

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.

COMMISSION ON JUDICIAL NOMINEES EVALUATION
Statistical Report
2010-2012

Presented in this report are the ratings of the Commission on Judicial Nominees Evaluation (JNE Commission) and the appointments by the Governor in response to those ratings for the years 2010-2012. The data for the years 2011 and 2012 are included for the purpose of comparison and to demonstrate a greater overview of ratings and appointments. Please be advised that the data comparing the three years may provide an inaccurate picture of appointments due to candidates who are evaluated in one year and may be appointed to the bench in a later year.

Please note that the five tables incorporate data from the statewide demographic report that the JNE Commission released on or before March 1st 2013 under California Government Code Section 12011.5(n).

The JNE Commission rates candidates for judicial appointment as Exceptionally Well Qualified (EWQ), Well Qualified (WQ), Qualified (Q), and Not Qualified (NQ).

Table 1:	Total Judicial Evaluations for 2010-2012
Table 2:	Judicial Appointments by Rating for 2010-2012
Table 3:	Judicial Evaluations by County, 2010-2012
Table 4:	Evaluations by District, 2010-2012
Table 5:	Commissioner Workloads and Budgetary Statistics, 2010-2012

Table 1

Total Judicial Evaluations 2010-2012

Year	EWQ	Percent	WQ	Percent	Q	Percent	NQ	Percent	Withdrawn/Elected	Percent	Total
2010	19	8.26	70	30.43	112	48.7	21	9.13%	8	3.47	230
2011	12	10.91	38	34.55	52	47.27	7	6.36	1	0.91%	110
2012	19	8.76%	75	34.56	88	40.55	30	13.82	5	2.30%	217
Total	50	13%	183	31%	252	43%	58	10%	14	2%	557

Number of Evaluations

Year	EWQ	WQ	Q	NQ
2010	19	70	112	21
2011	12	38	52	7
2012	19	75	88	30

Table 2**Judicial Appointments by Rating 2010-2012**

Year	EWQ	Percent	WQ	Percent	Q	Percent	NQ	Percent	Total
2010	11	8	66	48	59	43	0	0	136
2011	4	27	8	53	3	20	0	0	15
2012	14	20.29	26	37.68	29	42.03	0	0	69
Total	29	13	100	45	91	41	0	0	220

Number of Appointments

Year	EWQ	WQ	Q	NQ
2010	11	66	59	0
2011	4	8	3	0
2012	14	26	29	0

Table 3
Evaluations by County/District – 2010-2012

County	District	2010	2011	2012	Total
Alameda	1	10	1	17	28
Alpine	3	0	0	1	1
Amador	3	0	0	0	0
Butte	3	0	0	5	5
Calaveras	3	0	0	4	4
Colusa	3	1	0	0	1
Contra Costa	1	5	3	1	9
Del Norte	1	0	0	4	4
El Dorado	3	4	0	2	6
Fresno	5	0	0	2	2
Glenn	3	0	0	0	0
Humboldt	1	0	0	0	0
Imperial	4	1	2	1	4
Inyo	4	0	0	0	0
Kern	5	3	1	1	5
Kings	5	0	0	1	1
Lake	1	2	0	0	2
Lassen	3	4	0	0	4
Los Angeles	2	70	33	49	152
Madera	5	3	0	3	6
Marin	1	5	2	1	8
Mariposa	5	0	0	0	0
Mendocino	1	0	3	0	3
Merced	5	2	0	1	3
Modoc	3	0	0	0	0
Mono	3	0	0	0	0
Monterey	6	4	2	3	9
Napa	1	0	1	4	5
Nevada	3	0	0	2	2
Orange	4	14	7	22	43
Placer	3	3	0	1	4
Plumas	3	0	0	0	0
Riverside	4	4	4	8	16

Evaluations by County/District – 2010-2012 (Continued)

County	District	2010	2011	2012	Total
Sacramento	3	9	6	16	31
San Benito	6	0	0	0	0
San Bernardino	4	1	5	10	16
San Diego	4	10	2	1	13
San Francisco	1	12	1	14	27
San Joaquin	3	3	0	1	4
San Luis Obispo	2	0	1	3	4
San Mateo	1	8	0	4	12
Santa Barbara	2	4	3	4	11
Santa Clara	6	18	5	1	24
Santa Cruz	6	0	3	0	3
Shasta	3	0	1	4	5
Sierra	3	0	0	0	0
Siskiyou	3	0	0	0	0
Solano	1	0	5	2	7
Sonoma	1	2	0	1	3
Stanislaus	5	3	1	0	4
Sutter	3	2	0	0	2
Tehama	3	0	0	0	0
Trinity	3	0	0	0	0
Tulare	5	1	0	0	1
Tuolumne	5	0	2	0	2
Ventura	2	2	3	8	13
Yolo	3	0	1	3	4
Yuba	3	5	0	0	5
Supreme Court		1	1	0	2
Courts of Appeal		14	11	12	37
TOTAL		230	110	217	557

Table 4

District Charts, 2010, 2011, 2012 Evaluations

District	2010 - # of Evaluations	201 - # of Evaluations	2012 - # of Evaluations
District 1	44	16	48
District 2	76	40	64
District 3	31	8	39
District 4	30	20	42
District 5	12	4	8
District 6	22	10	4
Supreme Court	1	1	0
Appellate Courts	14	11	12
Total	230	110	217

Table 5
Commissioner Workloads and Budgetary Statistics
Meeting Days/Assignments 2010-2012

Year	Commissioners	Meeting Days	Evaluations	Assignments	Assignments Per Commissioner
2010	38	12	230	507	13
2011	33	5	110	268	8
2012	35	12	217	473	14

Travel, Postage/Supplies/Printing Expenses 2010-2012

Year	Travel Expense	Postage/Supplies	Printing/Outside Services
2010	\$153,630	\$93,065	\$44,231
2011	\$76,520	\$18,000	\$7,117
2012	\$143,235	\$31,579	\$11,898

Budget Used 2010-2012

Year	Budget Used
2010	\$726,207
2011	\$560,944
2012	\$575,228.