

AGENDA ITEM

March 55

Commission on Judicial
Nominees Evaluation
—2006 Statewide Demographic Report

DATE: February 27, 2007

TO: Members of the Board of Governors

FROM: Biljana Sivanov, Director, Commission on Judicial Nominees Evaluation

SUBJECT: Commission on Judicial Nominees Evaluation: 2006 Statewide Demographic Report

EXECUTIVE SUMMARY

Government Code section 12011.5, subdivision (n), as amended Statutes 2006, Chapter 390, section 2 (Senate Bill 56) requires that on or before March 1 of each year beginning in 2007, the Commission on Judicial Nominees Evaluation (JNE) collect and release statewide demographic data provided by judicial applicants reviewed and the statewide summary of the recommendations of the JNE Commission by ethnicity and gender. The attached report covers information on ethnicity and gender provided by applicants and on JNE's recommendations for the calendar year 2006. It is recommended that the report be received and made part of the minutes and records of the Board.

In 2006, the California Legislature enacted legislation requiring that on or before March 1 of each year, beginning in 2007, the Governor, the State Bar, and the Administrative Office of the Courts collect and make public data concerning the ethnicity and gender of judges of California courts and applicants judgeships. (Stats. 2006, ch. 390 (Sen. Bill No. 56 [2005-2006 Reg. Sess.].) For the State Bar, the statute provided that the Commission on Judicial Nominees Evaluation "shall collect and release both of the following on a aggregate statewide basis: (i) Statewide demographic data provided by judicial applicants reviewed relative to ethnicity and gender[.] (ii) [t]he statewide summary of the recommendations of [JNE] by ethnicity and gender." (Bus. & Prof. Code, § 12011.5, subd. (n), as amended Stats. 2006, ch. 390, § 2.)

At the January 13, 2007, Board of Governors meeting, Anthony Williams, from the Bar's Office of Governmental Affairs, discussed the reporting requirements of SB 56 as it relates to the State Bar and JNE. He informed the Board to comply with the statutory requirement that the demographic report be "released" and made public by the March 1 deadline, that it be officially presented to and received by the Board. Because there is no regularly scheduled meeting of the Board before March 1, the report would be presented to the Board and received by fax poll.¹ Actual approval by the Board is not required..

A copy of the final report is attached. Please acknowledge your receipt and adoption of the resolution, via the fax poll form, which is also attached.

¹ The Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors of the State Bar of California, article 4, section 2 state in pertinent part: "The presiding officer may ... arrange for the board ... to take action voting by fax poll.*.*.* Action by fax poll is appropriate where the subject matter requires no discussion and where the same action taken at a regular board ... meeting would appear on the consent agenda."

FISCAL AND PERSONNEL IMPACT None

BOARD BOOK: No impact

RECOMMENDATION

The report contains no recommendation for Board action. It would be in order for the Board to receive with thanks the Commission on Judicial Nominees Evaluation 2006 Statewide Demographic Report and order it filed and made a part of the minutes of the Board. The following resolution is recommended:

PROPOSED BOARD RESOLUTION

RESOLVED that the Board hereby acknowledges receipt of the Commission on Judicial Nominees Evaluation: 2006 Statewide Demographic Report, in the form attached to these minutes and made a part hereof, and orders it filed.