

Date: October 19, 2007  
To: Members, Board Committee on Volunteer Involvement (VIC)  
From: Karen Hagelund, Appointments Administrator  
Subject: Appointment Process for 2008

---

## **BACKGROUND**

### **VIC Appointment Responsibilities**

The Board Committee on Volunteer Involvement (VIC) is charged with reviewing the non-disciplinary appointment recommendations for 50+ State Bar committees and external entities. Attached are the VIC Charter (Attachment A) and the list of committees and the Board's adopted appointment review procedures for the various entities (Attachment B).

### **Schedule**

Also attached is VIC's schedule for this year's appointment review (Attachment C). The appointment process is cyclical, with the board review determined by the term's end date and the board's meeting schedule. Most committee terms are set at three years. A few committees have two or four-year terms. Except for a few committees whose terms are set by statute or other Board policy, most State Bar committee terms expire at the close of the State Bar Annual Meeting,

Approximately two months before each application deadline, the application form and descriptions of the entities become available at the State Bar's Web site. In addition, printed versions of the application form and descriptions of the entities are mailed to board members and committee chairs for their personal outreach. Detailed descriptions of all the entities and the 2008-2009 application form are now available at the Web site (from the home page, select bottom left-menu link under *Olio* to Appointments Application).

## **Policies and Procedures**

Applications for appointment are confidential, and the fact that someone applied for appointment is confidential. Information concerning applications is released only to those involved in the appointment process such as board members and authorized committee members and staff. Committee worksheets and other information used to compile statistical data are confidential and available only to the board and those involved in the appointment process.

For most committees, either the committee's leadership and/or a nominating subcommittee initially reviews the applications. The committees review all aspects of the application, weighing the qualifications of the applicant, the letters of recommendation, the committee's requirements and needs for the coming year, and the Board's policies regarding appointment. The Board's appointment policies and procedures are found in the Board Book at Tab 15. Excerpts of the key policies regarding appointment criteria and limitations are attached (Attachment D).

Upon completion of their review, the individual committees submit a nomination letter to VIC describing the committee's review process and their nominations for officers and new members. The committee's recommendations are also reviewed by staff for potential policy conflicts (e.g., same firm, prior service, discipline, or nomination to more than one committee) prior to distribution to VIC for review.

VIC's recommendations usually are submitted to the full Board for back-to-back consideration. All appointment recommendations are confidential until the Board makes the appointments.

## **TYPES OF APPOINTMENTS**

### **Interim Appointments**

Interim appointments are appointments to fill unexpected mid-year vacancies and they differ from regular appointments in that the terms become effective immediately and retain the original expiration dates of the members being replaced (i.e., those appointed to these positions fill only the remaining portion of the term). The vacancies are generally due to members who've resigned or declined an appointment. Each year, about 6% of the State Bar committee members are unable to continue to serve or to make the time commitment because of a change in job or personal circumstances. Depending on the specific circumstances, for these appointments, Board policy permits committees to recommend an applicant from the most recent applicant pool or a newly recruited applicant. Applicants filling unexpired terms of one year or less are eligible for reappointment to a full three-year term.

## **Annual Appointments to Standing, Special and Section Executive Committees**

February 1 is the application deadline for the standing, special and section executive committees. All applications and letters of recommendation must be submitted to the Appointments Office for processing. The applications, instructions and policies are distributed to the individual committees no later than March 1. Committees are to complete their review by mid-April so that their rankings and recommendations for officers and new members can be considered by VIC at its May meeting.

At the May meeting, VIC members will consider the annual appointment nominations for approximately 40 State Bar entities. Each committee chair submits a ranking of the new applicant pool and a letter to VIC describing the committee's nominations for officers, reappointments (if any), and new members. If VIC approves a committee's nominations, they will be submitted to the full Board action at the May meeting. If VIC has concerns about the nominations, VIC may defer action to the July meeting in order to discuss the matter further with the committee. Committees may send a representative to the VIC meeting to discuss its recommendations and/or to address potential policy issues.

## **Annual Appointments Requiring Application Ranking by VIC Members**

Pursuant to historical practice and the Board's adopted procedures, VIC may review and rank applicants for the following entities:

### *State Bar entities*

1. Committee of Bar Examiners (CBE)
2. Commission on Judicial Nominees Evaluation (JNE)
3. JNE Review Committee (RJNE)
4. Lawyer Assistance Program (LAP) Oversight Committee

### *External entities*

5. ABA House of Delegates
6. Judicial Council

VIC members typically will have three (3) weeks after receiving the applications to review and rank the applications for the above entities. The rankings are submitted to the Appointments Office and then compiled for discussion and final action at the next VIC meeting. In addition, for the State Bar committees (CBE, JNE, and LAP), prior to the VIC meeting, the VIC subcommittee may schedule its interviews of the chair and vice chair candidates, preferably in conjunction with a committee meeting.

- **CBE:** VIC members will receive a written recommendation and ranking from the CBE chair, along with the applications. The number of CBE vacancies varies between two and four seats each year. CBE members serve four-year terms. The officer interviews typically are conducted in conjunction with a CBE meeting, and

the CBE chair sits as a member of the interview subcommittee. VIC generally considers the appointments at its May meeting.

- *JNE*: The application deadline for JNE is June 1. JNE terms are one year and the members typically serve three one-year terms. Each year the applicant pool consists of approximately 20-25 commissioners up for reappointment and 30-50 new applicants. Depending on the number of reappointments, there are approximately 10-12 positions for new members. In addition to the applications, VIC members will receive a written recommendation and ranking from the JNE leadership. Historically, VIC has required two hours to select the final JNE slate, and therefore, VIC has scheduled an additional meeting in July just to discuss the annual JNE appointments.
  
- *JNE Review Committee (RJNE)*: Rule II, section 12 b. of the JNE rules provides for the appointment of a three-member Review Committee (RJNE) to review requests for reconsideration of the JNE Commission rating of "not qualified." RJNE consists of three members: one former attorney member of the JNE Commission, one former public member of the JNE Commission, and one Board member who must also be a current liaison to the JNE Commission. The committee focuses its investigation on possible violations of the rules of procedures; the committee does not evaluate the qualifications of the candidate. Members serve staggered three-year terms, and each serves as the RJNE Chair in his/her third year. The Board liaison position is filled every third year by an incoming board member.
  
- *LAP*: The LAP terms are set by statute at four years and all terms expire on December 31. Membership must meet specific criteria set by statute. The State Bar appoints six members, the Governor appoints four members, and the Senate Rules Committee and the Speaker each appoint one member. All terms are renewable. Depending on the number of terms expiring and the type of vacancy, VIC members may or may not have new applications to review.
  
- *ABA House of Delegates*: The application deadline for the annual appointments to the ABA is February 1. The ABA House of Delegates is the policy-making body of the ABA, and pursuant to its rules, the State Bar appoints 11 delegates. The State Bar's delegates to the California delegation, which consists of approximately 24 other delegates appointed by ten local bar associations, ABA sections and divisions, and former officers and board members. The elected State Delegate, John L. McDonnell, Jr. of Oakland, currently heads the California delegation. ABA and Board policies govern these appointments. VIC members receive the applications soon after the deadline and will have approximately three weeks to review and rank the applicants. VIC will discuss the rankings and make its final recommendation at the March meeting.

- *Judicial Council:* The application deadline for the Judicial Council is February 1. This year the State Bar will have two appointments to make. The Judicial Council is a state constitutional agency that provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure and administration. The council consists of 27 members— four lawyer members appointed by the State Bar, the Chief Justice, fourteen judges appointed by the Chief Justice, one member from each house of the Legislature, and six advisory members, including representatives of the California Judges Association and state court administrative agencies. The State Bar members serve three-year terms. VIC members will have approximately three weeks to review and rank the applicants. VIC will discuss the rankings and make its final recommendation at the March meeting.

### ***Other External Appointments***

VIC also reviews the annual or bi-annual appointment recommendations for certain external organizations whose bylaws or rules require that the State Bar appoint one or more of its members. The appointments to these groups are governed by the by-laws and policies of the external organization. They include:

- California Bar Foundation Board of Directors (formerly Foundation of the State Bar)
- Center for Civic Education
- Law School Council

Legal Services Corporation (LSC) Boards of Directors for five entities:

- California Indian Legal Services (CILS)
- California Rural Legal Assistance (CRLA)
- Legal Aid Foundation of Los Angeles (LAFLA)
- Legal Aid Society of Orange County (LASOC)
- Legal Services of Northern California (LSNC)