



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM 50-7 MAY 2023 BOARD EXECUTIVE COMMITTEE III.B**

**DATE:** May 18, 2023

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

**FROM:** Bridget Gramme, Deputy Chief of Programs

**SUBJECT:** Approval to Fill a Vacancy on the Judicial Nominees Evaluation Commission

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### **EXECUTIVE SUMMARY**

The Commission on Judicial Nominees Evaluation (JNE) has experienced an unexpected recent vacancy of a public member whose term expires in 2025. After consulting with staff, JNE leadership recommends that the Board of Trustees appoint Winnifred Gin, an attorney member, to fill the current vacancy. In July of 2022, the Board of Trustees appointed Ms. Gin to fill the final year of a prior member's term, which just expired last month. As discussed below, although Ms. Gin's appointment would temporarily reduce the number of public members on the commission from six to five, she has proven herself to be a valuable member of the commission, and is willing and able to continue the work immediately. Staff supports this recommendation, as do the Board's appointment liaisons, and recommends the current slate of commissioners for the 2024 class that include eight public members—the maximum number permitted under the current rules.

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### **BACKGROUND**

The JNE Commission is an agency of the State Bar created under Government Code section 12011.5 for the purpose of evaluating judicial candidates nominated by the governor for appointment to the bench. Pursuant to statute, prior to exercising judicial appointment authority, the governor is required to submit the names of the candidates under consideration for appointment to the JNE Commission (via an assignment letter) for investigation and

evaluation of the candidates' judicial qualifications. The investigation is very work intensive, and entails review and analysis of returned confidential comment forms to individuals who may know the candidate, telephone calls with those who returned the forms and provided a rating of the candidate, delivery of negative matters (criticisms) to the candidate, a candidate interview, and the drafting of a report summarizing the investigation with a recommended rating for the commission's consideration. After the investigations, the commission meets to discuss and rate the candidates as exceptionally well qualified, well qualified, qualified, or not qualified. The ratings are provided to the governor's judicial appointments secretary upon conclusion of the meeting and a narrative report for each candidate is provided shortly thereafter. This cycle of investigation and evaluation repeats every 90 days. On average, each assignment letter contains the names of approximately 30 candidates.

The commission is composed of both public members (nonlawyers) and lawyer members, up to a maximum of 38 members. State Bar Rules require that one of the lawyer members be a former judicial officer, preferably of an appellate court. Commissioners serve a single three-year term. In the event that a newly appointed member is unable to accept their appointment or resigns, an alternate is selected to fill the vacancy and finish the duration of the resigned member's term. If the resigned member's remaining term is for the duration of one year, the alternate filling in has an option to extend their service for a full three-year term after completion of the year.

At its July 2022 meeting, the Board appointed a slate of 13 new commissioners who will serve a three-year term from 2023–2026. The Board also appointed an additional public member, Jeanine Kraybill, who was an applicant for the 2023 commission and selected by JNE officers to fill in the vacancy of a resigned first year JNE member, whose term was slated to expire in 2025.

Ms. Kraybill recently advised the commission that of her resignation. After consulting with staff JNE leadership recommends that the Board appoint attorney member Winnifred Gin to serve the remainder of Ms. Kraybill's term from 2023 to 2025. Ms. Gin was a 2022 alternate elevated to replace a resigned member with one year left on the commission. Ms. Gin has competently served and completed a one-year term from April 2022 to April 2023.

Staff met with Board appointments liaisons Brandon Stallings and Melanie Shelby on May 8, 2023, and both have stated their support for JNE leadership's recommendations.

## **DISCUSSION**

After learning of the pending vacancy for a public member, 2023 JNE Chair Justin Palmer and Vice-Chair Chhaya Malik (JNE Leadership) recommended that Ms. Gin exercise the right to extend her membership and finish the remainder of Ms. Kraybill's term, commencing immediately. The term would expire at the close of the last business meeting of the JNE Commission in April 2025, or until further order of the Board whichever occurs earlier.

Ms. Gin's appointment would temporarily reduce the number of public members serving on JNE from six to five; however, JNE leadership believes she is the ideal candidate to fill the unexpected vacancy as she is fully trained for JNE and able to continue the work immediately. She is an experienced retired public defender who has proven herself to be a meticulous and thoughtful commissioner, and a true contributor to candidate discussions. Staff concurs with these recommendations, as do the Board appointments liaisons.

To address the reduction in public members, staff proposes that the Board appoint additional public members for the 2024 commission at its upcoming meeting in July to fill the remaining vacancies of the eight available public member slots on the commission. This would benefit the commission in the long term as the newly appointed public members would go through a complete orientation and training session with their incoming class and be eligible to serve a full-term rather than finishing a resigned member's remaining term.

### **FISCAL/PERSONNEL IMPACT**

None

### **AMENDMENTS TO RULES**

None

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

None

### **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

Goal 4. Protect the Public by Engaging Partners

c. 3. Engage diverse voices in the development and evaluation of State Bar policy.

### **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 appoint Winnifred Gin to complete the vacant term for a resigned public member on the 2023 JNE Commission, commencing immediately, and expiring at the close of the last business meeting of the 2025 JNE Commission in April 2025, 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 appoint additional public members for the 2024 JNE Commission to fill the remaining vacancies of the eight available public member slots on the commission.

**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 appoint Winnifred Gin to complete the vacant term for a resigned public member on the 2023 JNE Commission, commencing immediately, and expiring at the close of the last business meeting of the 2025 JNE Commissions in April 2025, or until further order of the Board whichever occurs earlier; and it is

**FURTHER RESOLVED**, the Board of Trustees appoint additional public members for the 2024 JNE Commission to fill the remaining vacancies of the eight available public member slots on the commission.

## **ATTACHMENT LIST**

- A.** Judicial Nominees Evaluation Commission Roster of Current Members and Proposed Member

**ATTACHMENT A**

**Judicial Nominees Evaluation Commission  
Roster of Current Members and Proposed Member**

First Name	Last Name	Attorney Member	Public Member	Ret. Judicial Officer	Term Expiration
<b>Current 2023 Composition</b>					
Chair, Justin	Palmer	✓			April 2024
Vice-Chair, Chhaya	Malik	✓			April 2024
Ugochi	Anaebere-Nicholson	✓			April 2024
Caley	Anderson	✓			April 2025
Kirstin	Ault	✓			April 2026
Matthew	Barnachia		✓		April 2025
Andre	Bollinger	✓			April 2024
Aundrea	Brown	✓			April 2024
Julia	Choe	✓			April 2024
Tara	Doss	✓			April 2025
Frine	Eger-Gelston	✓			April 2025
Noemi	Esparza	✓			April 2025
Diana	Garrido	✓			April 2024
Joseph	Goldstein-Breyer	✓			April 2026
Stacey	Guillory	✓			April 2024
Caroline	Hahn	✓			April 2026
Stephen	Hamilton	✓			April 2026
Hon. Brenda	Harbin-Forte, (Ret.)			✓	April 2024
Theresa	Hurley		✓		April 2024
Hon. Alan	Jaroslovsky (Ret.)			✓	April 2025
Mack	Jenkins, Sr.		✓		April 2025

First Name	Last Name	Attorney Member	Public Member	Ret. Judicial Officer	Term Expiration
Hon. Andrew	Kauffman (Ret.)			✓	April 2026
Roger Chris	Lim	✓			April 2026
Melissa	Mandel	✓			April 2025
Esteban	Mendoza	✓			April 2026
Sandra Ai	Mori	✓			April 2024
Antoinette	Morris	✓			April 2026
Kevin	Nichols		✓		April 2026
Cuautemoc	Ortega	✓			April 2026
Lorena	Peñaloza	✓			April 2025
Jehan	Pernas	✓			April 2026
Michelle	Pincus	✓			April 2026
Francesca	Serrano	✓			April 2024
Linda	Romero Soles		✓		April 2026
David	Sutton	✓			April 2025
Ryan	Tacorda	✓			April 2025
Corey	Weber	✓			April 2025
Michael	Yraceburn	✓			April 2024
<b>Proposed New Member</b>					
Winnifred	Gin	✓			April 2025