



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

54-111 JULY 2021

BOARD EXECUTIVE COMMITTEE III.G

DATE: July 22, 2021

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

FROM: Melanie Shelby, Appointments Liaison, Board of Trustees
Mark Broughton, Acting¹ Appointments Liaison, Board of Trustees

SUBJECT: Commission on Judicial Nominees Evaluation – Annual Appointments of
Members, Alternates, and Officers

EXECUTIVE SUMMARY

The Judicial Nominees Evaluation Commission (JNE commission) is an agency of the State Bar created by Government Code section 12011.5² for the purpose of evaluating judicial candidates who are under consideration for appointment by the Governor of California. Pursuant to statute, prior to exercising judicial appointment authority, the governor is required to submit the names of candidates to the JNE commission for an investigation and evaluation of the candidates' judicial qualifications. The JNE commission must report back to the governor within 90 days of the date of submission its rating of the candidate as one of the following: exceptionally well qualified, well qualified, qualified, or not qualified. The JNE commission must also provide the reasons for its rating.

This report recommends the annual appointments for the 2022 JNE commission including: (1) appointment of new members and alternates; and (2) appointment of the chair and vice-chair.

¹ As Appointments Liaison Brandon Stallings was unable to participate in the recommendation process, Trustee Mark Broughton was asked to serve in his place.

² See Attachment A – JNE Commission Resource Materials: Statutory Authority, Rules of the State Bar, and Officer Duties.

BACKGROUND

The JNE commission is a statutorily created body within the State Bar of California. (Gov. Code, § 12011.5.) The JNE commission is tasked with the responsibility for confidentially evaluating the qualifications of candidates for judicial office in California and reporting its findings to the governor's judicial appointments office. Pursuant to a schedule mutually agreed to between the governor's judicial appointments office and the State Bar, the JNE commission receives six assignment letters per year. The assignment letter contains the names of the judicial candidates being considered by the governor for appointment. The number of candidates on each assignment letter ranges from 25 to 30. By statute, the JNE commission has 90 days within which to report to the governor on the candidates' qualifications to serve. (Gov. Code, § 12011.5(c).)

Each commissioner serves one three-year term, except the chair, who serves a total of four years, the third year as vice-chair and the fourth year as chair. The first JNE commission meeting of the committee year occurs in June and the last meeting occurs the following April. The last April meeting serves as the shadow meeting for the incoming first-year commissioners sworn in at their orientation meeting in January. Each year, the third-year commissioners and the chair term off at the April meeting.

DISCUSSION

In reviewing the 112 applications for appointment to the 2022 commission, the JNE leadership team, 2021 JNE Chair Stella Ngai and Co-Vice-Chairs Adam Hofmann and Alana Mathews Arcurio³, screened applicants for: (1) leadership in their areas of practice or employment; and (2) diversity of background and experience. The criteria used to consider the lawyer applicants include length of time in practice, type of practice, and area of specialty. In evaluating all applicants, the JNE leadership team considered letters of recommendation and other endorsements, particularly from members of the judiciary, current and former commissioners, and other individuals in leadership positions. Each year, the State Bar strives to recruit one former member of the judiciary to join the commission. This year, the State Bar is fortunate to have received applications from two exceptionally well-qualified former bench officers. Last, it is worth noting that this year's recruitment effort reaped a substantial number of promising public member applicants, creating the first opportunity in JNE's history for a public member alternates list in addition to a lawyer alternates list.

³ Co-Vice-Chair Mathews Arcurio resigned at the conclusion of the June 2021 meeting at which time Co-Vice-Chair Adam Hofmann became Vice-Chair.

APPOINTMENT OF NEW MEMBERS AND ALTERNATES TO THE 2022 JNE COMMISSION⁴

One hundred and twelve applications were received, 10 from public member applicants, and the remainder from licensee applicants, including two former judicial officers. To fill the 13 vacancies on the 2022 commission, it is recommended that the Board appoint two of the public member applicants, both former judicial officer applicants, and nine of the lawyer applicants. Additionally, it is recommended that the Board appoint 10 lawyer alternates and three public member alternates. A short description of the applicants recommended as new members and alternates for the 2022 commission follows.

Proposed 2022 First-Year Class (In Alpha Order within Member Type)

Public Members

- Matt Barnachia – San Diego, CA

Matt Barnachia is a California Highway Patrol (CHP) border division sergeant with 15 years of experience covering CHP's Southern, Central, and Protective Services Divisions. His particular line of work in law enforcement requires interaction with judicial officers in various court settings, from the superior courts all the way up to the California Supreme Court. He was referred by 2019 JNE chair (and former Alameda County Public Defender) Diane Bellas and former JNE commissioner Daniel Alexander, a research attorney at the Court of Appeal; and received a letter of recommendation from Justice Victoria Chaney of the Second District Court of Appeal.

- Mack Jenkins, Sr. – Irvine, CA

Mack Jenkins, Sr. is retired and, prior to retirement, served as the chief probation officer at the San Diego County Probation Department, leading four service divisions as the appointed department head. Altogether, he has 42 years of experience in the criminal justice system across various operational units and jurisdictions, primarily in probation services. He currently serves as a gubernatorial appointee to the Council on Criminal Justice and

⁴ The applications of 86 applicants not selected as new members or alternates will remain on file. They are, in alphabetical order: Abbasi, Osman; Almazan, Araceli; Amin, Tara Azad; Ault, Kristin; Avanzado, Melvin; Barilich, Susan; Bartow, Brian; Bautista, Claudia; Bellows, Anne P.; Biche, Timothy; Blair, Elizabeth; Brown, Carly; Blum, Jeffrey; Buenaventura, Raymond A.; Burns, Megan; Burton, Mark; Campo, Brigid; Chand, Robin; Christensen, Stephanie; Dagrella, Jeffrey; De Jong, Jared; Dench, Donald; Dewey, Naomi; Dostart, Zach; Falchetti, Sandra M.; Ferguson, Khalil; Ferrerira, Marlisa; Fitzpatrick, John; Fraigun, Marina Kats; Freedman, Michael G.; French, Elizabeth; Friedman, Michael; Fromholz, Ann Haley; Gardner, Marcie; Garrot, Taylor; Ghassemkhani, Mehrdad; Gohar, Sherif; Gonzalez, Leah; Gruzenski, Nairi; Hadjian, Abbas; Haider, Monica; Harris, Danielle; Hamilton, Stephen; Hilario, Emma; Iyama, Karri K.; Jalili, Victoria; Joachin, Mayra B.; Kim, Cindy; Kirkland, Alexia; Kollitz, Aaron; Kretzmer, Michael J.; Lazorisak, Theresa; Liberio, Lydia; Lord, Scott; Lozano, Catalina; Maranga, Kenneth; Martin, Rodman; McInerney, Thomas; Mendoza, Liza Siu; Michalowski, Jeffrey; Mojdehi, John L.; Naqvi, Elia; O'Connor, Cheryl; Panchapakesan, Gopi K.; Panossian-Bassler, Natalie; Patel, Vijay; Perkins, Rebecca; Pletcher, Anna; Riemer, Maria; Rodriguez, Richard; Ross, Sara; Selleck, Summer; Shaw, Kandace; Shulman, Maya; Song, Nancy; Streltzer, Adam; Summer, Alexandra P.; Sutherlin, Tasha; Taking, Leana Serey; Vuong, Judy; Wise, Catherine E.; Wolf, Marc Price; Woodson, Rebecca; Yang, Andy; Yeh, Kevin.

Behavioral Health and as a legislative appointee to the Prison Industry Board. He was referred by his son, Mack Jenkins, Jr., an assistant U.S. attorney and chief of the public corruption and civil rights section for the U.S. attorney's office for the Central District of California, who served with distinction on the JNE commission from 2016 to 2019.

Former Judicial Officer Members

- Hon. Judy Johnson (Ret.) – Rodeo, CA

Judge Johnson retired in December 2020 after eight years on the Contra Costa County Superior Court bench, including two years as supervising judge of the Pittsburg courthouse. As a lawyer, she worked as an assistant district attorney for San Francisco County, specializing in criminal prosecution of major frauds, white collar crime, and violations of consumer protection laws. Judge Johnson has been a pioneer in the legal profession. She was the first woman to serve as president of the Charles Houston Bar Association, founded in 1955 to work within the African American community to facilitate access to the justice system. She also was the first woman of color to serve on the State Bar's governing board, and the first woman and lawyer of color to serve as executive director of the State Bar from 2000 to 2009. Judge Johnson's commitment to the State Bar includes service on the JNE commission as a lawyer member in the early 1980s, and on the Committee of Bar Examiners in the late '80s. She received letters of recommendation from Justice Teri Jackson, the First District Court of Appeal; Judge Wade Rhyne, the Contra Costa County Superior Court; and Ruthe Ashley, Executive Director Emeritus of California LAW Pathways.⁵

- Hon. Randa Trapp (Ret.) – San Diego, CA

Judge Trapp, a U.S. Navy veteran, retired from the San Diego County Superior Court after 18 years on the bench. She was the first African American judge and the first African American supervising judge in the civil division. As a practicing attorney, she handled both criminal and civil cases, including construction defect and business litigation matters, and worked as a prosecutor with the California Department of Justice, Office of the Attorney General. Judge Trapp was also an adjunct professor of law at the University of San Diego School of Law for 20 years. She has a long history of volunteerism, and is active in multiple professional organizations for Black and women lawyers, serving as past regional director of California Women Lawyers, past president of the Earl B. Gilliam Bar Association, and past president of the J. Clifford Wallace Inn of Court. She currently serves on one of Governor Newsom's regional Judicial Selection Advisory Committees.⁶ Judge Trapp comes highly recommended

⁵ Judge Johnson (Ret.) served on the JNE commission as a lawyer member from 1983 to 1985. This year, she is applying to serve on the 2022 commission in a distinctly different role as a former judicial officer. Under Board of Trustees Policy Manual Section 4.9, the Board has discretion to permit appointment of a member to a second term. Given the change in role from lawyer member to former judicial officer member, the great need for additional former judicial officer members to serve on the commission, and the decades-long lapse in time since the first appointment, the Board is asked to exercise its discretion to permit appointment of Judge Johnson to a second term.

⁶ Service on the JNE commission precludes participation in any other judicial evaluation process. (Tit. 7, div. 1, chap. 1, rule 7.5(C).) If appointed, Judge Trapp (Ret.) is willing to resign from her appointed position on Governor Newsom's

by former JNE commissioner and colleague on the San Diego County Superior Court, Hon. Linda Quinn (Ret.).

Licensee Members

- Caley Anderson – Tulare, CA

Caley Anderson has been a lawyer for 11 years and currently has a criminal defense practice, including serving on a conflicts panel at the Law Offices of Caley Anderson. He has experience in public and private sectors across several different counties and is familiar with the challenges of rural and urban courts. He received a letter of recommendation from Judge Robert Fultz of the Tulare County Superior Court.

- Noemi Esparza – Sacramento, CA

Noemi Esparza has been a lawyer for 12 years and currently practices in the area of personal injury at a mid-size firm, Dreyer Babich Buccola Wood Campora, LLP. Prior to becoming a lawyer, she worked as a political fundraiser, a legislative aide and director, and a public policy program manager. She is active with the Consumer Attorneys of California as an invited lecturer and has testified in legislative committees on behalf of injury victims. She received letters of recommendation from Judge David Abbott (Ret.) of the Sacramento County Superior Court, and Judge Troy Nunley, U.S. District Judge of the U.S. District Court for the Eastern District of California.

- Frine Eger-Gelston – Walnut Creek, CA

Frine Eger-Gelston has been a lawyer for 23 years and currently practices in the areas of estate planning, trust and probate law, civil litigation, and family law, with a small firm at Bass & Benabou, LLP. She previously worked as a research attorney for the Alameda County Superior Court for over 10 years, and as a criminal prosecutor for the San Francisco District Attorney's Office. She immigrated to the U.S. at the age of 10 from Nicaragua after its civil war and is fluent in Spanish. She was referred by current 2021 JNE Chair Stella Ngai and received a letter of recommendation from Judge Larry Goodman (Ret.) of the Alameda County Superior Court.

- Niti Gupta – Upland, CA

Niti Gupta has been a lawyer for 14 years and currently practices in the areas of juvenile dependency, criminal defense, family law, and appellate law at the law office of Niti Gupta. She has broad experience in the legal profession, having previously served as a deputy public defender, juvenile delinquency trial attorney, and research attorney specializing in juvenile dependency appeals for the Second District and Fourth District Court of Appeal. She cofounded the South Asian Bar Association and the Asian Pacific American Lawyers of the

regional Judicial Selection Advisory Committee in order to eliminate the conflict that would preclude her membership on the JNE commission.

Inland Empire. She was referred by 2020 JNE Chair Aminder Singh (a law school classmate) and received a letter of recommendation from Judge Michelle Gilleece of the San Bernardino County Superior Court.

- Melissa Mandel – San Diego, CA

Melissa Mandel has been a lawyer for 29 years, specializing in criminal prosecution (appeals, writs, and trials). She currently is a supervising deputy attorney general for the California Department of Justice, Office of the Attorney General. Previously, she was a deputy city attorney for the City of San Diego. She currently serves as the subcommittee chair of the San Diego County Bar Association's Judicial Election Evaluation Committee, and was appointed by the State Bar Board of Trustees in July 2020 as an alternate for the 2021 JNE commission.⁷ She received a letter of recommendation from Justice Cynthia Aaron of the Fourth District Court of Appeal.

- Lorena Penaloza – Santa Cruz, CA

Lorena Penaloza has been a lawyer for 22 years and is currently general counsel of the University of California, Santa Cruz. She has prior experience working for the City of Santa Ana as an assistant city attorney, and for the Social Security Administration's Office of the General Counsel. A first-generation Latina fluent in Spanish, she is the first in her family to go to college. She served on the Hispanic Bar Association of Orange County's Judicial Evaluations Committee from 2006 to 2017. During her first year as committee chair and second year as president, she led an initiative to develop, standardize, and formalize the committee's process for evaluating judicial candidates. She was referred by current 2021 JNE Chair Stella Ngai.

- David Sutton – Los Angeles, CA

David Sutton has been a lawyer for 12 years and is the Los Angeles trial chief in the Federal Public Defender's Office for the Central District of California. He had a short stint counseling individuals and corporations regarding complex federal crimes at Cohen Williams LLP, but returned to the public sector after a year. He served on the Los Angeles County Bar Association's committee to evaluate judicial candidates for four years. He is currently on the board of governors at the University of San Francisco School of Law (his alma matter) and is a co-chair of the Federal Bar Association Los Angeles Chapter's Younger Lawyers Division. He regularly mentors three to five young attorneys or law students at any given time. He was highly recommended by distinguished former JNE commissioners Reema El-Amamy and Mack Jenkins, Jr. He received letters of recommendation from Judge Christopher Dybwad of the Los Angeles County Superior Court, and Cuauhtemoc Ortega, Federal Public Defender for the Central District of California.

⁷ See footnote 6. If appointed, Melissa Mandel will be expected to conclude her involvement with the San Diego County Bar Association's Judicial Election Evaluation Committee.

- Ryan Tacorda – San Francisco, CA

Ryan Tacorda has been a lawyer for 17 years and is a research attorney for the First District Court of Appeal. He handles a broad variety of issues that come before the court, including, for example, sentencing in criminal matters, juvenile dependency, and contract interpretation disputes between small business operators. Prior to working in law, he worked as an associate director for the Stanford University Office of Undergraduate Admission, reviewing applications from interested applicants from East Asia, and serving as liaison to the Asian-American Students Association. He received letters of recommendation from Justice Peter Siggins (Ret.) and former JNE commissioner Justice Carin Fujisaki of the First District Court of Appeal.

- Corey Weber – Woodland Hills, CA

Corey Weber has been a lawyer for 20 years and practices in the areas of business bankruptcy and business litigation at Brutzkus Gubner Rozansky Seror Weber LLP. He is the immediate past chair of California Lawyers Association Business Law Section, and currently serves on the Ninth Judicial Circuit Historical Society Board of Directors. He received letters of recommendation from Ona Alston Dosunmu, executive director and CEO of California Lawyers Association, and Robyn Lipsky, executive director of the Ninth Judicial Circuit Historical Society.

The applicant pool was considered in light of the current composition of the commission to ensure diversity of background and experience. The above 13 people recommended represent a diverse group of accomplished and well-regarded professionals, including:

- Seven females and six males;
- Eight from Southern California, four from Northern California, and one from Central Valley;
- Criminal defense lawyers and prosecutors including a federal public defender, a wide variety of civil practitioners, a Court of Appeal research attorney, a UC general counsel, former judicial officers, a CHP sergeant, and a retired chief probation officer;
- Three Black/African American, three Asian, three white, two Hispanic/Latino/white, one Black/African American/white, and one Hispanic/Latino.⁸

Proposed 2022 Alternates (In Order of Rank)

Public Members

1. Gema Fonseca – Oakland, CA

Gema Fonseca is a program manager at the Student Health Insurance Plan for the University of California, Office of the President. She works collaboratively with

⁸ The demographic data was extracted from an optional survey on the State Bar volunteer application.

professional staff from various departments throughout 10 campuses of the University of California system. She is a colleague of current 2021 Chair Stella Ngai and received a letter of recommendation from Professor Rafael Gonzalez (Ret.) of Laney College.

2. Ravi Koka – San Francisco, CA

Ravi Koka is a self-employed endodontist and assistant professor at University of the Pacific, San Francisco campus. Of Indian descent and having been born and raised in the United Kingdom, he would bring a unique perspective to the commission. He was referred by current third year JNE commissioner Mani Sheik.

3. Theresa Hurley – Concord, CA

Theresa Hurley has been the executive director of the Contra Costa County Bar Association for over six years. She is currently completing her Master of Nonprofit Administration at the University of San Francisco School of Management. With over 20 years of experience working in the nonprofit realm and in her current position working with judges in a nonlegal capacity, she offers a unique understanding of community needs for an effective justice system and perspective on the role of the judiciary. She volunteers with the California Society of Association Executives and the National Association of Bar Executives. She previously served on the California Lawyers Association Executive Committee for six years. She received letters of recommendation from Judge Hiramoto of Contra Costa County Superior Court, and Deborah Kemper, Executive Director of the San Mateo County Bar Association.

Licensee Members

1. Winnifred Gin – Oakland, CA

Winnifred Gin was a deputy public defender at the Contra Costa County Public Defender's Office for over 25 years, the last four-and-a-half years as a supervising attorney. Her prior experience includes working as a program analyst for the U.S. Army Corps of Engineers, San Francisco District, in the late 1980s. She is a committee member for the Alameda County Bar Association Criminal Court Appointed Attorneys Program, which administers the conflicts program for the County of Alameda, whereby a panel of more than 160 qualified attorneys represent indigent criminal defendants or minors whenever the public defender is restrained by a conflict of interest.

2. Jamie Wrage – Riverside, CA

Jamie Wrage has been a lawyer for 24 years and currently practices employment and business litigation at Stream Kim Hicks Wrage & Alfaro, P.C. She is also admitted to practice in the Ninth Circuit and Seventh Circuit Court of Appeals. She currently serves as president of the board of directors for Riverside Legal Aid and is on the board of directors for Riverside Community Health Foundation. She was referred by former JNE commissioner Eugene Kim. She received a letter of recommendation from Judge Joseph Ortiz of the San Bernardino County Superior Court.

3. Tara Doss – Los Angeles, CA

Tara Doss has been a lawyer for 17 years and is currently an administrative law judge at the Office of Administrative Hearings for the Special Education Division. She was president of the Black Women Lawyers Association (BWL) of Los Angeles from 2018 to 2019. She received a letter of recommendation from the current BWL president, Michelle Kazadi.

4. Kim Tran – Irvine, CA

Kim Tran has been a lawyer for 17 years and is a research attorney and temporary judge for the Los Angeles County Superior Court. She currently serves as the president of the Vietnamese American Bar Association of Southern California. She received a letter of recommendation from Judge Nathan Vu of the Orange County Superior Court.

5. Roger Christopher “Chris” Lim – Los Angeles, CA

Chris Lim has been a lawyer for 16 years and currently practices appellate law at the Law Office of R. Chris Lim. He limits his practice to the representation of criminal defendants and civil plaintiffs on appeal; he does not represent corporations or governmental entities. He received two letters of recommendation from lawyers in private practice, and a third letter from Associate Professor Michelle Kuo of the American University of Paris.

6. Jaime Delaye – San Francisco, CA

Jaime Delaye has been a lawyer for 12 years and is a deputy city attorney for the San Francisco City Attorney’s Office. She has clerked for the Hon. Richard Seeborg, Chief Judge of the U.S. District Court for the Northern District of California, and the Hon. Wallace Tashima, Senior U.S. Circuit Judge of the Ninth Circuit Court of Appeals. She was the campaign manager for Ellen Corbett’s run for California State Senate. She currently serves on the board of directors and as board secretary for ScholarMatch, Inc., an organization supporting first-generation college students with targeted financial support and career mentoring. She received letters of recommendation from Chief Judge Richard Seeborg, and Chief of Complex and Affirmative Litigation Section Yvonne Mere at the San Francisco City Attorney’s Office.

7. Antoinette Morris – Inglewood, CA

Antoinette Morris’s areas of practice include 12 years in civil litigation and eight years in administrative law. She is an administrative law judge for the California Unemployment Insurance Appeals Board, presiding over appeals involving unemployment insurance and disability insurance claims. She currently serves on the board of directors for Black Women Lawyers Association of Los Angeles and mentors college students interested in attending law school through Santa Monica College’s Law Pathway, a program designed to assist underrepresented students foster the skills needed to excel in a legal career. She received a letter of recommendation from former JNE commissioner Damon Brown, the chief legal officer for the City of Compton.

8. Jehan Pernas – Los Angeles, CA

Jehan Pernas has been a lawyer for over 10 years and is an assistant U.S. attorney at the U.S. Attorney's Office for the Central District of California. Her interest in becoming a lawyer and serving the public began after learning about her parents' hardships from their native countries, Cuba and Morocco, which led them to immigrate to the U.S. Her legal experience includes working as a state prosecutor, civil practitioner, and now federal prosecutor. She co-chairs the Diversity Committee and serves as the college extern coordinator in the U.S. Attorney's Office. She was referred by current JNE commissioner Agustin Orozco, and received a letter of recommendation from Christopher Kendall, a fellow assistant U.S. attorney and deputy chief of the International Narcotics, Money Laundering, & Racketeering Section.

9. Carlos Lloreda – Los Angeles, CA

Carlos Lloreda has been a lawyer for 42 years practicing civil litigation, serious personal injury, wrongful death, tenant law, and legal malpractice at the law office of Carlos A. Lloreda, Jr. He is fluent in Spanish and represents a wide range of clients from Fortune 500 CEOs to migrant farm workers. He currently presides over fee arbitrations for the Los Angeles County Bar Association and has previously served as judge pro tem for the Small Claims Division of the Los Angeles County Superior Court. He received a letter of recommendation from Justice Ignazio Ruvulo (Ret.) of the First District Court of Appeal.

10. Kirk Brennan – Modesto, CA

Kirk Brennan has been a lawyer for 11 years and is a deputy district attorney for the Stanislaus County District Attorney's Office. He has a diverse background having grown up in seven different countries. His career experience is also diverse having worked in bankruptcy law, civil litigation, labor and employment, and criminal defense and prosecution, and in private and public sectors. He currently resides and works in the Central Valley Modesto community.

The above 13 recommended alternates represent another diverse group of accomplished and well-regarded individuals, including:

- Nine females, four males;
- Seven from Southern California, five from Northern California, one from Central Valley;
- Criminal defense lawyers and prosecutors including a federal prosecutor and deputy district attorney, a deputy city attorney, administrative law judges, a research attorney, an appellate specialist, civil litigators, a UC program manager, an endodontist, and an executive director of a bar association;
- Three Asian, three Hispanic/Latino, two Black/African American, two white, one white/Asian, one Hispanic/Latino/white.⁹

⁹ The demographic data was extracted from an optional survey on the State Bar volunteer application. One applicant on the alternate list did not participate in the survey.

APPOINTMENT OF OFFICERS TO THE 2022 JNE COMMISSION

JNE Commission Chair

Historically, the vice-chair position has been used to prepare a member of the commission to serve as the chair. The vice-chair has substantial responsibilities and serving in that position provides a hands-on training opportunity to develop the expertise necessary to perform the functions of the chair. There is every expectation that the vice-chair will serve as chair the following year. The chair is the only member of the JNE commission that may serve a fourth year. Typically, the vice-chair is the only candidate for chair. That is the case in this appointments cycle. Adam Hofmann, the current vice-chair, is the only candidate for chair.

Appointments liaisons Melanie Shelby and Mark Broughton interviewed Vice-Chair Hofmann by Zoom and recommend that Vice-Chair Hofmann serve as chair of the 2022 JNE commission. Vice-Chair Hofmann has been a lawyer for 15 years and was introduced to the inner workings of the judicial system early on when externing for the Hon. Martin Jenkins in the U.S. District Court for the Northern District of California. Vice-Chair Hofmann is a certified appellate specialist at Hanson Bridgett LLP, serves as co-chair of Hanson Bridgett's appellate practice group, and represents public agencies, corporations, and individuals in post-trial and appellate proceedings in state and federal courts. As the 2022 JNE commission chair, Vice-Chair Hofmann hopes to contribute to the development of a diverse judiciary that reflects the people of California.

JNE Commission Vice-Chair

As previously stated, the vice-chair has substantial responsibilities. The following second year commissioners applied for the vice-chair position: Daniel Allender, Jamie Crook, Jeff El-Hajj, and Justin Palmer. The appointments liaisons interviewed the four vice-chair candidates by Zoom and were uniformly impressed with the level of interest and commitment shown by each of the candidates.

Although a difficult choice given the superior talent of the candidates, the appointments liaisons recommend that Justin Palmer serve as vice-chair of the 2022 JNE commission. Commissioner Palmer has been a lawyer for 10 years and is currently a managing partner at Filer & Palmer LLP in Long Beach, handling both civil and criminal matters. The civil work includes general civil cases, civil rights cases, and appellate work. The criminal work involves handling all stages of a case including negotiating pleas, preparing pretrial motions, and conducting preliminary hearings. As the 2022 JNE commission vice-chair, commissioner Palmer would work on furthering the JNE commission's commitment to equal access to justice.

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 Adam Hofmann to serve as the chair of the 2022 Judicial Nominees Evaluation (JNE) Commission and Justin Palmer to serve as the vice-chair of the 2022 JNE commission, each for a one-year term commencing at the close of the last business meeting of the 2021 JNE commission on April 23, 2022 and expiring at the close of the last business meeting of the 2022 JNE commission on April 15, 2023, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees appoints new members and alternates to the 2022 JNE commission per Attachment C; each for a three-year term commencing upon administration of the oath of office at the orientation meeting on January 28–29, 2022, and expiring at the close of the last business meeting of the 2024 JNE commission in April 2025, or until further order of the Board, 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 Adam Hofmann to serve as the chair of the 2022 Judicial Nominees Evaluation (JNE) Commission and Justin Palmer to serve as the vice-chair of the 2022 JNE commission, each for a one-year term commencing at the close of the last business meeting of the 2021 JNE commission on April 23, 2022, and expiring at the close of the last business meeting of the 2022 JNE commission on April 15, 2023, or until further order of the Board s, whichever occurs earlier; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, appoints new members and alternates to the 2022 Judicial Nominees Evaluation (JNE) Commission per Attachment C; each for a three-year term commencing upon administration of the oath of office at the orientation meeting on

January 28–29, 2022, and expiring at the close of the last business meeting of the 2024 JNE commission in April 2025, or until further order of the Board, whichever occurs earlier.

ATTACHMENT(S) LIST

- A.** JNE Commission Resource Materials: Statutory Provisions, State Bar Rules, and Duties of Officers
- B.** [Current] 2021 Commission on Judicial Nominees Evaluation Membership List
- C.** [Proposed] 2022 Commission on Judicial Nominees Evaluation Membership List

**JNE Commission Resource Materials: Statutory Provisions,
State Bar Rules, and Duties of Officers**

Government Code Sections

12011.5 (b) 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 Section 6013.5 of the Business and Professions Code. It is the intent of this subdivision that the designated agency of the State Bar responsible for evaluation of judicial candidates shall be broadly representative of the ethnic, gender, and racial diversity of the population of California and composed in accordance with Sections 11140 and 11141. The further intent of this subdivision 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 this subdivision. Each member of the designated agency of the State Bar responsible for evaluation of judicial candidates shall complete a minimum of 60 minutes of training in the areas of fairness and bias in the judicial appointments process at an orientation for new members. If the member serves more than one term, the member shall complete an additional 60 minutes of that training during the member's service on the designated agency of the State Bar responsible for evaluation of judicial candidates.

11140. It is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public including ethnic minorities and women.

11141. In making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy expressed in this article. It is not the intent of the Legislature that formulas or specific ratios be utilized in complying with this article.

Business & Professions Code Section

6013.5. Notwithstanding any other provision of law, six members of the board 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.

EXCERPT FROM STATE BAR RULES GOVERNING JNE MEMBERSHIP AND DUTIES OF COMMISSIONERS

TITLE 7. MISCELLANEOUS PROVISIONS

Adopted July 2007

DIVISION 1. COMMISSION ON JUDICIAL NOMINEES EVALUATION

Chapter 1. General provisions

Rule 7.1 Commission on Judicial Nominees Evaluation

The Board of Trustees of the State Bar of California has established a Commission on Judicial Nominees Evaluation (“commission”) pursuant to statute¹ to confidentially investigate and evaluate the judicial qualifications of those identified by the Governor for appointment or nomination to a judicial office.

Rule 7.1 adopted effective July 17, 2009; amended effective January 1, 2012.

Rule 7.2 Membership and terms

The commission, its chair, and its vice-chair are appointed by the Board of Trustees and serve at the pleasure of the Board. To the extent feasible,

- (A) the commission is to consist of at least twenty-seven and no more than thirty-eight members, at least eighty percent of whom must be active licensees in good standing of the State Bar and the balance public members;
- (B) one of the State Bar licensees is to be a former judge, preferably of an appellate court; and
- (C) the membership is to consist of a variety of persons of different backgrounds, abilities, interests, and opinions who are broadly representative of the ethnic, sexual, and racial diversity of the population of California.²

Rule 7.2 adopted effective July 17, 2009; amended effective January 1, 2012; amended effective January 25, 2019.

Rule 7.3 Temporary commissioners

- (A) The chair may appoint a former member of the commission as a temporary commissioner to assist the commission with its workload. An appointee must recently have been commission chair or served one three-year term on the commission or its review committee. A temporary commissioner may lead an investigation.

¹ Government Code § 12011.5.

² See Government Code §§ 11140, 11141, and 12011.5.

- (B) A temporary commissioner may participate only in the consideration of and vote on the candidate the chair has assigned the commissioner to investigate.

Rule 7.3 adopted effective July 17, 2009; amended effective March 19, 2021.

Rule 7.4 Removal of commissioners

The Board may remove from office any commissioner whom the commission chair has identified in a report to the President of the Board as failing to perform assigned duties or regularly attend scheduled meetings.

Rule 7.4 adopted effective July 17, 2009.

Rule 7.5 Duties of commissioners

Each commissioner must

- (A) not endorse or participate in a judicial candidate's campaign for office;
- (B) not vote on a candidate if absent for any time from the meeting at which the commission votes on the candidate;
- (C) not participate in any other judicial evaluation process;
- (D) not apply for or accept a State of California judicial appointment or permit his or her name to be submitted for evaluation as a candidate for such an appointment while a majority of the commission consists of members with whom he or she has served;
- (E) report to the chair or vice-chair of the commission for appropriate action any concern that a fellow commissioner has breached these rules or law applicable to the commission; and
- (F) comply with these rules after signing a declaration that he or she has read, understood, and agrees to comply with the rules, the declaration being made under oath upon taking office.

Rule 7.5 adopted effective July 17, 2009; amended effective March 19, 2021.

Commission on Judicial Nominees Evaluation Duties of Officers

CHAIR

Time Commitment

The time commitment for the chair is 1000 hours annually, at least double that of the commissioners (360-500 hours annually). The chair spends a significant amount of time in telephonic conferences with JNE staff, commissioners, and candidates. These conferences can occur on a daily basis and are most frequent at the following stages of the 90-day cycle: initial assignments of candidates to investigative teams, the drafting of negative matters (criticisms), and the preparation for the candidate interview.

General Responsibilities

1. Respond to proposed rule changes and legislation regarding JNE.
2. Alert JNE staff to press inquiries.
3. Respond to commissioner and candidate questions regarding the rules and procedures of the commission.
4. Periodically prepare written communications to the commission regarding changes in procedure and events impacting the work of the commission.
5. Communicate with the Governor's Judicial Appointments Secretary regarding matters related to JNE.
6. Periodically confer with JNE staff, the State Bar Executive Director, Chair/members of the Board of Trustees on issues pertaining to JNE procedures, news releases, and other matters related to the JNE process and governance.
7. Attend local bar association meetings throughout the state to participate in judicial evaluation process educational events.

Routine 90-day Cycle Responsibilities

1. Assign candidates to investigative teams consisting of one lead commissioner and two or more co-commissioners depending on whether the candidate is a superior court candidate or appellate court candidate. Assignments should take into consideration the geographical location, experience, and background of the assigned commissioners, and associated travel expenses. In making the assignments, alternate the lead and co-commissioner assignments to spread the work evenly and provide an opportunity for commissioners to work with as many other commissioners as possible.
2. Respond to all issues involving potential conflicts of interest and recusals. This may require telephone conferences with candidates, commissioners, and State Bar staff.
3. Resolve issues arising out of the drafting of negative matters (criticisms).
4. Review and edit candidate reports.

Meeting Responsibilities

1. Determine the order of presentation of the candidate reports.
2. Chair JNE meetings while reviewing and providing final edits to the draft candidate reports.
3. Ensure that Not Qualified ratings are assigned to a candidate in conformity with State Bar rules.
4. Ensure that the investigative team for a candidate rated Not Qualified completes and submits to JNE staff the NQ Questionnaire prior to conclusion of the meeting.
5. Participate in the orientation meeting for the new commissioners.

Commission on Judicial Appointments (COJA) Responsibilities

1. Assist in drafting the report.
2. Prepare the presentation.
3. Appear at the confirmation hearing in person or, if unavailable, assign responsibility to another commissioner, preferably the JNE vice-chair.

Appointments Responsibilities

1. Provide input on the appointment process.
2. Assist incoming officers in reviewing the applicant pool and making recommendations for the new slate of commissioners and alternates.
3. Meet with the State Bar Board of Trustees Appointments Liaisons, as requested.

VICE-CHAIR**Time Commitment**

The time commitment for the vice-chair is about the same as that of chair, 1000 hours annually, and includes the regular work of a commissioner with an additional two-week period devoted to copy editing of reports during each assignment cycle. In addition, the vice-chair spends considerable time conferring with the chair and staff on JNE related matters and must be prepared to assume the role of the chair when the chair is unavailable. Last, the vice-chair spends considerable time reviewing applications for appointment, recommending a slate of new members/alternates, and planning the new member orientation.

General Responsibilities

1. Assist the chair with training, development, and support of the commissioners.
2. Attend local bar association meetings throughout the state to participate in judicial evaluation process educational events, as requested by the chair.
3. Appear at COJA confirmation hearings in person, as requested by the chair.



The State Bar of California

ATTACHMENT B

COMMISSION ON JUDICIAL NOMINEES EVALUATION

[Current] 2021 Commission on Judicial Nominees Evaluation Membership List

First Year Commissioners

1. Anaebere-Nicholson, Ugochi L.
2. Bollinger, André R.
3. Bhalotra, Chhaya M.
4. Brown, Aundrea J.
5. Choe, Julia S.
6. Garrido, Diana A.
7. Guillory, Stacey
8. Harbin-Forte (ret.), Hon. Brenda
9. Lieberman, David
10. Mori, Ai
11. Serrano, Francesca
12. Yraceburn, Michael J.

City/Public Member or Former Judicial Officer

Santa Ana
San Diego
Pleasanton
Oakland
Los Angeles
Martinez
Oakland
Oakland/*Former Judicial Officer*
Berkeley/*Public Member*
San Francisco
Oakland
Bakersfield

Second Year Commissioners

13. Allender, Daniel L.
14. Crook, Jamie L.
15. El-Hajj, Jeffrey B.
16. Hemann, Pamela
17. Lee, Tiffany K.
18. McMeel, Meghan R.
19. Orozco, Agustin D.
20. Palmer, Justin A.
21. Pierce, T. Peter
22. Radogna, Anthony P.
23. Reif, Judith E.
24. Yoo, Donald W.

City/Public Member or Former Judicial Officer

Los Angeles
San Francisco
San Jose
Pasadena/*Public Member*
Palo Alto
San Francisco
Los Angeles
Long Beach
San Francisco
Irvine
Los Angeles
Los Angeles

Third Year Commissioners

- 25. Brandt, Robert C.
- 26. Chirlin (ret.), Hon. Judith C.
- 27. Danitz, Brian
- 28. Diallo, Souleymane P.
- 29. Johnson, Arwen R.
- 30. Kristovich, Bethany W.
- 31. Sapoznikow, Michael
- 32. Seastrom, Brian G.
- 33. Sheik, Mani
- 34. Yuen, Tammy M.

Third Year Vice-Chair

- 35. Hofmann, Adam W.

Fourth Year Chair

- 36. Ngai, Stella J.

City/Public Member of Former Judicial Officer

Elk Grove
Los Angeles/*Former Judicial Officer*
Burlingame
Riverside
Los Angeles
Los Angeles
Sacramento
Newport Beach
San Rafael
Oakland

City/Public Member or Former Judicial Officer

Sacramento

City/Public Member or Former Judicial Officer

Oakland



[Proposed] 2022 Commission on Judicial Nominees Evaluation Membership List

**New Members
(in alpha order by class)**

First Year Commissioners

1. Anderson, Caley
2. Barnachia, Matt
3. Esparza, Noemi
4. Eger-Gelston, Frine
5. Gupta, Niti
6. Jenkins Sr., Mack
7. Johnson (ret.), Hon. Judy
8. Mandel, Melissa
9. Penaloza, Lorena
10. Sutton, David
11. Tacorda, Ryan
12. Trapp (ret.), Hon. Randa
13. Weber, Corey

City/Public Member or Former Judicial Officer

Tulare
San Diego/*Public Member*
Sacramento
Walnut Creek
Upland
Irvine/*Public Member*
Rodeo/*Former Judicial Officer*
San Diego
Santa Cruz
Los Angeles
San Francisco
San Diego/*Former Judicial Officer*
Woodland Hills

Second Year Commissioners

14. Anaebere-Nicholson, Ugochi L.
15. Bollinger, André R.
16. Bhalotra, Chhaya M.
17. Brown, Aundrea J.
18. Choe, Julia S.
19. Garrido, Diana A.
20. Guillory, Stacey
21. Harbin-Forte (Ret.), Hon. Brenda
22. Lieberman, David
23. Mori, Ai
24. Serrano, Francesca
25. Yraceburn, Michael J.

City/Public Member or Former Judicial Officer

Santa Ana
San Diego
Pleasanton
Oakland
Los Angeles
Martinez
Oakland
Oakland / *Former Judicial Officer*
Berkeley / *Public Member*
San Francisco
Oakland
Bakersfield

Third Year Commissioners

26. Allender, Daniel L.
27. Crook, Jamie L.
28. El-Hajj, Jeffrey B.
29. Hemann, Pamela
30. Lee, Tiffany K.
31. McMeel, Meghan R.
32. Orozco, Agustin D.
33. Pierce, T. Peter
34. Radogna, Anthony P.
35. Reif, Judith E.
36. Yoo, Donald W.

City/*Public Member* or *Former Judicial Officer*

Los Angeles
San Francisco
San Jose
Pasadena / *Public Member*
Palo Alto
San Francisco
Los Angeles
San Francisco
Irvine
Los Angeles
Los Angeles

Third Year Vice-Chair

37. Palmer, Justin

City/*Public Member* or *Former Judicial Officer*

Long Beach

Fourth Year Chair

38. Hofmann, Adam W.

City/*Public Member* or *Former Judicial Officer*

Sacramento

**Alternates
(in ranked order)****Public Members**

1. Gema Fonseca, Oakland
2. Ravi Koka, San Francisco
3. Theresa Hurley, Concord

Licensees

1. Winnifred Gin, Oakland
2. Jamie Wrage, Riverside
3. Tara Doss, Los Angeles
4. Kim Tran, Irvine
5. Roger Christopher Lim, Los Angeles
6. Jaime Delaye, San Francisco
7. Antoinette Morris, Inglewood
8. Jehan Pernas, Los Angeles
9. Carlos Lloreda, Los Angeles
10. Kirk Brennan, Modesto