

# AGENDA ITEM

**DATE:** June 29, 2011

**TO:** Members, Board Committee on Operations

**FROM:** Craig Holden, Chair, Council on Access & Fairness  
Judge Brenda Harbin-Forte, Chair Judicial Committee, Council on Access & Fairness  
Patricia Lee, Special Assistant on Diversity & Bar Relations

**SUBJECT:** Judicial Nominees Evaluation Commission Resource Materials—Informational Item

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## EXECUTIVE SUMMARY

The State Bar Board of Governors JNE Process Review Committee (“Committee”) was formed to review the procedures governing the Commission on Judicial Nominees Evaluation (“JNE”) and to make recommendations for revisions to the process. The Committee discussed the existing criteria for evaluating judicial candidates under California Government Code Section 12011.5 (d). The Committee expressed the need for more specific criteria to define the parameters of the language in Government Code section 12011.5(d) which requires the State Bar to “consider legal experience broadly.” The Committee concluded it would be appropriate for the JNE criteria to be studied in depth by another committee, but did not make a recommendation for a referral.

The COAF developed the following commentary elaborating on and providing more specific criteria regarding the expanded definition of “legal experience” in Government Code Section §12011.5 (d). The materials are intended for use by JNE in its ongoing orientation and training

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## BACKGROUND

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Committee discussed the existing criteria for evaluating judicial candidates under California Government Code Section 12011.5 (d).

The Committee expressed the need for more specific criteria to define the parameters of the language in Government Code section 12011.5(d) which requires the State Bar to “consider legal experience broadly.” The Committee concluded it would be appropriate for the JNE criteria to be studied in depth by another committee, but did not make a recommendation for a referral.

The State Bar of California's Council on Access and Fairness (“COAF”) is charged with the task of implementing the State Bar goals and strategies for diversity in the legal profession and elimination of bias in the practice of law. The COAF reviews diversity issues and initiatives along the entire diversity pipeline from early education to college/law school, legal profession and the judiciary. Given its focus on judicial diversity as part of its charge, the COAF, through its Judicial Committee, undertook the task of reviewing Government Code section 12011.5(d) and developing expanded criteria for use by JNE in its ongoing review of judicial applications.

The COAF developed the following commentary elaborating on and providing more specific criteria regarding the expanded definition of “legal experience” in Government Code Section §12011.5 (d). (See Attachment A) The purpose of this commentary is to provide guidance to JNE Commissioners in evaluating a judicial applicant’s work experience in light of the Government Code’s mandate that legal experience be considered broadly.

The materials will be forwarded to the JNE Chair to decide how the materials will be used in future JNE trainings.

**FISCAL / PERSONNEL IMPACT:**

No additional fiscal or personnel resources needed.

**RULE AMENDMENTS:**

None.

**BOARD BOOK IMPACT:**

None.