



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

54-112 MAY 2019

BOARD EXECUTIVE COMMITTEE III.D.

DATE: May 16, 2019

TO: Members, Board Executive Committee
Members, Board of Trustees

FROM: Brandon Stallings, Appointments Liaison, Board Executive Committee

SUBJECT: Judicial Council, Annual Appointment of Member

EXECUTIVE SUMMARY

The State Bar appoints four lawyer members to the Judicial Council, with members serving staggered three-year terms. One State Bar seat was filled by the Honorable Audra Ibarra who resigned on December 7, 2018, when she was appointed to the Santa Clara Superior Court. The term for that seat expires on September 14, 2019.

The State Bar received one application from Maxwell V. Pritt. Board Executive Committee Appointments Liaison Brandon Stallings interviewed Mr. Pritt and found him to be qualified to be appointed to the Judicial Council for a three-year term, commencing September 15, 2019.

The Board Executive Committee is set to meet on Thursday, May 16, 2019, and will consider this item at that time. The recommendation of the Board Executive Committee will be submitted to the full Board on May 17, 2019, when the full Board is set to meet.

BACKGROUND

The Judicial Council, a state constitutional agency established in 1926, provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure and administration. The council consists of the Chief Justice, one associate justice of the Supreme Court, three justices of the Courts of Appeal, ten judges of the superior courts, four lawyers appointed by the State Bar, one member appointed by the legislative leaders in each house of

the Legislature, two nonvoting court administrators, and other nonvoting positions as determined by the council. See California Rules of Court, rule 10.2.

Terms and membership of the Judicial Council are set by the State Constitution. The lawyer members serve staggered three-year terms, with terms beginning September 15 and ending September 14. Members receive no compensation for services but are reimbursed by the council for approved travel expenses in accordance with the reimbursement schedule for state employees. The new members of the council typically are invited to the council's May or June meeting and must be able to attend the Orientation, which is usually held in conjunction with the council's August meeting.

Service on the Judicial Council is a significant time commitment approximating 300 hours per year for meetings and assignments. Each year the council meets six to eight times, with the meetings typically set for two days (usually Thursday and Friday). Members serve on one of the council's internal committees, which meet frequently at a convenient location or by conference call. In addition, council members are assigned special tasks, which are supported by staff, and may serve as a liaison to the council's advisory committees.

The current State Bar appointees to the Judicial Council and the dates their terms expire are as follows:

<u>Name</u>	<u>City</u>	<u>Term</u>
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Patrick M. Kelly	Los Angeles	9/15/2018 – 9/14/2021 (2 nd term)
Rachel W. Hill	Fresno	9/15/2017 – 9/14/2020
Gretchen M. Nelson	Los Angeles	9/15/2017 – 9/14/2020

A chronological list of the State Bar's appointments to the Judicial Council is found at Attachment A.

DISCUSSION

The Honorable Audra Ibarra resigned from the Judicial Council when she was appointed to the Santa Clara Superior Court on December 7, 2018. The term expires on September 14, 2019. Following the resignation, the State Bar learned that the vacant seat did not need to be filled on an interim basis and that the State Bar could wait to make a regular appointment to commence at the expiration of the prior term.

Criteria deemed important for the lawyer member's service on the council include broad experience in the legal field, including trial experience, credibility as a leader both within the home county and statewide, collegial working relationships, and a demonstrated interest in and experience with court administration issues. Another important consideration is the applicant's ability to make the time commitment.

The State Bar received one application to serve on the Judicial Council and it was from Maxwell V. Pritt, a partner at Boies Schiller Flexner LLP. He has been in practice for eleven and a half years. His volunteer work includes serving on the Commission on Judicial Nominees Evaluation (JNE) and the American Constitution Society (ACS). He currently chairs the Bay Area Lawyer Chapter of the ACS and is a board member of the Young Lawyers Division of the Federal Bar Association and the IP section of the Bar Association of San Francisco. He has represented clients in pro bono civil rights cases through the Ninth Circuit pro bono program and in conjunction with the East Bay Community Law Center. Mr. Pritt currently serves as a small claims and discovery pro tem judge in the San Francisco Court. Mr. Pritt believes that his experience as a commissioner on the JNE Commission, a pro tem judge, a trial and appellate litigator, and a federal district court and Ninth Circuit law clerk along with his knowledge of, and interest in, the California judiciary and the state and federal judicial nominations process, makes him a strong candidate for appointment to the Judicial Council.

Mr. Pritt's application raised one administrative question. Mr. Pritt is completing his third and final year on the JNE Commission. The final meeting of the 2019 JNE Commission year will be in April 2020, at which time Mr. Pritt's service on the JNE Commission will end. For a seven month period of time, Mr. Pritt will be serving on both the JNE Commission and the Judicial Council. Although service on the JNE Commission and service on the Judicial Council each require a substantial time commitment, concerns about Mr. Pritt's ability to serve on both entities simultaneously are mitigated by three factors. First, the overlap is only seven months long. Second, the workload of the JNE Commission in the first year or so of operation of Governor Newsom's new Judicial Appointments Unit is expected to be lessened. Third, Mr. Pritt is an extremely talented and accomplished lawyer and has given his assurance that he will be able to carry out the responsibilities of both commitments.

Board Executive Committee Appointments Liaison interviewed Mr. Pritt on April 8, 2019, and found him qualified to serve.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

RECOMMENDATIONS

It is recommended that the Board Executive Committee and Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees appoint Maxwell V. Pritt to the Judicial Council, as one of the four State Bar members, for a three-year term to commence on September 15, 2019, and to expire on September 14, 2022, or until further order of the Board, whichever occurs earlier.

ATTACHMENT(S) LIST

- A.** List of the State Bar's Lawyer Appointments to the Judicial Council (By Most Recent Term)

**LIST OF THE STATE BAR'S LAWYER APPOINTMENTS
TO THE JUDICIAL COUNCIL**

(By Most Recent Term)

#	State Bar Appointed Member	City	State Bar District	Years Served
<i>Current Members</i>				
1	Kelly, Patrick M.	Los Angeles	2	2015-2021
2	Ibarra, Audra – Resigned	Palo Alto	6	2016-2018
3	Hill, Rachel W.	Fresno	5	2017-2020
4	Nelson, Gretchen M.	Los Angeles	2	2017-2020
<i>Past Members (Previous State Bar District)</i>				
5	Melby, Donna D.	Los Angeles	2	2014-2017
6	Pole, Debra E.	Los Angeles	2	2014-2017
7	Bonino, Mark G.	Redwood City	1	2013-2016
8	Fox, James P.	San Francisco	1	2012-2015
9	Davis, Angela J.	Los Angeles	2	2011-2014
10	Robinson, Jr., Mark P.	Newport Beach	4	2011-2014
11	Matthai, Edith R.	Los Angeles	2 (7)	2010-2013
12	Krinsky, Miriam A.	Studio City	2 (7)	2009-2012
13	Miliband, Joel	Irvine	4 (8)	2008-2011
14	Penrod, James	San Francisco	1 (4)	2008-2011
15	Capozzi, Anthony	Fresno	5 (5)	2007-2010
16	Aragon, Raymond G.	Bonita	4 (9)	2006-2009
17	Girardi, Thomas V.	Los Angeles	2 (7)	2005-2008
18	Parker, Barbara Jean	Oakland	1 (3)	2005-2008
19	Capozzi, Anthony	Fresno	5 (5)	2005-2007
20	Herman, James	Santa Barbara	2 (6)	2004-2005
21	Heinke, Rex	Los Angeles	2 (7)	2003-2006
22	Pasternak, David	Los Angeles	2 (7)	2002-2005
23	Ravel, Ann	San Jose	6 (3)	2002-2005
24	Warwick, Thomas	San Diego	4 (9)	2001-2004
25	Heeseman, Rex	Los Angeles	2 (7)	2000-2003
26	Collins, John J.	Los Angeles	2 (7)	1999-2002
27	Gee, Pauline	Sacramento	3 (2)	1999-2002
28	Case, Michael	Ventura	2 (6)	1998-2001
29	Sloan, Sheldon	Los Angeles	2 (7)	1997-2000
30	Evans, Maurice	Anaheim	4 (8)	1997-1999
31	Holmes, Dallas	Riverside	4 (6)	1995-1997
32	Veasey, Glenda	Los Angeles	2 (7)	1995-1999
33	Saferstein, Harvey	Los Angeles	2 (7)	1994-1998
34	Walsh, Brian	San Jose	2 (3)	1994-1998
35	Illston, Susan	Burlingame	1 (3)	1993-1995
36	McCurine, Jr., William	San Diego	4 (9)	1992-1995

37	Phillips, Patricia D.	Los Angeles	2 (7)	1991-1994
38	Rothenberg, Alan	Los Angeles	2 (7)	1991-1993
39	Culhane, Kevin	Sacramento	3 (2)	1990-1994
40	La Mothe, Louise Ann	Los Angeles	2 (7)	1990-1992
41	Cochran, Jr., Johnnie	Los Angeles	2 (7)	1989-1991
42	Hinton, Peter J.	Walnut Creek	1 (3)	1988-1990
43	Martens, Don W.	Newport Beach	4 (8)	1988-1990
44	Larson, Kenneth W.	San Pablo	1 (3)	1987-1991
45	Heilbron, David	San Francisco	1 (4)	1987-1989
46	Baum, David B.	San Francisco	1 (4)	1986-1988
47	Cummins, Joseph H.	Los Angeles	2 (7)	1986-1988
48	Hirschberg, Gert	Calabasas	2 (7)	1984-1986
49	Murray, Anthony	Los Angeles	2 (7)	1984-1986
50	Midlam, Kevin	San Diego	4 (9)	1983-1987
51	Raven, Robert	San Francisco	1 (4)	1983-1987
52	Morgan, W. Robert	San Jose	6 (3)	1982-1984
53	Hughes, Peter J.	San Diego	4 (9)	1981-1983
54	Janssen, Clayton	Eureka	3 (1)	1981-1983
55	Illston, Susan	Burlingame	1 (3)	1980-1982
56	Hurley, Joseph G.	North Hollywood	2 (7)	1980-1982
57	Munoz, Gregory	Santa Ana	4 (8)	1979-1981
58	Wilson, Edwin	Long Beach	2 (7)	1978-1981
59	Anderson, Thomas T.	Indio	4 (6)	1978-1980
60	Price, E. Dean	Fresno	5 (5)	1978-1980
61	Colley, Nathaniel	Sacramento	3 (2)	1977-1979
62	Hufstedler, Seth	Los Angeles	2 (7)	1977-1979
63	de Leonardo, Michael	Sunnyvale	6 (3)	1976-1978
64	Cotchett, Joseph	Burlingame	1 (3)	1976-1978
65	Robinson, Mark P.	Los Angeles	2 (7)	1976-1977
66	Jenkins, Thomas M.	San Carlos	1 (3)	1975-1977
67	Schall, William	San Diego	4 (9)	1975-1977
68	Mattson, Marcus	Los Angeles	2 (7)	1969-1973
69	Miller, Harvey C.	Santa Clara	6 (3)	1968-1973
70	Hunt, Clarence S.	Long Beach	2 (7)	1967-1972
71	McKnight, C. Galen	Fresno	5 (5)	1967-1972
72	Shelton, Leonard A	Claremont	2 (7)	1964-1968
73	Wagener, Samuel H.	Oakland	1 (3)	1964-1966
74	Focht, Jr., James L.	San Diego	4 (9)	1963-1967
75	Wyckoff, James A.	Watsonville	6 (6)	1963-1967
76	Belcher, Frank B.	Los Angeles	2 (7)	1963-1965
77	Enersen, Burnham	San Francisco	1 (4)	1961-1964
78	Finn, Howard	San Francisco	1 (4)	1961-1963
79	Higgs, DeWitt A.	San Diego	4 (9)	1961-1963