



# The State Bar of California

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## **OPEN SESSION**

### **AGENDA ITEM**

**54-112 JULY 2020**

### **BOARD EXECUTIVE COMMITTEE III.G**

**DATE:** July 16, 2020

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

**FROM:** Sarah L. Cohen, Attorney, Mission Advancement & Accountability Division

**SUBJECT:** Review Committee of the Commission on Judicial Nominees Evaluation -  
Annual Appointment of Officer and Extension of Terms of Members

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### **EXECUTIVE SUMMARY**

The Commission on Judicial Nominees Evaluation (JNE) is an agency of the State Bar created by Government Code section 12011.5 for the purpose of evaluating judicial candidates under consideration for appointment by the Governor. Pursuant to statute, prior to exercising judicial appointment authority, the Governor is required to submit the names of candidates to the JNE Commission. The JNE Commission conducts an investigation of the candidates' judicial qualifications and rates the candidates as exceptionally well-qualified, well-qualified, qualified, or not qualified. State Bar Rules governing the JNE Commission provide for a five-member Review Committee (RJNE) to review, upon request, "not qualified" ratings given by the JNE Commission.

In 2020, there are no vacancies on RJNE. This agenda item includes a recommendation for appointing a new chair and seeks to correct the term length for three of the current members.

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### **BACKGROUND**

Judicial candidates who are rated by the JNE Commission as "not qualified" (NQ) may request a reconsideration of the rating. RJNE is tasked with determining whether the rating should be rescinded. Requests for reconsideration are assigned by staff to RJNE members on a rotational basis. The assigned RJNE "lead" is responsible for reviewing the JNE Commission investigation record and providing an analysis of the issues, as well as a recommendation to uphold or

rescind the NQ rating. RJNE meetings are conducted by conference call. On average, there are four or five RJNE meetings per year.

Pursuant to State Bar Rule 7.66(A), RJNE is composed of:

- Two members of the Board of Trustees (BOT)
  - One public (nonlawyer) member
  - One lawyer member
- One past member of the JNE Commission
- Two at-large members appointed at the discretion of the BOT

(See Attachment A, State Bar Rules of the Commission on Judicial Nominees Evaluation, Rule 7.66 – Review Committee.)

**Current RJNE membership:**

	Member	Public/Lawyer	Position	Expiration
1.	Trustee Debbie Manning	Public	BOT	2020
2.	Trustee Joshua Perttula	Lawyer	BOT	2020
3.	Member Angelique Bonanno	Lawyer	At-Large	2021
4.	Member David George	Lawyer	At-Large	2021
5.	Member Jody Nuñez	Lawyer	Past JNE Com member	2022

**RJNE Chair:** The Chair is the titular head of RJNE. The chair calls the meetings to order, conducts the votes, and may mentor less-senior members. The chair receives assignments on the same rotational basis as other members. The RJNE Chair position rotates each year to the most senior non-BOT member. As seen in the chart above, there are two RJNE members who are the most senior members of RJNE. The current RJNE Chair is David George.

**RJNE Term Length:** Prior to adoption of the revised Board of Trustees Policy Manual in March 2020, with the exception of the two BOT positions, which are filled annually by the BOT Chair at the commencement of the new BOT year, RJNE members had been appointed for three-year terms. As part of its Appendix I review and implementation process begun in 2017, the BOT adopted a four-year term length for members of all subentities except the JNE Commission.

## DISCUSSION

**RJNE Chair:** As mentioned above, the chair position rotates annually to the most senior RJNE member. Angelique Bonanno and David George have the same seniority. In 2019, they agreed that David George would serve as chair during the 2019–2020 year, and Angelique Bonanno would serve as chair during the 2020–2021 year.

**RJNE Term Length:** In 2018, David George and Angelique Bonanno were appointed to RJNE, each for a three-year term; in 2019, Jody Nuñez was appointed to RJNE, also for a three-year term. To align their term lengths with those applicable to other State Bar subentities, consistent

with the Appendix I recommendations and the Board of Trustees Policy Manual, this agenda item seeks to extend their term lengths by one year.

Given the relatively small number of requests for reconsideration handled by RJNE each year and the longer time required to develop expertise for effective service, the additional fourth year will ensure stability and continuity for this State Bar subentity.

### **FISCAL/PERSONNEL IMPACT**

None

### **AMENDMENTS TO RULES OF THE STATE BAR**

None

### **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

### **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None - core business operations

### **RECOMMENDATIONS**

**Should the Board Executive Committee concur in the proposed action, passage of the following resolution is recommended:**

**RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees appoints Angelique Bonanno as Chair of the Review Committee of the Commission on Judicial Nominees Evaluation, for a one-year term, commencing at the close of the September 2020 meeting of the Board of Trustees, and expiring at the close of the September 2021 meeting of the Board of Trustees, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board Executive Committee recommends that the Board of Trustees extends the three-year terms of David George, Angelique Bonanno and Jody Nuñez to four years, with the terms of David George and Angelique Bonanno expiring at the close of the September 2022 meeting of the Board of Trustees, and the term of Jody Nuñez expiring at the close of the September 2023 meeting of the Board of Trustees, or until further order of the Board of Trustees, whichever occurs earlier.

**Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:**

**RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee appoints Angelique Bonanno as Chair of the Review Committee of the Commission on Judicial Nominees Evaluation, for a one-year term, commencing at the close of the September 2020 meeting of the Board of Trustees, and expiring at the close of the September 2021 meeting of the Board of Trustees, or until further order of the Board of Trustees, whichever occurs earlier; and it is

**FURTHER RESOLVED**, that the Board of Trustees, upon recommendation of the Board Executive Committee, extends the three-year terms of David George, Angelique Bonanno and Jody Nuñez to four years, with the terms of David George and Angelique Bonanno expiring at the close of the September 2022 meeting of the Board of Trustees, and the term of Jody Nuñez expiring at the close of the September 2023 meeting of the Board of Trustees, or until further order of the Board of Trustees, whichever occurs earlier.

#### **ATTACHMENT(S) LIST**

- A.** State Bar Rules of the Commission on Judicial Nominees Evaluation,  
Rule 7.66 – Review Committee

TITLE 7. DIVISION 1

Rules of the Commission on Judicial Nominees Evaluation

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Rule 7.66 Review committee

- (A) To review candidates' requests for reconsideration of a commission rating, the Board of Governors must appoint a five-member review committee consisting of two members of the Board of Trustees, one of whom shall be a public member and one an attorney member, one past member of the commission and two at large members to be appointed at the discretion of the Board of Trustees. Neither of these at large positions will be current members of the Board of Trustees.
- (B) The review committee has absolute discretion to rescind the opinion of the commission if it has good cause to believe that
  - (1) violation of these rules has materially affected the commission's rating;
  - (2) conflict of interest or bias has affected the rating;
  - (3) an inadequate or biased mailing list was used; or
  - (4) new evidence, which the candidate had no reasonable opportunity to present, could have changed the rating; or
  - (5) after review of the candidate's record, the commission's rating of not qualified is not supported by substantial evidence.
- (C) If a member of the review committee recuses himself or herself in a particular matter, the Executive Director of the State Bar must assign the matter to a temporary member who has previously served on the review committee.

*Rule 7.66 adopted July 17, 2009; amended effective November 10, 2010, amended effective January 2012.*