

# AGENDA ITEM

**MAY 54-161 Commission on Judicial Nominees Evaluation; 2010 Activities and Statistical Report; JNE Statistical Report: Proposed Receipt for Filing**

**DATE:** April 8, 2011

**TO:** Members, Stakeholder Relations Committee  
Members, Board of Governors

**FROM:** Heidi Schwab-Wilhelmi  
Senior Administrative Specialist  
Commission on Judicial Nominees Evaluation

**SUBJECT:** Commission on Judicial Nominees Evaluation 2010 Activities and Statistical Report

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## EXECUTIVE SUMMARY

Alice A. Salvo, Chair of the Commission on Judicial Nominees Evaluation, has prepared the attached report concerning the activities of the Commission. Included as part of the report is statistical data regarding the work of the Commission from 2008-2010

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### FISCAL / PERSONNEL IMPACT:

None

### RULE AMENDMENTS:

None

### BOARD BOOK IMPACT:

None

### RECOMMENDATION

The report contains no recommendation for Board action. It would be in order for the Stakeholder Relations Committee to receive with thanks the Commission on Judicial Nominees Evaluation 2010 Activities and Statistical Report and recommend that the Board order it filed. The following resolution is recommended.

**PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Stakeholder Relations Committee agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that the Stakeholder Relations Committee receives with thanks, the Commission on Judicial Nominees Evaluation 2010 Activities and Statistical Report, and recommends that the Board accept the report and order it filed.

**PROPOSED BOARD RESOLUTION:**

Should the Board concur with the Stakeholder Relations Committee's recommendation, the following resolution would be in order:

**RESOLVED**, that upon the recommendation of the Stakeholder Relations Committee, the Board hereby receives with thanks the Commission on Judicial Nominees Evaluation 2010 Activities and Statistical Report, and orders it filed.

To: Board of Governors of the State Bar of California  
Members of the Board Stakeholder Committee

From: Alice A. Salvo, Chair, Commission on Judicial  
Nominees Evaluation

Subject: Commission on Judicial Nominees Evaluation Activities and Statistical  
Report for 2010

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I respectfully submit the 2010 Activities and Statistical Report (Report) for the Commission on Judicial Nominees Evaluation (JNE or Commission). Under Government Code Section 12011.5, the Commission on Judicial Nominees Evaluation (the JNE Commission) is tasked with confidentially investigating and evaluating the judicial qualifications of those identified by the governor for appointment or nomination to a judicial office. This report provides comprehensive information about the JNE Commission's extensive work during 2010.

In 2010, JNE investigated and evaluated a total of 230 candidates for the trial appellate and supreme courts. The Commission evaluated 215 trial court candidates, 14 appellate court candidates and 1 supreme court candidate. The Governor made 136 appointments. The average number of assignments per *individual* commissioner was 13.

There were 12 meeting days in 2010. The number of meetings per year is determined by the Governor sending a list of candidate names to the Commission, thereby triggering a maximum 90-day period in which to investigate and report on each candidate. (Gov. Code, § 12011.5, subd. (c). In no case may JNE exceed this statutory deadline, giving commissioners the same compressed period in which to investigate each candidate, regardless of the time period between meetings. I am proud to report that the JNE Commission has never missed this statutory deadline.

The Commission is a collegial group of volunteers comprised of both retired jurists, attorneys and public members who donate hundreds of hours each year conducting these investigations. Commissioners typically hold demanding full-time jobs outside of JNE and make a tremendous commitment to serve on the Commission. It has been an honor and a privilege to have served as the Chair of this outstanding group of individuals.

I would also like to recognize the tremendous work of the State Bar staff, led by Senior Administrative Specialist, Heidi Schwab-Wilhelmi. During my term as chair, Heidi was an invaluable colleague. The State Bar staff deserves high praise for assisting JNE volunteers.

I hope the State Bar Board of Governors benefits from this Report and continues its support of the JNE Commission and the vital service it performs.

**COMMISSION ON JUDICIAL NOMINEES EVALUATION**  
**Statistical Report**  
**2008-2010**

Presented in this report are the ratings of the Commission on Judicial Nominees Evaluation (JNE Commission) and the appointments by the Governor in response to those ratings for the years 2008-2010. The data for the years 2008 and 2009 are included for the purpose of comparison and to demonstrate a greater overview of ratings and appointments. Please be advised that the data comparing the three years may provide an inaccurate picture of appointments due to candidates who are evaluated in one year and may be appointed to the bench in a later year.

The JNE Commission rates candidates for judicial appointment as Exceptionally Well Qualified (EWQ), Well Qualified (WQ), Qualified (Q), and Not Qualified (NQ).

Table 1: Total Judicial Evaluations, 2008-2010

Table 2: Judicial Appointments by Rating, 2008-2010

Table 3: Judicial Evaluations by County, 2008-2010

Table 4: Evaluations by District, 2008-2010

Table 5: Budget Statistics, 2008-2010

Table 6: Travel, Postage/Supplies/Printing Expenses, 2008-2010

Table 7: Meeting Days/Commissioner Workload, 2008-2010

### Total Judicial Evaluations - 2008-2010

Year	EWQ	Percent	WQ	Percent	Q	Percent	NQ	Percent	Withdrawn/Elected	Percent	Total
2008	15	6	72	28	145	56	16	6	11	4	259
2009	13	7.43	51	29.14	95	54.29	14	8	2	1.14	175
2010	19	8.26	70	30.43	112	48.7	21	0	8	3.47%	230
<b>Total</b>	47	7%	193	29%	352	53%	51	8%	21	3%	664

Number of Evaluations				
Year	EWQ	WQ	Q	NQ
<b>2008</b>	15	72	145	16
<b>2009</b>	13	51	95	14
<b>2010</b>	19	70	112	21

### Judicial Appointments by Rating - 2008-2010

Year	EWQ	Percent	WQ	Percent	Q	Percent	NQ	Percent	Total
2008	9	10	48	55	30	34	0	0	87
2009	5	8	38	62	17	28	1	0	61
2010	11	8	66	48	59	43	0	0	136
<b>Total</b>	25	9	152	54	106	37	1	0	284

Number of Appointments				
Year	EWQ	WQ	Q	NQ
<b>2008</b>	9	48	30	0
<b>2009</b>	5	38	17	1
<b>2010</b>	11	66	59	0

### Evaluations by County/District – 2008-2010

<b>County</b>	<b>District</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
Alameda	3	10	2	10	22
Alpine	5	0	0	0	0
Amador	5	0	0	0	0
Butte	1	1	0	0	1
Calaveras	5	0	0	0	0
Colusa	1	1	0	1	2
Contra Costa	3	7	1	5	13
Del Norte	1	0	0	0	0
El Dorado	5	6	0	4	10
Fresno	5	6	0	0	6
Glenn	1	0	0	0	0
Humboldt	1	0	0	0	0
Imperial	9	0	2	1	3
Inyo	5	0	0	0	0
Kern	5	11	4	3	18
Kings	5	0	5	0	5
Lake	1	0	0	2	2
Lassen	1	0	0	4	4
Los Angeles	7	58	64	70	192
Madera	5	0	0	3	3
Marin	4	5	0	5	10
Mariposa	5	0	0	0	0
Mendocino	1	0	0	0	0
Merced	5	2	3	2	7
Modoc	1	1	0	0	1
Mono	5	0	0	0	0
Monterey	5	2	6	4	12
Napa	2	0	0	0	0
Nevada	1	0	0	0	0
Orange	8	25	10	14	49

**Evaluations by County/District – 2008-2010**

<b>County</b>	<b>District</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
Placer	1	4	0	3	7
Plumas	1	0	0	0	0
Riverside	9	14	4	4	22
Sacramento	2	10	10	9	29
San Benito	5	0	0	0	0
San Bernardino	9	10	1	1	12
San Diego	9	20	11	10	41
San Francisco	4	13	3	12	28
San Joaquin	5	3	2	3	8
San Luis Obispo	5	3	0	0	3
San Mateo	4	0	5	8	13
Santa Barbara	8	5	2	4	11
Santa Clara	6	6	4	18	28
Santa Cruz	5	2	0	0	2
Shasta	1	5	0	0	5
Sierra	1	0	0	0	0
Siskiyou	1	1	0	0	1
Solano	2	1	2	0	3
Sonoma	2	1	3	2	6
Stanislaus	5	2	3	3	8
Sutter	1	2	0	2	4
Tehama	1	0	0	0	0
Trinity	1	0	0	0	0
Tulare	5	0	4	1	5
Tuolumne	5	0	0	0	0
Ventura	8	4	6	2	12
Yolo	2	1	5	0	6
Yuba	1	0	0	5	5
Supreme Ct.		0	0	1	1
Cts of Appeal		17	13	14	44
<b>TOTAL</b>		<b>259</b>	<b>175</b>	<b>230</b>	<b>664</b>

### Total Evaluations by District 2008 - 2010

	<b>2008</b>	<b>2009</b>	<b>2010</b>
	<b># of Evaluations</b>	<b># of Evaluations</b>	<b># of Evaluations</b>
<b>District 1</b>	<b>15</b>	<b>0</b>	<b>17</b>
<b>District 2</b>	<b>19</b>	<b>20</b>	<b>11</b>
<b>District 3</b>	<b>23</b>	<b>10</b>	<b>15</b>
<b>District 4</b>	<b>18</b>	<b>3</b>	<b>25</b>
<b>District 5</b>	<b>28</b>	<b>27</b>	<b>23</b>
<b>District 6</b>	<b>36</b>	<b>13</b>	<b>18</b>
<b>District 7</b>	<b>58</b>	<b>64</b>	<b>70</b>
<b>District 8</b>	<b>25</b>	<b>10</b>	<b>20</b>
<b>District 9</b>	<b>20</b>	<b>15</b>	<b>16</b>
<b>Supreme</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>App.</b>	<b>17</b>	<b>13</b>	<b>14</b>
<b>Total</b>	<b>259</b>	<b>175</b>	<b>230</b>

### Budget Statistics 2008-2010

Year	Budgeted	Commissioners	Meeting Days	Evaluations	Cost Per Evaluation
2008	\$900,371	37	10	259	\$3,476
2009	\$897,406	36	10	175	\$5,128
2010	\$725,507	38	12	230	\$3,154

### Travel, Postage/Supplies/Printing Expenses 2008-2010

Year	Travel Expense	Postage/Supplies	Printing/Outside Services
2008	\$116,898	\$82,213	\$34,994
2009	\$141,695	\$122,187	\$54,735
2010	\$153,630	\$93,065	\$44,231

### Meeting Days / Assignments 2008-2010

Year	Commissioners	Meeting Days	Evaluations	Total Assignments	Assignments Per Commissioner
2008	37	10	259	588	16
2009	36	10	175	375	11
2010	38	12	230	507	13