be made having in mind the desirability of appropriate geographical diversity of membership on the commission.
- (c) Subject to the other provisions of this procedure statement, the pool of nominees to be considered by the board committee shall consist of all persons who have filed a written application form and requisite documents for appointment or reappointment by the predetermined deadline.

The designated board appointments committee, or its designee, shall interview selected applicants for appointment and shall interview persons wishing to serve as chair or vice chair. [At its September 1997 meeting, the Board waived this provision due to cost controls in effect.]

The board committee handling appointments, or its designee, shall solicit written feedback on the performance of commissioners seeking reappointment from the current chair, the commission staff, the JNE Review Committee, the members of the Board of Trustees, the Governor's Office, and other sources as may be deemed appropriate by the Board of Trustees. Commissioners seeking reappointment shall complete an application designated for that purpose.

- (d) The terms of office shall be determined by the Board of Trustees, upon consideration of appropriate deadlines and procedures affecting the commission's operation. Commissioners shall not serve for more than three consecutive one-year terms except they may serve a fourth year as chair. It shall not be assumed that a vice-chair will necessarily be appointed chair.
- (e) The application shall solicit information regarding the applicant, including but not limited to, his or her background, relevant qualifications to serve on the commission, legal, professional and/or volunteer experience, reasons for wishing to serve on the commission, ability to make the substantial time commitment required of commissioners, and availability and willingness to attend any scheduled interview and the Orientation-Training session.

## **TAB 15 Appointment Policies and Procedures**

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At a time calculated to give reasonable notice to applicants that the board will make appointments and to give applicants the opportunity to apply for such appointments, the designated staff of the State Bar shall publish application information in State Bar publications and circulate notice to legal or other newspapers in California, to the Board of Trustees, to local, specialty and minority bars, and to law-related and other organizations. The board committee, or its designee, may solicit further applications from board members or other sources in order to attain the required diversity and/or quality in the pool of applicants.

- (f) Membership on the commission shall include the ratio of attorney members and public members, as required by § 12011.5(b) of the Government Code. The attorney members serving on the commission shall be active members in good standing. Particular consideration will be given to attorney applicants who have substantial litigation, trial and/or appellate experience. To the extent practical, it is preferred that the public members shall be persons who have never been members of the State Bar or admitted to practice before any court in the United States.
- (g) The commission membership may include one or more former members of the judiciary, with a preference for those with appellate backgrounds.
- (h) The commission shall consist of up to 38 members. The exact number of commissioners shall be left to the discretion of the Board of Trustees.

(Source: Board of Governors' Resolutions, October 1979, October 1985, June 1990, January 1993, July 1997, September 1997, December 2004, June 2005.)

### **Article 6**

## **GUIDELINES FOR APPOINTMENT OF STATE BAR REPRESENTATIVES TO BOARDS OF DIRECTORS OF PROGRAMS FUNDED BY THE LEGAL SERVICES CORPORATION**

### ***Section 1 Review of Candidates by Board Committees***

Appointments by the Board of Trustees of State Bar representatives to serve on boards of directors of programs funded by the Legal Services Corporation will be accomplished through a process that includes the recommendation of candidates by the Nominations and Appointments Committee to the Board of Trustees. Appointments are made by the full Board of Trustees.

(Source: Board of Governors' Resolutions, March 1983, April 1985, June 1987, July 1995, Annual Board Resolution, Governance Action Plan October 2001; Volunteer Involvement Committee Charter.)

### **Section 2 Program Request for Appointments**

- (a) Prior to the State Bar making any commitment to appoint representatives to the board of directors of a legal services program, the program's board of directors must submit a specific request to the Nominations and Appointments Committee, which shall include the following information:
  - (1) Number of appointments;
  - (2) Minimum requirements it wishes the board committee to consider in making its recommendations; and
  - (3) A copy of its current bylaws and, if necessary, proposed revisions showing how the bylaws will be amended to conform to the number and terms of requested appointments.
- (b) Requests for appointments from programs shall include the number of vacancies to be filled and a profile of the current board, including sex, race, ethnicity, geographic location and type of practice. A description of the program board's methods for soliciting applications and reviewing the qualifications of applicants shall accompany all requests.

(Source: Board of Governors' Resolutions, March 1983, June 1987, October 2001, Volunteer Involvement Committee Charter.)

### **Section 3 Staggered Terms**

Where the total number of appointments to be made by the State Bar is greater than (4) four, the terms of such appointments must be staggered so that the regular terms of no more than half of the State Bar's appointees begin in any twelve-month period.

(Source: Board of Governors' Resolution, June 1987.)

### **Section 4 Legal Services Boards: Appointment of Minorities and Women**

Appointments to Legal Services Boards shall be made so as to ensure that the State Bar's appointees include women and minorities and reasonably reflect the population of the areas served by the program, as provided by 45 C.F.R. section 1607.3(c).

(Source: Board of Governors' Resolution, June 1987, 45 C.F.R. section 1607.3(c).)

### **Section 5 Reappointments**

It is the policy of the State Bar not to consider for reappointment any member who has served on a board for two (2) terms or six (6) years, whichever is greater, unless the reappointment is required to continue the term of any officer, in which case a member may be reappointed for a period of time sufficient to allow completion of the term of office.

(Source: Board of Governors' Resolutions, March 1983, January 1984, June 1984, June 1987.)

### ***Section 6 Press Releases***

The State Bar's Office of Bar Communications and Bar Relations [Office of Media Services and Information] shall issue a press release soliciting applications for all vacancies in positions appointed by the State Bar. The press release will include all requirements for membership identified by the program board and will inform potential applicants that applications will be reviewed by and recommendations will be solicited from the board of directors of the relevant program.

The press release shall allow for no less than a two-month solicitation period and a three-month period for review by appropriate board committees and the Board of Trustees. The press release will indicate that applicants must submit a brief resume accompanied by a cover letter describing the reasons why they should be appointed to serve on the board of directors. The resume should include any past experience, interest or involvement in providing legal services to the poor. The press release will also be sent to the appropriate representatives of the programs so that they can inform potential applicants to send their letters and resumes by the specified date to the Office of Legal Services [Legal Services Outreach].

(Source: Board of Governors' Resolutions, March 1983, June 1984, March 1987.)

### ***Section 7 Recommendations by Program's Board of Directors***

Within thirty (30) days following the end of the solicitation period, the program's board of directors (or committee thereof) shall give the Office of Legal Services [Legal Services Outreach] its recommended appointments listed in order of preference. The recommendations shall include information describing how the applicants were evaluated and the reasons for the recommendations.

(Source: Board of Governors' Resolution, June 1987.)

### ***Section 8 Review of Requests for Appointment***

Prior to review by the Nominations and Appointments Committee, the Office of Legal Services [Legal Services Outreach] will review all requests for appointment to ensure that all the required information has been submitted in the proper form, and that the recommended appointments meet the requirements of the program board's bylaws, experience requirements, other specific requirements, and the provisions of section 4 herein.

In the event that all relevant requirements have not been met, the program board will be asked to provide revised recommendations. If revised recommendations are not made, the appointment process will, at the direction of the board committee either be extended or proceed without revised recommendations from the program board.

(Source: Board of Governors' Resolutions, March 1983, June 1987, October 2001; Volunteer Involvement Committee Charter.)

### ***Section 9 Board Committee Recommendations***

## **TAB 15 Appointment Policies and Procedures**

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The Nominations and Appointments Committee shall make the specified number of recommended appointments to the Board of Trustees. The board shall make the appointments in conformity with its procedures on appointments to external entities.

(Source: Board of Governors' Resolutions, March 1983, June 1987, July 1995, October 2001, Volunteer Involvement Committee Charter.)

### ***Section 10 Appointee Expenses--No Reimbursement***

No State Bar funds shall be expended to reimburse any appointee for any expenses incurred through his and her service on a board of directors of a program funded by the Legal Services Corporation.

(Source: Board of Governors' Resolutions, March 1983, June 1987.)

## **Article 7 GUIDELINES FOR APPOINTMENT TO LEGAL SERVICES TRUST FUND COMMISSION**

### ***Section 1 Composition of Commission***

The Legal Services Trust Fund Commission shall be comprised of no more than twenty-one (21) voting members and three (3) nonvoting judges. The voting component shall be fifteen (15) attorneys and at least six (6) shall be members of the public who have never been members of the State Bar or admitted to practice before any court in the United States. At least two members must be or have been within five years of appointment "indigent persons" as defined at section 6213(d) of the Business and Professions Code. No employee or independent contractor acting as a consultant to any agency which 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 of Trustees' established rules governing conflicts of interest.

(Source: Board of Governors' Resolutions, September 1982, January 1985, December 1986, February 1998, August 1999, March 2009.)

### ***Section 2 Appointment Process***

The Chair of the Judicial Council will appoint seven (7) voting members, of which five (5) will be attorney members and two (2) will be public members, and three (3) nonvoting judges, of which one (1) will be an appellate justice. The State Bar Board of Trustees will appoint fourteen (14) voting members, ten (10) of which shall be attorneys and four (4) shall be public members. The recruitment and appointment process for the commission for members appointed by the Board of Trustees shall be the same as that followed for other committees and entities appointed by the board.

(Source: Board of Governors' Resolution, February 1998, August 1999.)

### ***Section 3 Terms and Duties***

Each member of the commission shall be appointed for a term of three years but that members may be appointed to a fourth or fifth year in order to serve as chair or vice chair

## TAB 15 Appointment Policies and Procedures

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of the commission. Judicial Council appointees will serve terms that begin and end at the time of the State Bar Annual Meeting. Under the Legal Services Trust Fund Program rules, the commission shall administer the legal requirements and program rules for revenue from IOLTA (Interest on Lawyers' Trust Accounts) funds and other funds remitted to the program. The staff of the Legal Services Trust Fund Program shall provide the personnel necessary to carry out its duties.

(Source: Board of Governors' Resolutions, September 1982, January 1985, July 1989, February 1998, August 1999, March 2009; Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services to Indigent Persons, rules 4 and 6.1.)

### Article 8 GUIDELINES FOR APPOINTMENT TO THE COMMISSION ON ACCESS TO JUSTICE

#### **Section 1** *Establishment and Purpose*

Upon recommendation of the Access to Justice Working Group, the Board of Trustees established the California Commission on Access to Justice. The commission is to develop and analyze and, in appropriate circumstances, pursue the findings, recommendations and funding options contained in *And Justice for All: Fulfilling the Promise of Equal Access to Justice in California*, to recommend initially to the Board and, if approved by the Board of Trustees, to other appropriate bodies and agencies, specific policies and procedures to implement its recommendations, with the goal of achieving fuller access to our legal system, and to report back to the State Bar, as well as to the other entities with appointment power on the commission, within eighteen months of the naming of the commission concerning the progress, the proposed priorities and specific goals and activities being pursued.

(Source: Board of Governors' Resolution, September 1996.)

#### **Section 2** *Composition of Commission*

The commission shall consist of twenty-six members. The appointing entities and number of appointments made by each entity are:

State Bar of California	Ten Members
Judicial Council	Two Members
California Judges Association	One Member
Office of the Governor	Two Members
President Pro Tem of the Senate	One Member
Speaker of the Assembly	One Member
Supreme Court of California	One Member
California Attorney General	One Member
California Chamber of Commerce	One Member
California League of Women Voters	One Member
California Labor Federation	One Member
California Council of Churches	One Member

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Consumer Attorneys of California	One Member
Council of California County Law Librarians	One Member
Legal Aid Association of California	One Member
<b>Total:</b>	<b>Twenty-Six Members</b>

Appointing entities should keep in mind that the goal is to have a commission which includes both lawyers and nonlawyers; it is strongly urged that appointments made by the Office of the Governor, President Pro Tem of the Senate, Speaker of the Assembly, California Chamber of Commerce, California League of Women Voters, California Labor Federation, California Council of Churches, and the Council of California County Law Libraries be members of the public who are not active members of the State Bar of California or any other state. The commission shall also be broadly representative of the ethnic, sexual and racial diversity of the population of California as required by board policies on diversity. All appointing entities should strive to achieve the needed diversity on the commission. All members appointed shall be bound by the Board of Trustees' established rules governing conflicts of interest.

(Source: Board of Governors' Resolutions, September 1996, January 1997, December 1999, February 2003, May 2009, November 2011.)

### **Section 3 Terms**

Except as described below, terms for all State Bar appointments to the commission will be for a three year period, with terms running until the end of the State Bar Annual Meeting during the third year of the term. Members may serve a total of two consecutive terms on the commission, with the exception that officers may be extended for another one or two additional one-year terms to serve in that capacity.

Half of the initial State Bar appointees shall be named for terms of two years, and the other half of the initial State Bar appointees shall be named for terms of three years to ensure continuity on the commission. The terms of the initial appointments of all other entities shall be for terms of two years. For the initial appointment, the period from the date of appointment to the end of the annual meeting in that year will be treated as a full year.

(Source: Board of Governors' Resolution, September 1996, July 2010.)

### **Section 4 Recruitment**

The State Bar shall widely distribute the notice of availability of positions on the commission to other State Bar entities, local bar associations, legal services programs, pro bono attorneys, dispute resolution programs, the law school community, and other interested groups. The State Bar shall also notify other appointing entities to the commission of their role as appointing entities, and it is anticipated that they will use their organization's normal recruitment procedures. Other appointing entities are encouraged to have potential nominees or candidates review the Report of the Access to Justice Working Group in advance of the appointment.

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(Source: Board of Governors' Resolution, September 1996.)

### **Section 5 Applications**

Applications for State Bar appointments to the commission shall be required to submit an application form and resume. Other appointing entities will be asked to have their appointments complete the application form and submit a resume at the time of their appointment.

(Source: Board of Governors' Resolution, September 1996.)

### **Section 6 Criteria**

Members of the commission shall have a stated commitment to improving access to justice for all Californians, and have some education or expertise as well as some prior involvement with the need or delivery of legal services to the poor, the near-poor, or the middle income. Members shall be willing to study the Report of the Access to Justice Working Group, entitled And Justice For All: Fulfilling the Promise of Access to Civil Justice in California, and members will also be willing to attend commission meetings and be involved in commission activities between meetings as appropriate. In no event shall the Board of Trustees appoint a person who is subject to State Bar disciplinary probation or disbarment.

(Source: Board of Governors' Resolution, September 1996.)

### **Section 7 Appointment Screening**

For the initial State Bar appointments, the Access to Justice Working Group shall make recommendations to the board committee with oversight responsibility for legal services, which will in turn make recommendations to the Board of Trustees. In subsequent years, the Access to Justice Commission shall make recommendations to the appropriate board committee.

In making its appointments, the State Bar shall attempt to seek nominations from a broad range of representatives of interested constituencies, including the private bar, the business community, the academic community, the legal services community, local and specialty bar associations, young lawyer, and nonlegal community organizations. In choosing legal services representatives to serve on the commission, the State Bar shall solicit the input of the legal services community.

(Source: Board of Governors' Resolution, September 1996.)

### **Section 8 Officers**

The State Bar Board of Trustees shall name the chair and vice-chair of the commission, and shall consider a recommendation from the members of the commission in making its appointments. For the first two years of the commission's existence, the chair and vice-chair will serve a two-year term, ending on the last day of the Annual Meeting during the second year of the term. For this initial appointment of officers, the Board of Trustees will receive a recommendations from the Access to Justice Working Group. Following the

## **TAB 15 Appointment Policies and Procedures**

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initial two-year term, officers will serve for one year terms (terms follow the calendar year, i.e., January 1-December 31). In addition to the chair and vice-chair, the commission will have the authority to choose other additional officers it deems appropriate.

**(Source: Board of Governors' Resolution, September 1996, December 1999.)**

### ***Section 9 Vacancies***

For State Bar appointments on the commission, vacancies should be filled as soon as practicable, following the process outlined above, and the replacement commission member will serve for the duration of the unexpired term. The applicant pool for any interim appointments consists of (1) any applicants remaining in the pool from the previous appointment cycle, and/or (2) any newly recruited applicants. The commission may do additional recruitment to meet specific qualifications or to improve diversity.

For appointments from other entities, the State Bar shall notify the appointing entity of the vacancy in their position on the commission and request a replacement as soon as is practicable. In the event that another appointing entity fails to make an appointment within six months, the State Bar may temporarily appoint someone to fill that vacancy, striving to appoint someone with background and experience similar to the person vacating the position. The goal shall be to maintain the balance of different professional and community groups anticipated for the commission.

**(Source: Board of Governors' Resolution, September 1996.)**

### ***Section 10 Attendance and Removal***

Commission members serve at the pleasure of the appointing entity. Commission members who miss three consecutive meetings without good cause may be asked to resign by the chair of the commission.

**(Source: Board of Governors' Resolution, September 1996.)**

### ***Section 11 Confidentiality***

Applications for appointment to the commission are treated as confidential. This includes any material submitted with an application, as well as the fact that someone has applied for an appointment. Information concerning applications for appointment is released only to those persons involved in the appointment process, e.g., board members, commission members, and all staff necessary to assist in the appointment process.

**(Source: Bus. & Prof. Code, §6026.5(g); Board of Governors' Resolution, September 1996.)**

**Article 9  
GUIDELINES CONCERNING APPOINTMENTS  
TO THE AMERICAN BAR ASSOCIATION (ABA) HOUSE OF DELEGATES**

***Section 1 Membership***

The State Bar will strive to appoint members from its applicant pool meeting the following guidelines:

- One (1) delegate who qualifies as the young lawyer representative;
- 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;
- Two (2) members who have not had substantial volunteer experience but who possess the leadership and other skills to be successful delegation members; and,
- Six (6) delegates who have substantial bar experience, especially with the ABA, and are typical of other State Bar appointments.

All members will be encouraged to become broadly participant in ABA activities in order to fully represent the interests of California attorneys.

**(Source: Board of Governors' Resolution, March 2002, VIC resolution August 2003.)**

***Section 2 Number of Terms***

Unless otherwise authorized by the Board of Trustees, each member of the State Bar's ABA delegation would be eligible for reappointment to no more than three (3) consecutive two-year appointments or a maximum of six (6) 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.

**(Source: Board of Governors' Resolution, March 2002, VIC resolution August 2003, November 2006.)**

**Article 10  
GUIDELINES CONCERNING  
JUDICIAL COUNCIL APPOINTMENTS**

**Section 1 Membership**

The State Bar's governing body appoints four members of the Judicial Council.

(Source: California Constitution, article VI, §6.)

**Section 2 Term of State Bar Appointees**

It is the policy of the Board of Trustees that appointees to the Judicial Council shall serve three-year terms.

(Source: Board of Governors' Resolution, December 1989, December 1995, June 1999, California Constitution, article VI, §6a.)

**Article 11  
GUIDELINES CONCERNING CALIFORNIA YOUNG  
LAWYERS ASSOCIATION (CYLA) APPOINTMENTS**

**Section 1 Membership**

CYLA will be composed of 20 members appointed by the Board of Trustees. Nine of the appointed seats shall be designated for representatives of each of the six State Bar districts, one member per district. The remaining 14 seats shall be filled by appointments at large.

(Source: Board of Governors' Resolution, September 2008.)

**Historical Note**

Commencing on January 1, 2012 and pursuant to Section 6013.1 of the Business and Professions Code, State Bar Districts shall be based on the six court of appeal districts as constituted pursuant to Section 69100 of the Government Code, as they existed on December 31, 2011.

**Article 12  
INTERIM APPOINTMENTS**

**Section 1 Resignations**

The president or his or her designee is authorized, on behalf of the Board of Trustees, to:

- (a) Accept resignations of members of State Bar committees; and
- (b) Accept resignations from their offices of chairperson and vice-chairpersons of State Bar committees.

(Source: Board of Governors' Resolutions, August 1971, August 1987.)

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### **Section 2 Vacancies on Committees**

The Board of Trustees, upon the recommendation of the appropriate board committee shall fill vacancies on State Bar committees and section executive committees, occurring during the State Bar committee year. The following procedure shall be observed:

- (a) When a vacancy occurs on any committee or section executive committee, the staff person responsible shall immediately so advise the board member liaison to that committee/entity.

The applicant pool for the vacancy shall consist of any of the following:

- (1) Applicants for the current committee year on file with the appointments administrator; or
  - (2) Newly recruited applicants
- (b) The appropriate board committee shall review the recommendation(s), for each vacancy, and upon appropriate consultation with the chair of the entity and the board liaison, shall submit a recommendation to the Board of Trustees.
  - (c) The Board of Trustees shall fill the vacancy, giving due consideration to the recommendation(s), consistent with the guidelines and policies herein established.

**(Source: Board of Governors' Resolutions, August 1971, June 1977, August 1987; State Bar Rule 3.54 adopted effective May 16, 2008.)**

#### **Historical Note**

State Bar Rule 3.54 supersedes Article XIII, § 4 of the Rules and Regulations of the State Bar of California (The Executive Committee), repealed May 16, 2008.

### **Article 13 REMOVAL**

#### **Section 1 Removal of Committee Members**

Committee members serve at the pleasure of the board. A committee member should not be asked to resign, and the Board of Trustees should not remove a committee member from office, unless, without justification, the member refuses or persistently fails to perform his or her duties as a member of the committee. If a committee member, without justification, refuses or persistently fails to perform his or her duties, or if other good cause

## **TAB 15 Appointment Policies and Procedures**

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exists, the board may ask for the member's resignation or, if necessary, remove him or her from office. This policy should not be construed as limiting the inherent power of the board to remove any such appointee from office at any time.

Any standing committee member who misses more than one-third (1/3) of the regularly scheduled meetings during a committee year without good cause, may be deemed to have resigned from the standing committee. Policies adopted by the various section executive committees shall prevail.

(Source: Board of Governors' Resolutions, September 1972, July 1986, September 2004.)

### **Section 2 Limitations on Removal of Appointees to the Judicial Council**

Appointees to the Judicial Council serve terms that are fixed by law. Thus, the board has no removal power. Appointees can however be disqualified by operation of law, that is, if during the term of appointment one ceases to be a member of the State Bar.

(Source: Cal. Const., art. VI, §§6 and 8.)

## **Article 14 CONFIDENTIALITY**

Applications for appointment to any entity to which the board appoints are treated as confidential. This includes any material submitted with an application. In addition, the fact that someone has applied for an appointment is treated as confidential. Information concerning applications for appointment is released to those persons involved in the appointment process, e.g., board members, section and committee officers, and all staff necessary to assist in the appointments process.

(Source: Bus. & Prof. Code, §6026.5(g); Board of Governors' Resolution, August 1987.)

## **Article 15 BOARD COMMITTEE APPOINTMENT REVIEW PROCEDURE**

### **Section 1 Standing and Special Committees**

Pursuant to its charter, the Nominations and Appointments Committee (NAC) adopted the following procedures to review the appointment recommendations for the following State Bar committees:

- (a) Procedure for Reviewing New Applications, Officer Nominations and Reappointment Recommendations:
  - (1) Except for designated committees such as the Committee of Bar Examiners, the Lawyer Assistance Program Oversight Committee and the Commission on Judicial Nominees Evaluation or otherwise provided by the board committee procedure, each State Bar standing and special committees

## TAB 15 Appointment Policies and Procedures

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above shall review the applications for new members in accordance with each committee's established procedures and Board policies. Each entity will submit its appointment recommendations by the established deadline to the Appointments Office on the appointment worksheet. At the same time, each committee shall also provide information regarding selection criteria and statistics of the current committee membership, applicant pool, and proposed new committee to the board committee on an appointment report form, or other manner as prescribed by the board committee.

- (2) Officer and reappointment candidates will be selected in accordance with each committee's established written procedures and pursuant to Board policy. Information regarding the selection criteria and procedure for officer consideration is to be made available to each committee member.
  - (3) Each committee chair may also submit written comments regarding the committee's ranking and the qualifications of the applications, reappointments or proposed officers. A committee chair may also request to attend the board committee meeting to participate in the discussion of his or her committee's appointment recommendations. Applications will be available to the board committee members and at the meetings in which the appointments are discussed.
- (b) Exceptions:
- (1) Committee of Bar Examiners. For the applicants to the Committee of Bar Examiners, the board committee will rank the new applicants and those seeking reappointment (if any) in order of preference. The Committee of Bar Examiners (CBE) will follow its normal process and provide the board committee with information as to specific qualifications or criteria that must be met. The CBE chair will submit the committee's recommendations to the Appointments Office by the established deadline and may also submit written comments for the board committee's consideration. The chair of the board committee, or his or her appointee, will serve as the primary board committee liaison to work with the committee during the review process. The CBE chair may also attend the board committee meeting to participate in the discussion of the CBE's appointments. At its discretion, the board committee may interview the candidates for chair and vice chair.
  - (2) Commission on Judicial Nominees Evaluation (JNE). The board committee members and the JNE chair will review and rank new applicants. The number of reappointments will determine the number of available positions for new members. For the reappointments and officers, in accordance with established procedures, the JNE chair will submit a written evaluation of the reappointment and officer candidates and will receive copies of the reappointment applications. The JNE chair will discuss the appointment considerations for the coming year with the chair of the board committee.

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The board committee members will receive copies of the evaluations by the JNE chair and the reappointment applications. The board committee members will vote on the recommendations for reappointment and on the officer candidates. At its discretion, the board committee may interview the officer candidates.

- (3) Lawyer Assistance Program (LAP) Oversight Committee. The board committee will review the applications for new and/or reappointment in accordance with statutory provisions and board policies and procedures. Pursuant to board policy and the LAP rules, at its discretion, the board committee may interview the candidates for chair and vice chair.

**(Source: Board of Governors' Resolutions, August 2003, December 2005; Rule 1 Section 3 of the Rules and Regulations Governing the Lawyer Assistance Program.)**

### **Section 2 Section Executive Committees**

- (a) A section must have an executive committee of at least fifteen members appointed by the Board of Trustees to govern the section and to assist the board as it directs. A seventeen member Executive Committee is permitted for the purpose of permitting service as an officer, in a fourth year, or as Chair, Vice Chair or Chair-elect in a fifth year, or as Chair, in a sixth year. Executive committee members must take an oath of office and are not entitled to compensation for their services.
- (b) Each year the board appoints five members of the executive committee for a three-year term. If the section is new, the board appoints five members for three years; five for two years; and five for one year. Executive committee members assume office on the last day of the State Bar's annual meeting and serve until their successors assume office. A vacant position is filled by the board for the unexpired term.
- (c) Nominations for the executive committee may be made by the executive committee or by at least fifteen members of the section upon petition.
- (d) A majority of the section executive committee constitutes a quorum for transacting business at a committee meeting or by poll.
- (e) The executive committee may appoint non-voting advisors who serve at the pleasure of the committee.

**(Source: State Bar Rule 3.54 adopted effective May 16, 2008; amended effective January 1, 2012.)**

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### Historical Note

This rule supersedes Article XIII, § 4 of the Rules and Regulations of the State Bar of California (The Executive Committee), repealed May 16, 2008.

Procedure for Reviewing New Applications, Officer Nominations and Reappointment Recommendations:

- (a) The applications will be reviewed by each of the section executive committees in accordance with the section's established procedures and Board policies. Each executive committee shall also provide information regarding selection criteria and statistics of the current committee membership, applicant pool, and proposed new committee to the board committee on an appointment report form, or other manner as prescribed by the board committee .
- (b) Each section chair may also submit written comments regarding the committee's ranking and the qualifications of the applications, the reappointments, or the proposed officers. A section chair or representative may attend the board committee meeting to participate in the discussion of his or her committee's appointment nominations.
- (c) The officer and reappointment nominations will be submitted in writing by the section by the established deadline.

(Source: Board of Governors' Resolution August 2003.)

### Section 3 External Entities

- (a) General. Except for the Board's appointments to the ABA House of Delegates and the Judicial Council, for all external appointments including but not limited to the Center for Civic Education Board of Directors, the Foundation of the State Bar, the Law School Council and the Legal Services Corporation (LSC) Boards of Directors, the board committee will consider the annual appointment recommendations in accordance with the established procedures and policies governing these entities. The board committee will forward its recommendations to the full Board for consideration.

(Source: Board of Governors' Resolution, August 2003.)

- (b) ABA House of Delegates. The board committee members will review and rank the applicants, keeping in mind the board's policies regarding diversity and the following selection criteria adopted by the Board for appointments to the ABA House of Delegates. At its discretion, the board committee may interview the applicants.

(Source: Board of Governors' Resolutions, March 2002, August 2003.)

## **TAB 15 Appointment Policies and Procedures**

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- (c) Judicial Council. The board committee members will review and rank the applicants, keeping in mind the board's policies regarding diversity. At its discretion, the board committee may interview the applicants.

**(Source: Board of Governors' Resolution, August 2003.)**