

Proposed Amendments to State Bar Rules Related to Commission on Judicial Nominees Evaluation In-Person Candidate Reviews (Rules 7.52 and 7.60)

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What changes have occurred?

- Reports and materials shared prior to meetings
 - Only summaries read out loud during meetings
 - More concise format



- One versus two nights of hotel funded
 - Friday night
 - Later start time on Friday possible



- Candidate interviews held remotely
 - Almost entirely since onset of pandemic





What additional changes are proposed?

✓ JUNE 2023–2024

- None

✓ JUNE 2024–INDEFINITE

- Meeting schedule changed to Thursday/Friday
 - Pending results of survey
- Both days in person
- One night of hotel (Thursday night)

What Do Pending Rule Proposals Do?



- Remove the emergency requirement impacting the following activities:
 - Remote candidate interviews
 - Remote presentations of candidate reports
 - Remote meetings

Why is all of this happening?



Feedback from governor's appointments secretary

- Problems identified in reports: too long, unnecessary information
- Desire to have more candidates vetted

Budget

- State Bar's General Fund budget significantly underwater
 - State Auditor stated \$24 fee increase needed for State Bar to stay afloat

Board policy disfavoring Saturday meetings

- JNE only body with mandatory and in-person Saturday meetings

Process improvements

- Recorded Zoom interviews facilitate RJNE review
- Posting reports before meetings supports advance preparation and different information processing styles

Public comment themes

1

- Saturday meetings held remotely will impact quality of candidate deliberation, potential for disparate results between those considered in person vs. on Zoom
- Not reading reports out loud during meetings reduces quality of discussion
- Zoom candidate interviews are of lesser quality



2

- Transitioning to Thursday/Friday will impact JNE composition negatively
- One night of hotel increases travel burden and negatively impacts ability to socialize; places additional burden on those who cannot afford to pay out of pocket
- Diversity of commission will be reduced



3

- Proposals may diminish the quality and fairness of the judicial evaluation process
- May have disproportionate negative impact on judicial candidates from underrepresented backgrounds



Staff has done preliminary analysis of the impact of:

- In-person vs. remote interviews
- In-person vs. remote meetings
- Modified report reading practice



Staff has also assessed JNE vs. other subentity composition

- JNE currently comprised of significantly more government attorneys than other subentities
- Future work needed to determine potential impact of transition to Thursday/Friday meetings on current and future members



None of the analyses show a negative impact on any particular subgroup including women and/or women of color

Next steps

1

Continue to advocate for funding with Governor's Office

2

Continue to collaborate with Appointments Secretary

3

Survey current and prospective commissioners

4

Continue to track and analyze data and share with the commission

5

Continue to collaborate with JNE leadership