

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

From: John J. Collins, Past Chair, Commission on Judicial
Nominees Evaluation (JNE)

Subject: Commission on Judicial Nominees Evaluation Activities and Statistical
Report for 2012/2013

I respectfully submit the 2012/2013 Activities and Statistical Report for the Commission on Judicial Nominees Evaluation (JNE Commission). The Report provides a comprehensive recap of the Commission's work during my term as President 2012 through April, 2013.

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).]

From February 2012 through April 2013, the JNE Commission investigated and evaluated a total of 249 judicial candidates, of which 69 were for the Court of Appeal and 180 were for the Superior Court. Because each candidate was evaluated by a minimum of two commissioners, there were 537 total assignments resulting in an average of 14 assignments per commissioner. Of the 249 total evaluations, 21 candidates were found to be exceptionally well qualified (EWQ), 88 were found to be well qualified (WQ), 103 were found to be qualified (Q), and 32 were found to be not qualified (NQ). Not qualified ratings represented 13%.

The Governor made 69 appointments. Of these, 14 candidates had been rated by the Commission to be (EWQ), 26 were found to be (WQ), 29 were found to be qualified (Q). 20.29% of the Governor's appointments were candidates rated exceptionally well qualified (EWQ) compared to 27% during the previous term.

A few comments should be made at this point:

- a. During the last few years, the Commission has set out to become paperless. In the past, the amount of paper generated was incredible. Mailing expenses and related costs were substantial. The advent of the electronic transmission has resulted in significant cost savings to the Bar. There is still a great deal of work to do in

developing a new software program. William Walker of the IT staff of the Bar has been working diligently with commission leadership and staff in order to further refine the process such as to continue the elimination of unnecessary expense. The Board of Trustees should encourage and authorize immediately an acceleration of the necessary work in order to seize upon the immediate benefits that should be forthcoming. This may require the hiring of additional IT personnel which can be accomplished through temporary services. An educated guess as to the time for completion is somewhere between six to nine months.

- b. The Commission is only as good as its leadership, membership and staff. As for leadership, the selection of a vice chair is critical. The assigned Board members and staff should thoroughly review the list of potential commissioners for the purpose of identifying those who have the time and talent to serve as effective leaders.
- c. It has been my thought for more years than I care to admit that the Commission should be one that is universally respected by the Bench and Bar as well as the people of the State of California. The Commission desperately needs lawyers who come from positions of respect in the legal community. They are sole practitioners or big firm members. Commissioners should be people who have proven themselves and have held positions of highest respect. A comment on public members - in four years, I have never ceased to be amazed at the qualified people that have volunteered for Commission appointments. During the past four years, I have encountered amazingly talented public members who have generously given their time and talent for the benefit of our judicial system. The goal of the Commission is to find qualified candidates, grade them according to skill and ability and separate those who are not qualified. Commissioners must be able to discern the ingredients that make for a qualified candidate.

I wish to recognize and commend the wonderful work of the State Bar staff assigned to the Commission. Senior Administrative Specialist, Heidi Schwab-Wilhelmi, and her assistants, Diane Blackmon, Michelle Pierce, and Anne Baxter, provided timely and excellent assistance to the Commission.

I hope that the State Bar Board of Trustees benefits from this report and will continue its support of the JNE Commission. Thank you for the opportunity of allowing me to serve as Chair of the Commission.