

**AMENDMENT TO THE CALIFORNIA RULES OF COURT**

Adopted by the Supreme Court

Effective January 1, 2009

**1 Rule 9.11. State Bar Court Judges**

**2**  
**3 (a) Applicant Evaluation and Nomination Committee**  
**4**

**5** (1) In order to ensure that individuals appointed by the Supreme Court or  
**6** by the executive or legislative branches have been evaluated  
**7** objectively, ¶the Supreme Court has established an independent  
**8** Applicant Evaluation and Nomination Committee to solicit, receive,  
**9** screen, and evaluate all applications for appointment or reappointment  
**10** to any appointive position of judge of the State Bar Court (hearing  
**11** judge, presiding judge, and review department judge). The role of the  
**12** committee is to determine whether appointees possess not only the  
**13** statutorily enumerated qualifications, but also any qualifications that  
**14** may be required by the Supreme Court to assist in the exercise of its  
**15** ultimate authority over the discipline and admission of attorneys (See  
**16** Obrien v. Jones (2000) 23 Cal.4th 40; In re Attorney Discipline (1998)  
**17** 19 Cal.4th 582; Cal. Const., art VI, sec. 9).  
**18**

**19** (2) The committee serves at the pleasure of the Supreme Court. It shall  
**20** consists of seven members appointed by the court of whom four must  
**21** be members of the State Bar in good standing, two must be retired or  
**22** active judicial officers, and one must be a public member who has  
**23** never been a member of the State Bar or admitted to practice before  
**24** any court in the United States. Two members of the committee must be  
**25** present members of the Board of Governors of the State Bar (neither of  
**26** whom may be from the Board's Discipline Committee).  
**27**

**28** (3)–(4) \* \* \*

**29**  
**30** *(Subd (a) amended effective January 1, 2009; previously amended effective February 15,*  
**31** *1995, July 1, 2000, and January 1, 2007.)*  
**32**

**33 (b) Evaluations**  
**34**

**35** (1) The committee must evaluate the qualifications of and rate all  
**36** applicants for positions appointed by the Supreme Court and must  
**37** submit to the Supreme Court the nominations of at least three qualified  
**38** candidates for each vacancy. Candidates shall be rated as “not  
**39** recommended,” “recommended,” and “highly recommended.” A rating  
**40** of “not recommended” relates only to the position under consideration  
**41** and does not indicate any lack of ability or expertise of the applicant  
**42** generally. The committee must report in confidence to the Supreme

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1 Court its evaluation, ~~and rating~~ and recommendation ~~of~~ for applicants  
2 ~~recommended~~ for appointment and the reasons ~~therefor~~ therefore,  
3 including a succinct summary of their qualifications, at a time to be  
4 designated by the Supreme Court. The report must include written  
5 comments received by the committee, which must be transmitted to the  
6 Supreme Court together with the nominations.

- 7  
8 (2) The committee must evaluate the qualifications of and rate all  
9 applicants for positions appointed by the Governor, the Senate  
10 Committee on Rules, or the Speaker of the Assembly, and must submit  
11 in confidence to the Supreme Court and, as applicable, to other  
12 appointing authorities, all applications for such positions together with  
13 the committee's evaluation, ~~and rating~~ and recommendation ~~for~~ of these  
14 applicants, including any written comments received by the committee,  
15 at a time to be designated by the Supreme Court.

- 16  
17 (3) In determining the qualifications of an applicant for appointment or  
18 reappointment the committee must consider, among other appropriate  
19 factors, the following: industry, legal and judicial experience (including  
20 prior service as a judge of the State Bar Court), judicial temperament,  
21 honesty, objectivity, community respect, integrity, and ability. The  
22 committee must consider legal work experience broadly, including, but  
23 not limited to, litigation and non-litigation experience, legal work for a  
24 business or nonprofit entity, experience as a law professor or other  
25 academic position, legal work in any of the three branches of  
26 government, and legal work in dispute resolution.

27  
28 The committee shall consider whether an applicant has demonstrated  
29 the ability to write cogently and to analyze legal provisions and  
30 principles. Among the issues the committee may also consider are 1)  
31 the applicant's demonstrated capacity to work independently and to set  
32 and meet performance goals, 2) the applicant's knowledge and  
33 experience relevant to issues that give rise to the majority of State Bar  
34 Court proceedings, including professional ethics and fiduciary  
35 obligations, 3) knowledge of practice and demeanor in the courtroom,  
36 and (4) whether the applicant has been in practice for 10 or more years.  
37 The committee shall accord weight to all experience that has provided  
38 the applicant with legal experience and exposure during which the  
39 individual has demonstrated the underlying skills necessary to serve as  
40 an effective State Bar Court judge. The committee shall apply the same  
41 criteria to candidates seeking appointment from all of the appointing

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1            authorities. Any evaluation or rating of an applicant and any  
2            recommendation for appointment or reappointment by the committee  
3            must be made in conformity with Business and Professions Code  
4            section 6079.1(b) and in light of the factors specified in Government  
5            Code section 12011.5 (d), and those specified in this paragraph.

6  
7            (4)    \* \* \*

8  
9            *(Subd (b) amended effective January 1, 2009; adopted effective February 15, 1995;*  
10           *previously amended effective July 1, 2000 and January 1, 2007.)*

11  
12           **(c)    Appointments**

13  
14           Only applicants ~~found to be qualified~~ who are rated as recommended or  
15           highly recommended by the committee or by the Supreme Court may be  
16           appointed. At the request of the Governor, the Senate Committee on Rules,  
17           or the Speaker of the Assembly, the Supreme Court will reconsider a finding  
18           by the committee that a particular applicant is not recommended~~qualified~~.  
19           The Supreme Court may make such orders as to the appointment of  
20           applicants as it deems appropriate, including extending the term of  
21           incumbent judges pending such order or providing for staggered terms.

22  
23           *(Subd (c) amended effective January 1, 2009; adopted effective February 15, 1995;*  
24           *previously amended effective July 1, 2000 and January 1, 2007.)*

25  
26           **(d)    \* \* \***

27  
28           *Rule 9.11 amended effective January 1, 2009; adopted as rule 961 effective December 1, 1990;*  
29           *previously amended February 15, 1995, and July 1, 2000; previously amended and renumbered*  
30           *effective January 1, 2007.*