

If nonattorneys always vote on evaluations for California appellate justices, **must they also participate on every investigation team?**

Or would more flexible rules help fill vacancies faster?



How California judges are selected

Governor nominates



The majority of superior court judges initially reach the bench by appointment by the governor. The governor also nominates and appoints all appellate justices and California Supreme Court justices.

The governor provides a list of judicial candidates every 90 days to the ...

Judicial Nominees Evaluation Commission

The State Bar's JNE Commission investigates and evaluates nominees' background and qualifications. The process is confidential.



Superior Court judges

Voters have their say in nonpartisan elections. Vacancies between elections—due to retirements, deaths, or other departures—are appointed by the governor.

The governor considers JNE ratings before making appointments.

Appellate and Supreme Court justices

The Commission on Judicial Appointments meets to consider JNE ratings and approve or veto nominations or appointments.

Voters have their say by approving or retaining appellate justices.

More about JNE

- › Between 27 and 38 members
- › Attorneys and members of the public
- › Appointed by the State Bar's Board of Trustees
- › Teams of three investigate each appellate court nominee; the entire commission votes on recommended rating (Exceptionally Well Qualified, Well Qualified, Qualified, or Not Qualified)

How it is now

Right now there are 14 openings in California for appellate justices, and more are expected as justices retire this year. Filling those openings as quickly as possible helps our courts run efficiently.

For nominees to the California Courts of Appeal, State Bar Rule 7.40 requires that the JNE Commission assign a public member to each investigator team. The commission currently has a limited number of public members, which limits how many nominees can be investigated in any 90-day cycle.

What change is proposed and why

The State Bar is proposing to amend Rule 7.40 to allow the commission to assign teams to investigate appellate court candidates without a public member if necessary. Public members would continue to be assigned to each team whenever possible. And public members would still vote on evaluations of all candidates. This proposal would give the commission flexibility to consider more candidates in the short term, so that court vacancies can be filled as quickly and efficiently as possible. Meanwhile, the State Bar is actively seeking and recruiting more public members to serve on all of its committees and commissions, including the JNE Commission.

What's your view?

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Comments due by July 7, 2022.

