



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2012

Title	Agenda Item Type
Judicial Branch: Report and Recommendations from 2011 Summit on Judicial Diversity	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	Not applicable
Presented by	Date of Report
Judicial Summit Planning Committee Hon. Brenda F. Harbin-Forte, Chair Hon. James R. Lambden Sen. Joseph Dunn (Ret.)	October 2, 2012
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Executive Summary

The interagency Judicial Summit Planning Committee presents the final report from the September 2011 summit on diversity in the California judiciary, *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*. Cosponsored by the Judicial Council and the State Bar of California, the summit gathered more than 75 branch and bar leaders to develop recommendations for achieving the judicial branch's strategic and operational goal of a more diverse bench. Judge Brenda Harbin-Forte, on behalf of the Judicial Summit Planning Committee, will present an educational briefing on the report and recommendations from the summit. Justice James R. Lambden, a member of the planning committee and chair of the council's Access and Fairness Advisory Committee, proposes that the council direct the Access and Fairness Advisory committee to consider the report's recommendations and initiate the review and approval process for those that merit council action.

Recommendation

Based on the Judicial Summit Planning Committee's presentation, Justice James R. Lambden, a member of the planning committee and chair of the council's Access and Fairness Advisory

Committee, recommends that the council direct the Access and Fairness Advisory committee to consider the report's recommendations and initiate the review and approval process for those that merit council action.

Previous Council Action

On June 1, 2011, the Executive and Planning Committee, acting on the council's behalf, approved a request by the Judicial Summit Planning Committee that the Judicial Council cosponsor a second summit on diversity in the California judiciary with the State Bar.¹ There has been no prior action on the recommendations in the summit report.

Rationale for Recommendation

The council's standing advisory committees are charged with duties and responsibilities such as identifying issues within their designated areas of focus and making recommendations to the council that improve the administration of justice and assist the council in achieving its goals, recommending pilot projects and programs to evaluate new procedures or practices, and acting on assignments referred by the council. Since 1994, the Access and Fairness Advisory Committee has submitted recommendations to the council that assisted it with promoting and achieving Goal I of its strategic plan, Access, Fairness, and Diversity. Referring the summit report and recommendations to the advisory committee is consistent with the committee's charge and its past and current focus.

Comments, Alternatives Considered, and Policy Implications

If, as proposed, the council refers the report and its recommendations to the Access and Fairness Advisory Committee for further consideration, the committee will, to the extent appropriate, seek public comment regarding any recommended council action.

At its July 19, 2012, meeting, the State Bar Board of Trustees reviewed and accepted the report's recommendations. The board directed its Council on Access and Fairness to consider those recommendations that fall within the State Bar's purview for further action. Additionally, many of the report's recommendations concerning the judicial appointment application process have already been addressed by the Governor's Office. The report's recommendations present the council with opportunities to further collaborate with branch partners in efforts to increase judicial diversity in California.

Implementation Requirements, Costs, and Operational Impacts

Referring the report and recommendations to the Access and Fairness Advisory Committee to consider which recommendations merit further council action has insignificant policy, cost, and

¹ The first summit, Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary, was cosponsored by the Administrative Office of the Courts and the State Bar of California and held at the State Bar's 2006 midyear meeting.

operational impacts. The primary consideration is the availability of advisory committee resources. At this time, the advisory committee will likely be able to review the recommendations and initiate the review and approval process with the council's internal committee, as proposed. The review and approval process will take into consideration any potential costs and operational impacts on the judicial branch.

Relevant Strategic Plan Goals and Operational Plan Objectives

Goal I of the council's 2006–2012 Strategic Plan is, among other things, to achieve a judicial branch that reflects the diversity of the state's residents by collaborating with other judicial branch partners to identify and recruit qualified members of the judiciary. The summit demonstrates this collaboration among branch partners, who developed the recommendations reflected in the report that are intended to promote the council's goal.

Attachments

1. Attachment A: Final Report and Recommendations, Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary



Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary

COSPONSORED BY
THE JUDICIAL COUNCIL
OF CALIFORNIA AND
THE STATE BAR OF CALIFORNIA

Final Report and Recommendations
August 1, 2012



**Continuing a Legacy of Excellence:
A Summit on Achieving Diversity in the Judiciary**

September 7, 2011

Administrative Office of the Courts
Milton Marks Conference Center

Cosponsored by
The Judicial Council of California and
The State Bar of California

Final Report and Recommendations

August 1, 2012

The recommendations made in this report are the product of dialogue and collaboration among the attendees at the summit and the members of the Judicial Diversity Summit Planning Committee. These are not the recommendations of the Judicial Council of California. As of the date of distribution of this report, the report and recommendations had been approved by the State Bar of California Board of Trustees. This report and its recommendations will be presented to the Judicial Council of California in October 2012.

Funding for the summit was provided by the Administration of Justice Fund and voluntary contributions to the State Bar

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EXECUTIVE SUMMARY AND FINAL RECOMMENDATIONS

In June 2006, the State Bar of California, in collaboration with the Judicial Council's Access and Fairness Advisory Committee, convened a statewide summit on diversity in the judiciary. Five years later, in September 2011, the State Bar and the Judicial Council held a second summit on judicial diversity, *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*, to assess progress made toward achieving the goal of having a judiciary that reflects the rich diversity of California's population.

The September 7, 2011 summit was held at the Administrative Office of the Courts (AOC), Milton Marks Conference Center in San Francisco at the invitation of the Chief Justice of California, Tani G. Cantil-Sakauye and State Bar President William Hebert (see invitation letter attached as Appendix 1). The invitation explained:

As California's demographics change, it is important that our judiciary reflect the state's growing diversity and that the bench and bar participate in the dialogue that may contribute to achieving greater judicial diversity and increased public trust and confidence in the judicial system.

Therefore, five years after our first summit, the Judicial Council and the State Bar are convening a follow-up summit to:

- *Evaluate achievements since the 2006 summit;*
- *Focus on the current status of judicial diversity in California;*
- *Identify best practices for increasing diversity on the bench;*
- *Develop additional initiatives for achieving greater judicial diversity; and*
- *Create a five-year action plan for further accomplishments.*

In response to this invitation, more than 75 justices, judges, other judicial branch leaders, bar leaders, and law school deans or their designees gathered at the summit. They received a status report on the current level of diversity in California's trial and appellate courts, reviewed accomplishments since the 2006 summit, examined ongoing challenges to achieving a diverse judiciary, and made recommendations on how to further the goal of a more diverse bench.

The recommendations fall into six categories: the judicial appointments and elections process; the leaky pipeline resulting from low numbers of ethnic minorities in law schools; judicial diversity data collection and accessibility; the level and types of outreach and education needed to encourage more persons to enter the legal field and seek appointment to the bench; issues with the online judicial application; and finally, the perceived glass ceiling for women and ethnic minorities when it comes to judicial assignments.

Some recommendations made by participants are not included in this final report because events following the summit demonstrate that the issues have been adequately addressed and no future action is needed. For example, summit participants recommended that the Governor appoint a Judicial Appointments Secretary. It was not necessary to include such a recommendation in this final report because the Governor has already assigned to one of his senior advisors all of the tasks that past judicial appointments secretaries performed, such as evaluating and recommending candidates for judicial appointment and presenting statewide programs on the Governor's judicial appointments process.

Similarly, summit participants recommended that the AOC, the State Bar, and the Governor compile and report information on applicants, appointees, and sitting judges who choose to self-identify as lesbian, gay, bisexual, or transgender. After the summit, Senate Bill 182 (Corbett) was enacted, amending Government Code section 12011.5(n) to provide that the Governor, the State Bar, and the AOC must collect and release demographic data "relative to ethnicity, race, gender, *gender identity, and sexual orientation.*" (Emphasis added.) The legislation was effective on January 1, 2012.

Finally, summit participants recommended that the Governor's Office reevaluate the online judicial application process to eliminate barriers faced by persons with disabilities. Since the summit, the Governor's Office (1) reduced to one the number of required fields that need to contain exact information on law school graduation and bar admission dates (the month and day now no longer have to be exact; only the exact year is required), (2) lengthened the allowable time to complete the application to three hours per page before the system times out, and (3) implemented a process that permits applicants with disabilities who request an accommodation to submit their applications in hard copy, rather than online. This extraordinary level of responsiveness by the Governor's Office eliminates the need to include recommendations for future action in these areas.

The final recommendations, listed below, are based upon input from judicial branch leaders, the Governor's Office, State Bar leaders, summit participants, and the summit planning committee.

JUDICIAL APPOINTMENTS AND ELECTIONS

1. Judges and lawyers should reach out to law schools to educate students on how to become a judge, so that law students can begin at that early stage of their careers to lay the groundwork for serving as a judge. Where possible, judges should employ law students in the courtroom and should establish or participate in programs designed to bring high school students into the courts.
2. So that applicants can better appreciate the level of commitment involved in the application process, judges should serve as mentors to coach potential applicants through the details of, and emotional barriers to, completing the application process.
3. Mentor judges should encourage potential applicants to work in their communities and to be involved with local bar associations.
4. Judges should be proactive and identify the most viable candidates for appointment. Once these candidates are identified, judges should not only mentor these individuals through the application process, but should also offer practical advice on how to be a good judge, manage a courtroom, and avoid the pitfalls that many new judges encounter.
5. To lend more credibility to their recommendations, minority and specialty bar associations should establish a formal application and evaluation process that is equivalent to the process used by the metropolitan bars.
6. The Governor should continue to provide his Judicial Selection Advisory Committee (JSAC) members with educational materials on the status of ethnic and gender diversity on the bench as compared to the state's population, and on the ways implicit bias may impact evaluations of applicants for judicial appointment. JSAC members should also be educated on how the judicial assignments process works at the superior court level, so they understand that the presiding judge has sole authority to make judicial assignments (see rule 10.603(c)(1), Cal. Rules of Court). To assist the Governor in educating JSAC members, the AOC and the State Bar Council on Access & Fairness should, to the extent funding permits, provide training in the areas of judicial diversity and implicit bias, if such training is requested by the Governor's Office.

THE LEAKY PIPELINE

1. The legal profession must undertake a concerted effort to educate the public about the value and benefits of a legal education, while at the same time acknowledging the reality that such an education is quite expensive. Part of this education process must include outreach to ethnic minorities to communicate the value to the minority community that being a lawyer brings.
2. Law schools and the legal profession should seek funding to implement innovative studies, such as the recommendations contained in Schultz and Zedeck's effective lawyering study, which developed race- neutral tools for identifying 26 factors that are predictors of attorney competence (see <http://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf>). These

tools could be used as a supplement to the LSAT (Law School Admissions Test). Note that the same tools are being considered for application in the legal employment area through focus groups and symposia being conducted by the State Bar Council on Access & Fairness.

3. The legal profession should seek private sector funding to provide financial assistance for economically challenged students to take LSAT preparation courses.
4. Law schools should be encouraged to create a culture of inclusion on campus. Law students of color should be exposed to more role models in the judiciary, and law schools should place greater emphasis on community-oriented or public sector employment as desirable career options.

DATA COLLECTION AND ACCESSIBILITY

1. The Governor's Office should be encouraged to provide more transparency in the application and appointment process, so that the success of efforts to increase judicial diversity can be more readily assessed.
2. In reporting annual demographic information, the Governor's Office should continue to do what it historically has done and use the same ethnic and racial categories specified in Government Code section 12011.5(n)(C)(3). (Please note that, after the summit, SB 126 (Davis) was enacted, which amended Government Code section 12011.5 so that it now provides, in subdivision (n)(C)(3), that the State Bar and the Administrative Office of the Courts shall use specified ethnic and racial categories in the annual demographic reports. The legislation does not impose such a mandate on the Governor's Office. The original bill language required the State Bar and the AOC to use the same categories as the Governor already was using, but language referencing the Governor's categories was amended out. Consequently, the ability to track the progress of judicial diversity by comparing apples to apples may yet remain elusive, unless the Governor's Office voluntarily continues to use the specified categories, or unless new legislation addresses this apparent oversight. (A copy of Government Code section 12011.5, as amended, is attached as Appendix 11.)
3. The Governor's Office should appreciate and recognize the contributions of lawyers with disabilities and endeavor to include more of such lawyers among the Governor's appointees. All agencies reporting annual demographic data should set a timetable for implementing a process that allows for the collection of information on applicants, appointees, and sitting judges who choose to disclose that they have a disability.

OUTREACH AND EDUCATION

1. To address the underrepresentation of minorities and communities of color in the judiciary, the bench and bar should, to the extent funding permits, develop outreach programs targeting youth in at-risk and underrepresented communities. In this regard, each court should have its own community outreach program or committee to develop a community-specific program. The AOC's Judicial Diversity Toolkit could be used as the foundation for

such outreach programs. The membership of a court's outreach committee should include representatives from the education and business communities. In addition, courts should be encouraged to establish programs similar to the First Impressions Program in Los Angeles and other programs that provide youth opportunities to learn how our court system works. Courts should be encouraged to collaborate with California Partnership Law Academies and other organizations such as AmeriCorps and Teach for America in presenting outreach and education programs. Finally, the Judicial Diversity Toolkit should be expanded to include model mock trials that teach young people about the court system (see e.g. the American Bar Association's mock trial, *The Big Bad Wolf v. The Three Little Pigs*).

2. The Judicial Council, the State Bar, and the Governor's Office should, to the extent funding permits, hold an annual judicial diversity summit. One focus of the summit should be to encourage lawyers from underrepresented groups to apply for judicial appointment. The summit should include a presentation from the Governor's Judicial Appointments Secretary, or equivalent staff person, to identify attributes the Governor is seeking in judicial applicants.
3. The Judicial Council, through the Education Division of the AOC, should develop mandatory judicial training on access, fairness, and bias in judicial decision-making that will provide judges a total of three hours of ethics credit every three years. This course will be designed to, among other things, assist justices and judges in addressing perceptions among communities of color that judges engage in biased decision-making.
4. Judges should mentor at-risk or underrepresented youth, law students, and lawyers and encourage them to consider a future on the bench.

THE ONLINE JUDICIAL APPLICATION

1. If there is an erroneous entry on the online application form, the error code should identify the specific error or highlight the problem entry so that the applicant can easily correct the entry. Currently, the applicant must review the entire page to attempt to identify any errors.

THE PERCEIVED GLASS CEILING

1. Presiding judges should educate the bar about how judicial assignments are made, so that there is more transparency about the process and the bar understands that assignments are governed by rule 10.603(c)(1), Cal. Rules of Court.
2. Judges who mentor judicial applicants should ensure the applicant understands that all of the work of the court is significant and important and that the first few years on the bench are devoted to training the new judge on how to manage a courtroom and make fair judicial decisions.
3. The bar should encourage diversity in judicial assignments, so that all court users see a variety of judges in all departments in the court.
4. Data should be collected on the level of diversity in the civil, felony trials, law and motion, and complex litigation assignments.

5. Work must be done to eliminate the perception that women and judges of color willingly avoid challenging assignments. The JNE Commission, the Governor’s Judicial Selection Advisory Committees, the local and specialty bar association judicial evaluation committees, and others who may participate in the evaluation of judicial applicants should be informed that the superior court presiding judges have exclusive authority to assign trial court judges to the various departments. (See rule 10.603(c)(1), Cal. Rules of Court.)
6. Courts should consider mandatory rotation of judges in assignments. This will serve to level the playing field in terms of judicial experience. Women and ethnic minority trial court judges who seek elevation have found that their judicial resumés are seen as less impressive than those of their Caucasian and male counterparts because they lack experience in what are deemed to be challenging and intellectually stimulating assignments.

If you would like more information regarding the summit, contact Donna Clay-Conti at donna.clay-conti@jud.ca.gov or Patricia Lee at patricia.lee@calbar.ca.gov.

* * * * *

INTRODUCTION

The purpose of this report is to summarize the findings and recommendations of the judicial branch and state bar leaders who participated in the second summit on judicial diversity in California, *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*. The summit was held on September 7, 2011, in San Francisco.

Background

In 1999, the Judicial Council of California amended Goal 1 of the Judicial Branch's strategic plan to provide, among other things, that the judicial branch should reflect the diversity of California. In its current iteration, the strategic plan provides:

Goal I. Access, Fairness, and Diversity

California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. *The makeup of California's judicial branch will reflect the diversity of the state's residents.* (Emphasis added.)

(Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012, p. 26.)

To implement this goal, the Judicial Council adopted policies 6 and 7, which provide as follows:

6. Collaborate with other branches of government and justice system partners to identify, recruit, and retain highly qualified appellate court justices, trial court judges, commissioners, referees, and other members of the judicial branch workforce, who reflect the state's diversity.

7. Collaborate with law schools, the State Bar, local bar associations, and specialty bars to achieve greater diversity in the legal profession.

(See Justice in Focus, supra, at p. 28.)

Through its Access and Fairness Advisory Committee and other committees and task forces, the Judicial Council implemented various strategies to improve access to justice and to increase diversity in the judiciary and the judicial branch.

Over the years, the State Bar of California also began to focus more on diversity. In 2005, the State Bar created the Diversity Pipeline Task Force, a broad-based group of stakeholders committed to fostering collaborative activities and efforts along the career pipeline, from pre-school to law school. The mission of the task force was to achieve an increase in the number of diverse lawyers entering into and advancing in the legal profession, including the judiciary. The

work of the task force was performed by various work groups, including the Courts Working Group, which was tasked with fashioning strategies for increasing judicial diversity. In 2006, the task force convened the first summit on judicial diversity (see further discussion below). In 2007, the task force evolved into the State Bar’s Council on Access & Fairness, which advises the State Bar Board of Governors on ways to increase diversity in the profession. In July 2008, the State Bar revised its strategic plan, adopting the following Goal and Strategy:

Goal 2. ADMINISTRATION OF JUSTICE —The State Bar is recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society.

Leadership of the Profession: In addition to its core regulatory mission, the State Bar is the “umbrella organization” which represents and leads the legal profession in the State of California. In carrying out this role, the Bar shall at all times be cognizant of the First Amendment rights of its individual member. In a manner and to an extent permitted by law, the Bar shall carry out activities in accordance with the concerns and aims of the profession, as determined by the Board of Governors. More specifically, the Bar shall execute the following strategies:

...

4. Undertake activities to enhance the diversity of the legal profession to eliminate bias in the practice of law, taking care that mandatory dues are expended appropriately.

(See *State Bar of California Long-Range Strategy*, Adopted July 11, 2008, p. 12.)

In June 2006 the first statewide Summit on Diversity in the Judiciary: Continuing a Legacy of Excellence was convened by the State Bar of California and the Judicial Council’s Access and Fairness Advisory Committee, as part of the State Bar’s 2006 Spring Summit on Diversity. At that event, California judicial officers, State Bar representatives, the Governor’s Judicial Appointments Advisor, members of the Legislature, diversity and specialty bar associations, and key stakeholders involved in the judicial appointments process gathered to examine the status of racial and ethnic diversity on the bench primarily, and gender diversity secondarily.

The purpose of the 2006 summit was twofold. The first was to further Goal I of the judicial branch’s strategic plan, Access, Fairness, and Diversity, by collaborating with justice system partners to identify, recruit, and retain highly qualified appellate court justices and trial court judges who reflect the state’s diversity, and by collaborating with law schools, the State Bar, local bar associations, and specialty bars to achieve greater diversity in the legal profession. The second was to implement provisions of the State Bar’s strategic plan, goal 2, strategy 4, by undertaking activities to enhance the diversity of the legal profession and to eliminate bias in the practice of law.

The 2006 summit inspired several changes in the judicial appointments process and the enactment of legislation requiring the Governor, the State Bar, and the Administrative Office of the Courts annually to collect and release to the public demographic information on the ethnicity and gender of judicial applicants, appointees, and sitting judges and justices. The legislation, Senate Bill 56 (Dunn, 2006), which is codified at Government Code section 12011.5, serves to increase the transparency of the appointments process.

Following the summit, the State Bar's Diversity Pipeline Task Force's Courts Working Group issued its report in March 2007, identifying specific challenges and recommendations for addressing the barriers to achieving judicial diversity in California. (See Appendix 5.)

However, since the 2006 summit, issues continued to emerge regarding:

- the formal applicant evaluation process;
- the role of the local selection committees established by local bars and other groups;
- the growing disparity between the state's population that is ethnically and gender diverse and a bench and bar that are less so;
- obtaining comprehensive and consistent demographic data from law schools, the Administrative Office of the Courts, the State Bar, the Commission on Judicial Nominees Evaluation (JNE), the Governor's Office, and the private sector; and
- the need to increase the recruitment and appointments of judicial candidates with disabilities and those from the lesbian, gay, bisexual, and transgender communities.

In recognition of California's changing demographics since 2006, it became increasingly important that our judiciary reflect the state's growing diversity and that the bench and bar participate in a further dialogue aimed at achieving greater judicial diversity and increased public trust and confidence in the judicial system. Therefore, five years after the first summit, the Judicial Council of California and the State Bar of California convened a second summit on September 7, 2011, at the Milton Marks Conference Center of the Ronald M. George State Office Complex to:

- evaluate achievements since the 2006 summit;
- focus on the current status of judicial diversity in California;
- identify best practices for increasing diversity on the bench;
- develop additional initiatives for achieving greater judicial diversity; and
- create a five-year action plan for further accomplishments.

Summary of 2011 Judicial Diversity Summit

At the invitation of Chief Justice Tani G. Cantil-Sakauye and State Bar President William Hebert (see invitation letter attached as Appendix 1), more than 75 justices, judges, other judicial branch leaders, bar leaders, and law school deans or their designees participated in the day-long summit.

Before the summit, preconference materials, including demographic data, were sent to the participants so they would be better prepared to discuss the issues. Also, at the summit, each participant was given a CD containing the Judicial Diversity Toolkit developed by the Administrative Office of the Courts and the Judicial Council's Access and Fairness Advisory Committee. (See Appendix 14 for cover page, table of contents for the toolkit, and for the link to the complete toolkit.)

The program was guided by Judge Brenda Harbin-Forte, Chair of the 2011 Judicial Summit Planning Committee: State Bar President William Hebert: Justice James Lambden, Chair of the Judicial Council's Access and Fairness Advisory Committee: and Judge Erica Yew, Judicial Council member. Morning and afternoon panel discussions featuring distinguished leaders of the bench and bar focused on identifying challenges in achieving a judiciary that reflects the population of California. Participants acknowledged that while some progress has been made, more diverse appointments are needed in order for the bench truly to reflect California's rich diversity. An action plan for continuing work on this important goal was the desired outcome of the summit.

Six breakout sessions, facilitated by judges and bar leaders, focused on areas where additional strategies might achieve greater results:

- Judicial Appointments and Elections
- The Leaky Pipeline
- Data Collection and Accessibility
- Outreach and Education
- The Online Judicial Application Process
- The Perceived Glass Ceiling

The breakout session discussions were recorded and the participants' recommendations are summarized below. Participants then reconvened to review and comment on the recommendations from the breakout sessions, which included increasing outreach to potential candidates for judicial appointment, mentoring of candidates and new judges, educating students about careers on the bench and resources for law school tuition, improving data collection, the importance of the role of a judicial appointments secretary, improving the accessibility of the online judicial appointment application, leadership training for judicial administrators, and increasing transparency in judicial assignments.

2011 JUDICIAL DIVERSITY SUMMIT PRESENTATIONS AND DISCUSSION SESSIONS

Setting the Stage – Slide Show Presentation

Judge Harbin-Forte presented a slide show that, among other things, compared the level of ethnic and gender diversity at the end of 2006 to the level of diversity achieved by the end of 2010, and highlighted accomplishments since the 2006 summit. (See Appendix 3 for the PowerPoint slide show presented at the summit, and Appendix 4 for supplemental slides prepared after the summit.)

Some key data points regarding status of judicial diversity:

- In 2006, Caucasians represented 40.6% of California’s population, but according to the SB 56 demographic report issued by the Administrative Office of the Courts (AOC) for that year, they accounted for 70% of the judiciary, while ethnic minorities accounted for much more than half of the population but less than 30% of the judiciary. Currently, according to the AOC’s SB 56 demographic report for year-end 2010, the statewide population is approximately 60% ethnic minorities, but less than 25% of the judges are minorities, while Caucasians account for only 40.1% of the population but hold 72.3% of judgeships.. (It should be noted that some judges have declined to disclose their race/ethnicity.) The gaps are especially large for the Hispanic and Asian-American populations. Hispanics represent 38% of the California population, but comprise only 8 percent of the judges. Likewise, Asian Americans make up 13% of all Californians, but only 5.4% of the judges. The numbers for African Americans are not as disparate — California is 6.2% African American (and as low as 5.8% by some counts), and 5.6% of the judges in California are African American. Yet while the trial courts now have more African- American judges than in 2006, there are only five African Americans serving on our Courts of Appeal, according to the same SB 56 report for the year 2010, and currently there is no African American and no Hispanic on the California Supreme Court.
- In 2006, women, at 50.1% of the population, held only 27.1% of judgeships, while men held 72.9%. At the end of 2010, men held more than 69% of judgeships, while women, who are now at 50.3% of California’s population, represent only slightly more than 30% of the judiciary. Women do, however, hold a majority of the seats on our Supreme Court, with four women justices sitting, including the Chief Justice.

Accomplishments since the 2006 judicial summit include:

- There has been a slight increase in the percentage of minority and women judges.
- African-American judges and justices are now on an almost even par with their percentage of the total statewide population, by some counts.
- Sitting judges now hail from more diverse backgrounds.

- Legislation [Gov. Code, §1 2011.5(n)] now mandates annual demographic reports by the Governor, the Administrative Office of the Courts, and the State Bar’s Commission on Judicial Nominees Evaluation (JNE Commission).
- Legislation [Gov. Code, § 12011.5(d)] now mandates that the JNE Commission interpret legal “experience” broadly when evaluating and rating judicial applicants.
- The State Bar’s Council on Access & Fairness was established in 2007 to advise the State Bar Board of Governors on ways to increase diversity in the legal profession and judiciary.
- The AOC, in collaboration with the Judicial Council’s Access and Fairness Advisory Committee, created a Judicial Diversity Toolkit for the Courts.
- JNE commissioners now receive training on implicit bias through the AOC’s Center for Judicial Education and Research (CJER).
- The State Bar’s Council on Access & Fairness has created training and resource materials for JNE Commission members to assist them in carrying out their obligation to interpret legal practice experience broadly.
- The judicial appointment application (formerly the PDQ) was revised to allow the Governor to gather information on a broader spectrum of an applicant’s background.
- The State Bar created tips and a checklist to assist all applicants in completing the online judicial appointment application.
- The State Bar’s Council on Access & Fairness regularly presents an MCLE “Road Show” consisting of PowerPoint slides with demographic information and commentary on the status of judicial diversity.
- Local and minority bar associations in Alameda County, Contra Costa County, Los Angeles, San Francisco, and other counties created judicial mentoring programs.
- Courts have presented programs at courthouse locations on how to become a judge.
- The Governor appointed the first African American and first woman as his Judicial Appointments Secretary in early 2007, after which there was an increase in the appointments of women and ethnic minorities.
- Our Supreme Court now has its first ethnic minority Chief Justice, Justice Tani Cantil-Sakauye, who is an Asian-Pacific Islander woman.
- Our Supreme Court now has a majority of ethnic justices, with four justices of Asian-Pacific Islander descent.
- The August 2011 confirmation panel for the most recent Supreme Court appointee, Justice Goodwin Liu, was all-female for the first time in our state’s history, consisting of Chief Justice Tani Cantil-Sakauye, Presiding Justice Joan Dempsey Klein, and Attorney General Kamala Harris.

Why Value Diversity?

Judges can and do influence each other. They exchange ideas on and off the bench. A judiciary that is comprised of judges from differing backgrounds and experiences leads to an interplay and exchange of divergent viewpoints, which in turn prevents bias, and leads to better, more informed decision making. Diversity of opinion among decision makers encourages debate and reflection, and fosters a deliberative process that leads to an end product that is greater than the sum of its parts.

(Editorial, *American Judicature Society Magazine*, March/April 2010.)

Why Concern Ourselves with Population and Not Bar Membership?

- Lawyers don't own the cases, causes of actions, and claims litigated in our courts — CLIENTS DO.
- CLIENTS come from the general population.
- Lawyers want fair results for CLIENTS.
- There has been an explosion of self-represented litigants who come from the general population.
- "PUBLIC" trust and confidence equates to "general population" trust and confidence in our court system.

Ongoing Challenges – Panel Discussion

The morning panelists discussed the stated goals of achieving a diverse judiciary and identified challenges facing the bench and bar in achieving these goals.

Moderator: Hon. Erica R. Yew, Superior Court, County of Santa Clara

Panelists:

Sen. Joseph L. Dunn (Ret.), Executive Director and CEO, The State Bar of California

William C. Vickrey, Administrative Director of the Courts, Administrative Office of the Courts

Yolanda Jackson, Esq., Deputy Executive Director and Diversity Director, Bar Association of San Francisco

Maribel Medina, Esq., La Raza Lawyers of California, Chair, Judicial Appointments Committee

Nanci Nishimura, Esq., California Women Lawyers, Second Vice- President

Edwin Prather, Esq., Immediate Past President, Asian Pacific Bar of California

Russ Roeca, Esq., Former Member, State Bar Council on Access & Fairness; Former President, Bar Association of San Francisco

Why are there so few minorities and women on the bench?

- **Salary Level:** It is difficult to recruit from among more successful and established attorneys when judicial salaries are not comparable.
- **Benefits:** The Tier 2 retirement plan is a deterrent because attorneys are reluctant to leave current positions with good benefits to join the bench.
- **Commissioners/Referees:** These positions are less attractive to experienced lawyers; positions are decreasing with budget cuts and conversion of positions to judgeships; there are fewer opportunities to increase diversity at this level because judges in each county hire commissioners and referees, and if judges are not diverse, commissioners and referees hired are less likely to be diverse.

Will the lack of an official Judicial Appointments Secretary impact the number and nature of judicial appointments?

- Whether a Judicial Appointments Secretary is necessary depends on the Governor.
- Challenges existed in all prior administrations.
- If the Governor is not a lawyer, she or he would need a strong Judicial Appointments Secretary. Governor Brown is an exception because he understands all aspects of judicial appointments.
- With no person directly responsible for judicial appointments, individuals and organizations will lobby the Governor directly. Women and racial and ethnic minorities may not enjoy the same access to the Governor as others. With a Judicial Appointments Secretary, individuals and entities will have a specific contact person for judicial appointments. Also, this person can go into the field to serve as a panelist on programs to

address judicial appointment issues and diversity concerns, as well as to share the Governor's philosophy regarding appointments.

Should the membership of the Governor's Judicial Selection Advisory Committees (JSACs), also known as the "secret committees," remain confidential?

- Because the "secret committees" make critical decisions, the membership and discussion should be open (per Brown Act philosophy). In reality, many of the members are known in some counties. In other counties, there is an "old boys' network" that is perpetuated by the JSACs. Many in the minority legal community and women's attorney organizations do not know the identity of members on the committees and often do not have access to the "inner circles."
- The secret committees are not held to the same legal standard as public entities responsible for judicial evaluations. For example, the JNE Commission must comply with Government Code section 12011.5(d) and construe legal experience broadly in determining whether a candidate is qualified, but the JSAC members have no such responsibility.
- On the other hand, the Governor has sole discretion in making judicial appointments and can rely on a full range of resources and feedback to identify the best candidates to appoint to the bench.
- In addition, the JSAC members may be able to operate more effectively if their identities remain confidential.

What issues do we face regarding the judicial pipeline?

- As we seek to increase women and minority appointments, we must ensure that the "whole person" is evaluated without compromising the quality of appointments.
- Pipeline issues require that we reach youths before they enter high school to educate them about legal careers, including judicial careers and the importance of diversity on the bench.
- Obstacles to an open pipeline include:
 - The lack of education and sense of empowerment;
 - Generational implications (older generations are less inclined to support careers in the law);
 - Economics (judicial salaries and pension benefits);
 - Bar associations that lack sustained focus on education, social engineering, mentoring, bias/stereotyping in the appointments process;
 - Insufficient numbers of judges to serve as role models and mentors through community outreach; and
 - Lack of focused collaboration among the bench, the bar, the Governor, and the JNE Commission.

How can minority and other diversity bars work together to support diverse appointments?

- This is an unprecedented time of cooperation among the various minority bars, and sharing of information among all groups. Minority bars will coalesce around specific candidates, regardless of ethnicity. The key is to ensure that the best minority candidates are confirmed for appointment. While there was disappointment among Hispanic and African-American bar associations that no one from their ethnic group was appointed to the Supreme Court, all will continue to work together.
- The San Francisco Bay Area Minority Bar Coalition is actively working on a process for vetting judicial candidates and engaging in a dialogue to overcome the perception that if one ethnic group “wins,” then another group “loses.” All stakeholders should understand that this is not a zero-sum game.
- The broader discussion should be what to do about a Supreme Court and other courts that do not reflect the diverse population of this state.
- Although there is a majority of Asian-Pacific Islanders (API) justices on the Supreme Court, and no African-American or Hispanic justice, it should be remembered that APIs are underrepresented in all other courts and there are still many issues to be addressed in this respect. It is important that future appointments not be viewed differently due to a feeling that “the API community has already been taken care of.”

How do we ensure diversity when it comes to the lesbian, gay, bisexual and transgender (LGBT) community?

- In deciding whether the Governor should solicit information from an applicant about gender identity and sexual orientation, we need to ensure that a person’s privacy is protected. Disclosure of such information should be voluntary.
- Data should be collected from the online applications for judicial appointment so the Governor can report the number of LGBT applicants.
- Data regarding gender identity and sexual orientation should be collected from sitting judges and reported in the annual demographic report issued by the Administrative Office of the Courts.

(NOTE: After the summit, the Governor signed legislation, Senate Bill 182 (Corbett), which amended Government Code section 12011.5 to require that, in addition to race, ethnicity, and gender, the Governor, the State Bar and the Administrative Office of the Courts (AOC) collect and release demographic data regarding the sexual orientation and gender identity of judicial applicants and sitting judges. A copy of section 12011.5, as amended, is attached as Appendix 11.)

Is there a glass ceiling for women and minorities in judicial assignments?

- It is not clear, as there is no current data on court assignments by gender and race.
- Objective criteria are needed so that assignments can be analyzed and tracked.
- Presiding judges should consider automatic assignment rotations among sitting judges.
- The bench needs to be cognizant of possible unconscious bias in the assignment process.

How do we avoid resting on our laurels and how do we address budget implications?

- At the 2006 summit, issues were raised regarding problems in recruiting public attorneys to the bench due to low judicial salaries and an unattractive retirement system.
- Legislation was introduced to improve the retirement system, but the bill died in the Legislature. To recruit more women, minority, and public interest lawyers, this issue should be revisited.
- There is a concern regarding the slow progress toward a more diverse bench. A stronger voice expressing impatience about the progress is needed. At the current rate of appointments, it will take 21 years to reach population parity as to gender and 31 years to reach population parity as to ethnic diversity.
- A dwindling judicial branch budget impacts the ability to sustain increases in judicial diversity and continue those gains into the future. However, this should not diminish continued efforts to achieve our goal of a diverse judiciary.
- In 2014 it is estimated that 114 judges will retire. There are qualified diverse candidates statewide who can be appointed to the bench. The pipeline must be sustained so these candidates are considered for appointment.

Training Presentation on Implicit Bias

Attorney Kimberly Papillon (Senior Education Specialist, Education Division/CJER, AOC) presented a snapshot of the implicit bias training that JNE commissioners undergo. The interactive presentation highlighted the relationship between neuroscience and implicit bias in the candidate evaluation process. One study demonstrated that even when women and men have identical resumés, women applicants are routinely perceived as less qualified and subjected to more scrutiny. This troubling phenomenon has also been documented to occur when the resumés of ethnic candidates are compared with Caucasian candidates possessing identical or substantially the same qualifications.

Breakout Sessions, Panel Discussion, and Open Dialogue

Concurrent breakout sessions were held addressing the following topics:

- Judicial Appointments and Elections (facilitated by Judge Allen Webster, Los Angeles)
- The Leaky Pipeline (facilitated by Attorney Ruthe Ashley, CEO of Diversity Matters, Rocklin)
- Data Collection and Accessibility (facilitated by Judge Esteban Hernandez, San Diego)
- Outreach and Education (facilitated by Judge Luis Lavin, Los Angeles)
- Online Judicial Application (facilitated by Judge Marguerite Downing, Los Angeles)
- The Perceived Glass Ceiling (facilitated by Presiding Judge Diana Becton, Contra Costa)

Panelists then provided initial feedback on reports from the breakout sessions, and summit participants engaged in an open dialogue on the issues presented. The panelists were:

Moderator: Justice James Lambden, Court of Appeal, First Appellate District

Panelists:

Justice William J. Murray, Jr., Court of Appeal, Third Appellate District

Justice Maria Rivera, Court of Appeal, First Appellate District

Judge Russell Hom, Superior Court, County of Sacramento

Judge Sharon Majors-Lewis, Superior Court, County of San Diego

Drucilla Ramey, Dean, Golden Gate University School of Law

Andrew Steckler, Esq., Chair, State Bar Commission on Judicial Nominees Evaluation (JNE)

The panel feedback and audience open dialogue proceeded as follows:

JUDICIAL APPOINTMENTS AND ELECTIONS

The discussion in the breakout group focused on the need for expanded outreach about the importance of a diverse judiciary, streamlining the online application process, encouraging minority and other diversity bars to create formal judicial evaluation procedures, and providing mentoring for judicial applicants to include information about the process and the level of commitment needed.

The panel and audience discussion included the following points:

- The JNE Commission considers different levels of diversity, including race, gender, experience, and geography. Moreover, there is enhanced transparency in the evaluation process because the names of JNE commissioners and the JNE rules governing evaluation of candidates are published on the publicly accessible State Bar website.
- The JNE Commission's annual demographic reports show for each ethnic and gender group the percentage of the total group referred by the Governor's Office.

- The JNE Commission is required to interpret legal “experience” broadly, and must consider qualities and skills for lawyers from a wide variety of practice settings.
 - JNE commissioners voluntarily undergo bias training each year presented by the AOC/CJER. (NOTE: After the summit, the Governor signed legislation, AB 126 (Davis), which amended Government Code section 12011.5 to make bias training mandatory for JNE commissioners. See Appendix 11 for amended version of section 12011.5.)
 - The chair of the JNE Commission committed, on the spot, to implementing two recommendations from summit participants:
 - ◆ In addition to the current implicit bias training presented by the AOC, JNE commissioners will undergo diversity training that includes demographic information and statistics on the status of judicial diversity, presented by the State Bar’s Council on Access & Fairness (COAF);
 - ◆ JNE will expand the “Bias” section of the Confidential Comment Form. The form currently has a “yes” or “no” response to the question of whether the applicant exhibits bias. The form will be changed to ask whether the candidate:
 - Expresses cultural sensitivity: yes__ no__
 - Expresses commitment to equal access to justice: yes__ no__
- (NOTE: The recommendations from the Judicial Council’s Commission on Impartial Courts align with the recommendations here for JNE to investigate a candidate’s exposure to communities of color and experience with persons from diverse backgrounds and report that information to the Governor’s Office.)*
- Consideration should also be given to ensuring that the Confidential Comment Form includes questions designed to elicit information to assist the JNE Commission in carrying out its statutory mandate to interpret experience broadly.

THE LEAKY PIPELINE

Participants in the breakout session identified several issues affecting the pipeline into the judiciary, including the impact of the high cost of a legal education on law school applications, the need for more outreach focused on the value of a legal education, the barriers to law school admission for minority students, the impact of the U.S. News and World Report’s rankings on law school admissions policies, the need to consider additional options to the LSAT exam (such as the “effective lawyering” tools developed by Prof. Marjorie Shultz and Dr. Sheldon Zedeck), and the impact of Prop. 209 on the ability of law schools to recruit and enroll minority students.

The breakout group indicated that the concerns of a “leaky pipeline” fell into two categories: (1) law school admissions and (2) expense and time of law school. The following comments were made during the panel and audience discussion:

Law School Admissions

- With the current trend of reduced law school admission of minority students, concerns emerge regarding signs of re-segregation of the profession and ultimately the judiciary.
- Prop. 209 has a significant impact on admission of diverse students into law schools. Since the passage of Prop. 209, almost all ethnic minority groups (except for certain Asian groups) have experienced a dramatic decrease in law school admissions.
- It should be noted that Asian American “success” is misleading because when you look at the legal profession, the numbers still show a lack of API law firm partners and judges.
- The combination of alumni preferences and Prop. 209 works against diversity in admissions.
- Scholarships and academic support programs for Caucasian students and the impact of U.S. News and World Report rankings result in admissions criteria benefitting Caucasian students.
- Law school achievement is not correlated to the actual successful practice of law, and this lack of correlation works against minorities who have attributes that can transform them into successful practitioners. Schools should apply innovative criteria, such as those recommended in the Shultz/Zedeck study identifying factors for “effective lawyering.” Funding should be obtained to implement studies like the Shultz/Zedeck study and to provide formal assistance to ethnic minorities for LSAT preparation.

Expense and Time of Law School

- High student loans and unattractive repayment policies act as deterrents to pursuing a legal career. A law degree, however, is a valuable and versatile degree, and there are various loan repayment options, loan forgiveness programs, and scholarships available.
- The reality regarding opportunities in the legal profession is not as bad as reported; jobs are still there and the legal profession is recovering more quickly than other professions.
- As a consequence of Prop. 209 limitations on the ability of public law schools affirmatively to recruit ethnic minorities and women, private law schools are admitting more minorities and women.
- As discussed in the Shultz/Zedeck study, law schools are reluctant to expand the curriculum to provide practical education. Law schools see themselves as training legal minds and focusing on the analytical process; they view practical training as the role of a “trade school,” not a law school.
- Despite resistance from law schools, the legal community should pressure them to emphasize practice skills training in addition to training in legal concepts and analytical skills.

DATA COLLECTION AND ACCESSIBILITY

Discussion in this breakout focused on the need for consistent demographic reporting under Government Code section 12011.5 and the role for an official Judicial Appointments Secretary. Specifically, participants commented that the data should allow an apples-to-apples comparison by requiring all reporting entities to use the same ethnic and racial categories. To collect data regarding disabilities, sexual orientation, and gender identity: and to provide both raw numbers and percentages on the mandated demographic reports. The group also emphasized the need for the Governor to appoint an official Judicial Appointments Secretary.

The panelists and summit participants offered the following comments and suggestions:

- Continue to compile prior and current data to assess the progress of judicial diversity.
- Until the passage of SB 56 in 2006, which mandated reporting of demographic data from the Governor, the AOC, and the State Bar's JNE Commission, there was no official data available.
- SB 182 and AB 126 (the latter of which was pending on the date of the summit and was subsequently signed by the Governor) require collection and reporting of LGBT data and require two hours of mandatory bias training for JNE commissioners annually.
- Gather demographic information on who is applying for appointment, who is sent to JNE, how JNE rates the applicants, and who is appointed to determine if there is a pipeline issue.
- Accurate, open data will help to dispel myths. For example, the State Bar's JNE Commission demographic reports show sufficient numbers of diverse applicants in the pool who have been rated qualified but were NOT appointed.
- There is no data for applicants, ratings and appointments for attorneys with disabilities.
- The Governor's reports provide percentage figures for appointments, but not raw numbers. The reporting of raw numbers allows accurate comparisons of appointment data with the data provided by the AOC and the State Bar's JNE Commission.
- The Governor should designate a formal Judicial Appointments Secretary to assist the Governor in keeping track of and reporting raw numbers for applicants and appointees.
- Implicit in the goal for judicial diversity is for judicial demographics to reflect California's population. It is presumed that anyone who brings morals and integrity to the bench will be fair, but that standard will not increase diversity. The focus here is on increasing appointments to the bench from underrepresented groups.

OUTREACH AND EDUCATION

This breakout group discussed the need for increased community outreach by the bench and bar regarding the importance of judicial diversity, keeping the issues in the forefront by holding an annual judicial summit, providing ongoing bias training for judges, maintaining an ongoing relationship with the Governor's Office about judicial diversity issues, and having the courts participate in education pipeline programs in elementary, middle, and high schools.

The panelists and audience offered the following comments and observations:

- The courts and stakeholders should create local community outreach committees that focus primarily on youth from disadvantaged communities. The pipeline starts with youth. Judges should visit elementary schools to explain what judges do and encourage students to stay in school and get an education.
- Create a “contract for success” with students from disadvantaged and underrepresented communities. For example, members of the Wiley Manuel Bar Association in Sacramento visit schools and educate students on pathways to the legal profession.
- California Partnership Law Academies, established through the California Department of Education, can be a primary model. All attorneys and judges can volunteer to participate in classroom discussions, allow students to job shadow, conduct courtroom visits for students, and engage in other similar and creative activities.
- Judges must be culturally competent regarding the communities they serve.
- Fairness and cultural competency training should be tied to judicial liability insurance requirements.

THE ONLINE JUDICIAL APPLICATION

Difficulties with the online application were the focus of this breakout. Issues included timing out during completion of the online application; the inability to save the online application and return to it at a later time, to return to a prior completed section of the application after moving on to a new section, or to complete sections in a random order; and the need for the questions to be streamlined, for the number of mandatory information fields to be reduced, and for questions that ask for specific dates to be modified.

The panelists and audience commented as follows:

- The online application was implemented to facilitate the application process, by a former Judicial Appointments Secretary, Judge Sharon Majors-Lewis.
- The Governor’s Office is aware of the difficulties in completing the online application and is attempting to address the issues within the limitations posed by the state’s computer server capacity.
- An ongoing dialogue should be maintained with the Governor’s Office regarding the format, substance, and process related to the online application.

THE PERCEIVED GLASS CEILING

The breakout session highlighted an issue related to judicial assignments. Some women and judges of color have expressed concern that they are often assigned to departments that are perceived as “less desirable,” such as traffic, family, and juvenile, and are often kept in such assignments for longer periods of time than their majority counterparts. Participants expressed concern that the lack of opportunity to gain experience in the “more desirable” assignments might impact recruitment and retention of women and judges of color. In addition, prior governors have found it difficult to recruit senior partners from large firms and senior prosecutors because those potential candidates felt that traffic, family, and juvenile assignments were not worthy of their talents and expertise. Discussion also focused on the lack of transparency regarding judicial assignments, and the need for courts to share information on how assignments are made, the need to collect data on judicial assignments, and the need for the bench and bar to work together on the assignment process. Finally, some participants stated that women and judges of color must be provided an equal opportunity to increase the weight of their judicial resumés so that, when seeking elevation, they can tout the variety and difficulty of their trial court assignments.

The panel and summit participants commented as follows:

- More data should be collected to determine how judicial assignments impact recruitment to the bench.
- More data and increased transparency regarding judicial assignments are needed to determine if the glass ceiling perception is valid.
- There is a need to educate potential judicial applicants and new appointees about the importance of “less desirable” assignments in the larger context of the entire court system. New judges need to understand that these assignments facilitate mastery of important judicial skills such as managing the calendar, learning how to deal with litigants from diverse communities, and learning how to handle cases involving economically challenged litigants.

FINAL RECOMMENDATIONS

The final recommendations track the topics discussed in the six breakout groups: the judicial appointments and elections process; the leaky pipeline resulting from low numbers of ethnic minorities in law schools; judicial diversity data collection and accessibility; the level and types of outreach and education needed to encourage more persons to enter the legal field and seek appointment to the bench; issues with the online judicial application; and finally, the perceived glass ceiling for women and ethnic minorities when it comes to judicial assignments.

Some recommendations made by participants are not included in this final report because events following the summit demonstrate that the issues have been adequately addressed and no future action is needed. For example, summit participants recommended that the Governor appoint a Judicial Appointments Secretary. It was not necessary to include such a recommendation in this final report because the Governor has already assigned to one of his senior advisors all of the tasks that past judicial appointments secretaries performed, such as evaluating and recommending candidates for judicial appointment and presenting statewide programs on the Governor's judicial appointments process.

Similarly, summit participants recommended that the AOC, the State Bar, and the Governor compile and report information on applicants, appointees, and sitting judges who choose to self-identify as lesbian, gay, bisexual, or transgender. After the summit, Senate Bill 182 (Corbett) was enacted, amending Government Code section 12011.5(n) to provide that the Governor, the State Bar, and the AOC must collect and release demographic data "relative to ethnicity, race, gender, *gender identity*, and *sexual orientation*." (Emphasis added.) The legislation was effective on January 1, 2012.

Finally, summit participants recommended that the Governor's Office reevaluate the online judicial application process to eliminate barriers faced by persons with disabilities. Since the summit, the Governor's Office (1) reduced to one the number of required fields that need to contain exact information on law school graduation and bar admission dates (the month and day now no longer have to be exact; only the exact year is required), (2) lengthened the allowable time to complete the application to three hours per page before the system times out, and (3) implemented a process that permits applicants with disabilities who request an accommodation to submit their applications in hard copy, rather than online. This extraordinary level of responsiveness by the Governor's Office eliminates the need to include recommendations for future action in these areas.

The final recommendations, listed below, are based upon input from judicial branch leaders, the Governor's Office, State Bar leaders, summit participants, and the summit planning committee.

JUDICIAL APPOINTMENTS AND ELECTIONS

1. Judges and lawyers should reach out to law schools to educate students on how to become a judge, so that law students can begin at that early stage of their careers to lay the groundwork for serving as a judge. Where possible, judges should employ law students in the courtroom and should establish or participate in programs designed to bring high school students into the courts.
2. So that applicants can better appreciate the level of commitment involved in the application process, judges should serve as mentors to coach potential applicants through the details of, and emotional barriers to, completing the application process.
3. Mentor judges should encourage potential applicants to work in their communities and to be involved with local bar associations.
4. Judges should be proactive and identify the most viable candidates for appointment. Once these candidates are identified, judges should not only mentor these individuals through the application process, but should also offer practical advice on how to be a good judge, manage a courtroom, and avoid the pitfalls that many new judges encounter.
5. To lend more credibility to their recommendations, minority and specialty bar associations should establish a formal application and evaluation process that is equivalent to the process used by the metropolitan bars.
6. The Governor should continue to provide his Judicial Selection Advisory Committee (JSAC) members with educational materials on the status of ethnic and gender diversity on the bench as compared to the state's population, and on the ways implicit bias may impact evaluations of applicants for judicial appointment. JSAC members should also be educated on how the judicial assignments process works at the superior court level, so they understand that the presiding judge has sole authority to make judicial assignments (see rule 10.603(c)(1), Cal. Rules of Court). To assist the Governor in educating JSAC members, the AOC and the State Bar Council on Access & Fairness should, to the extent funding permits, provide training in the areas of judicial diversity and implicit bias, if such training is requested by the Governor's Office.

THE LEAKY PIPELINE

1. The legal profession must undertake a concerted effort to educate the public about the value and benefits of a legal education, while at the same time acknowledging the reality that such an education is quite expensive. Part of this education process must include outreach to ethnic minorities to communicate the value to the minority community that being a lawyer brings.
2. Law schools and the legal profession should seek funding to implement innovative studies, such as the recommendations contained in Schultz and Zedeck's effective lawyering study, which developed race- neutral tools for identifying 26 factors that are predictors of attorney competence (see <http://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf>).

These tools could be used as a supplement to the LSAT (Law School Admissions Test). Note that the same tools are being considered for application in the legal employment area through focus groups and symposia being conducted by the State Bar Council on Access & Fairness.

3. The legal profession should seek private sector funding to provide financial assistance for economically challenged students to take LSAT preparation courses.
4. Law schools should be encouraged to create a culture of inclusion on campus. Law students of color should be exposed to more role models in the judiciary, and law schools should place greater emphasis on community-oriented or public sector employment as desirable career options.

DATA COLLECTION AND ACCESSIBILITY

1. The Governor's Office should be encouraged to provide more transparency in the application and appointment process, so that the success of efforts to increase judicial diversity can be more readily assessed.
2. In reporting annual demographic information, the Governor's Office should continue to do what it historically has done and use the same ethnic and racial categories specified in Government Code section 12011.5(n)(C)(3). (Please note that, after the summit, SB 126 (Davis) was enacted, which amended Government Code section 12011.5 so that it now provides, in subdivision (n)(C)(3), that the State Bar and the Administrative Office of the Courts shall use specified ethnic and racial categories in the annual demographic reports. The legislation does not impose such a mandate on the Governor's Office. The original bill language required the State Bar and the AOC to use the same categories as the Governor already was using, but language referencing the Governor's categories was amended out. Consequently, the ability to track the progress of judicial diversity by comparing apples to apples may yet remain elusive, unless the Governor's Office voluntarily continues to use the specified categories, or unless new legislation addresses this apparent oversight. (A copy of Government Code section 12011.5, as amended, is attached as Appendix 11.)
3. The Governor's Office should appreciate and recognize the contributions of lawyers with disabilities and endeavor to include more of such lawyers among the Governor's appointees. All agencies reporting annual demographic data should set a timetable for implementing a process that allows for the collection of information on applicants, appointees, and sitting judges who choose to disclose that they have a disability.

OUTREACH AND EDUCATION

1. To address the underrepresentation of minorities and communities of color in the judiciary, the bench and bar should, to the extent funding permits, develop outreach programs targeting youth in at-risk and underrepresented communities. In this regard, each court should have its own community outreach program or committee to develop a community-specific program. The AOC's Judicial Diversity Toolkit could be used as the foundation for

such outreach programs. The membership of a court's outreach committee should include representatives from the education and business communities. In addition, courts should be encouraged to establish programs similar to the First Impressions Program in Los Angeles and other programs that provide youth opportunities to learn how our court system works. Courts should be encouraged to collaborate with California Partnership Law Academies and other organizations such as AmeriCorps and Teach for America in presenting outreach and education programs. Finally, the Judicial Diversity Toolkit should be expanded to include model mock trials that teach young people about the court system (see e.g. the American Bar Association's mock trial, *The Big Bad Wolf v. The Three Little Pigs*).

2. The Judicial Council, the State Bar, and the Governor's Office should, to the extent funding permits, hold an annual judicial diversity summit. One focus of the summit should be to encourage lawyers from underrepresented groups to apply for judicial appointment. The summit should include a presentation from the Governor's Judicial Appointments Secretary, or equivalent staff person, to identify attributes the Governor is seeking in judicial applicants.
3. The Judicial Council, through the Education Division of the AOC, should develop mandatory judicial training on access, fairness, and bias in judicial decision-making that will provide judges a total of three hours of ethics credit every three years. This course will be designed to, among other things, assist justices and judges in addressing perceptions among communities of color that judges engage in biased decision-making.
4. Judges should mentor at-risk or underrepresented youth, law students, and lawyers and encourage them to consider a future on the bench.

THE ONLINE JUDICIAL APPLICATION

1. If there is an erroneous entry on the online application form, the error code should identify the specific error or highlight the problem entry so that the applicant can easily correct the entry. Currently, the applicant must review the entire page to attempt to identify any errors.

THE PERCEIVED GLASS CEILING

1. Presiding judges should educate the bar about how judicial assignments are made, so that there is more transparency about the process and the bar understands that assignments are governed by rule 10.603(c)(1), Cal. Rules of Court.
2. Judges who mentor judicial applicants should ensure the applicant understands that all of the work of the court is significant and important and that the first few years on the bench are devoted to training the new judge on how to manage a courtroom and make fair judicial decisions.
3. The bar should encourage diversity in judicial assignments, so that all court users see a variety of judges in all departments in the court.
4. Data should be collected on the level of diversity in the civil, felony trials, law and motion, and complex litigation assignments.

5. Work must be done to eliminate the perception that women and judges of color willingly avoid challenging assignments. The JNE Commission, the Governor's Judicial Selection Advisory Committees, the local and specialty bar association judicial evaluation committees, and others who may participate in the evaluation of judicial applicants should be informed that the superior court presiding judges have exclusive authority to assign trial court judges to the various departments. (See rule 10.603(c)(1), Cal. Rules of Court.)
6. Courts should consider mandatory rotation of judges in assignments. This will serve to level the playing field in terms of judicial experience. Women and ethnic minority trial court judges who seek elevation have found that their judicial resumé's are seen as less impressive than those of their Caucasian and male counterparts because they lack experience in what are deemed to be challenging and intellectually stimulating assignments.

ACTION PLAN

A review of the pie charts and bar graph PowerPoint slides provided as Appendix 4 reveals that much work remains to be done if California is to achieve the goal of having a judiciary that reflects the state's richly diverse population. Although a seemingly daunting task, the impressive list of accomplishments since the 2006 summit should provide a level of confidence that we can attain our goal.

Key to any level of future success will be a formal commitment from the judicial branch and the State Bar to continue their historic collaborative efforts to increase diversity in the legal profession and the judiciary. To facilitate this ongoing endeavor, a joint informal collaborative working group will be established consisting of members of the State Bar's Council on Access & Fairness and the Judicial Council's Access and Fairness Advisory Committee. The informal working group will invite participation from the Governor's advisor on judicial appointments, legislative staffers as designated by members of the Legislature: representatives from the Administrative Office of the Courts' Office of Governmental Affairs: the presidents or chairs of the African-American, Asian-Pacific Islander, and Hispanic judges associations; ethnic and specialty bar association representatives: and other key stakeholders. The informal working group will prioritize the recommendations contained in this report and set goals and timetables for completion.

Anyone desiring additional information regarding the summit or the work of the joint informal collaborative working group may contact Donna Clay-Conti at donna.clay-conti@jud.ca.gov or Patricia Lee at patricia.lee@calbar.ca.gov.

Respectfully submitted,



Hon. Brenda F. Harbin-Forte, Chair
2011 Judicial Summit Planning Committee

APPENDICES

Invitation and Agenda:

- APPENDIX 1: Invitation to the 2011 Judicial Summit
- APPENDIX 2: 2011 Judicial Summit Agenda

PowerPoint Slides:

- APPENDIX 3: PowerPoint slides presented at the 2011 Judicial Summit
- APPENDIX 4: Supplemental PowerPoint Slides

Reports:

- APPENDIX 5: State Bar's Diversity Pipeline Task Force, Courts Working Group's Final Report and Recommendations (February 2007)
- APPENDIX 6: Summary: 2006 Judicial Diversity Summit
- APPENDIX 7: Link to Judicial Council of California 2005 Report, *Trust and Confidence in the California Courts, Phases I and II*
 - http://www.courts.ca.gov/documents/4_37pubtrust1.pdf
 - http://www.courts.ca.gov/documents/PTC_phase_II_web.pdf

2010 SB 56 Demographic Reports¹:

- APPENDIX 8: Governor's Judicial Applicant Data Report
- APPENDIX 9: State Bar of California, Commission on Judicial Nominees Evaluation (JNE Commission) 2010 Statewide Demographic Report
- APPENDIX 10: Judicial Council of California/Administrative Office of the Courts' Report on Demographic Data Provided by Justices and Judges Relative to Gender and Race/Ethnicity as of December 31, 2010

Legislation:

- APPENDIX 11: Government Code section 12011.5 (as amended, effective 1/1/2012)

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- APPENDIX 12: State Bar's Council on Access & Fairness Tips/Checklist for Completing Online Application
- APPENDIX 13: State Bar's Council on Access & Fairness Report re JNE Commission Resource Materials [applying Govt. Code 12011.5(d)]
- APPENDIX 14: AOC's Judicial Diversity Toolkit, *Pathways to Achieving Judicial Diversity in the California Courts*: Cover Page, Table of Contents, and Link to complete copy (<http://www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf>)

¹ Since the conclusion of the summit, the 2011 SB56 demographic reports were released. The links to those reports are at: <http://gov.ca.gov/news.php?id=17437>; <http://www.courts.ca.gov/documents/2011DemographicReport.pdf>; and http://www.calbar.ca.gov/Portals/0/documents/JNE/2012-02_JNE_FinalTotalCandidatesSubmittedforEvaluation_r.pdf.

**Continuing a Legacy of Excellence:
A Summit on Achieving Diversity in the Judiciary**

September 7, 2011

Administrative Office of the Courts
Milton Marks Conference Center

Cosponsored by
The Judicial Council of California and
The State Bar of California

**Appendices for
Final Report and Recommendations**

August 1, 2012

Funding for the summit was provided by the Administration of Justice Fund and voluntary contributions to the State Bar.

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APPENDIX 1
Invitation to the 2011 Judicial Summit



WILLIAM N. HEBERT
President

The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
415-962-3886
www.calbar.ca.gov



TANI CANTIL-SAKAUYE
Chief Justice of California and
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director
of the Courts

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
415-865-4200
www.courts.ca.gov

July 26, 2011

Dear Invitee:

The Judicial Council of California and the State Bar of California invite you to attend the 2011 Summit on Diversity in the Judiciary: *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*—the second statewide summit of its kind—on Wednesday, September 7, 2011, from 9:30 a.m. to 3:00 p.m., at the Milton Marks Conference Center of the Ronald M. George State Office Complex, 455 Golden Gate Avenue, San Francisco, California.

The first statewide Summit on Diversity in the Judiciary was convened as part of the State Bar’s 2006 Spring Summit on Diversity. At that event, California judicial officers, State Bar representatives, the Governor’s judicial appointments advisor, members of the Legislature, and key stakeholders involved in the judicial appointments process gathered to examine the status of racial and ethnic diversity on the bench primarily, and gender diversity secondarily. The purpose of the summit was twofold:

- First, to further goal 1 of the judicial branch’s strategic plan, Access, Fairness, and Diversity, focusing on two of the branch’s policy goals: to “[c]ollaborate with . . . justice system partners to identify, recruit, and retain highly qualified appellate court justices [and] trial court judges . . . who reflect the state’s diversity” and to “[c]ollaborate with law schools, the State Bar, local bar associations, and specialty bars to achieve greater diversity in the legal profession.” (*Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012*, p. 28.)
- Second, to implement provisions of the State Bar’s strategic plan, goal 2, strategy 4, to “undertake activities to enhance the diversity of the legal profession [and] to eliminate bias in the practice of law” (*State Bar of California Long-Range Strategy*, p. 12.)

The 2006 summit inspired changes in the judicial appointments process and the enactment of legislation requiring public access to data and demographic information concerning judicial appointments to increase the transparency of the process. Since then, we continue to hear of

July 26, 2011

Page 2

concerns about the formal and informal judicial applicant evaluation process, as well as continuing issues about:

- The growing disparity between the state's population that is ethnically and gender diverse and a bench and bar that are less so;
- Obtaining comprehensive and consistent demographic data from law schools, the public and private sectors, the Administrative Office of the Courts, the State Bar, the Commission on Judicial Nominees Evaluation (JNE), and the Governor's Office; and
- The need to increase the recruitment and appointment of judicial candidates with disabilities and those from the lesbian, gay, bisexual, and transgender communities.

As California's demographics change, it is important that our judiciary reflect the state's growing diversity and that the bench and bar participate in the dialogue that may contribute to achieving greater judicial diversity and increased public trust and confidence in the judicial system.

Therefore, five years after our first summit, the Judicial Council and the State Bar are convening a follow-up summit to:

- Evaluate achievements since the 2006 summit;
- Focus on the current status of judicial diversity in California;
- Identify best practices for increasing diversity on the bench;
- Develop additional initiatives for achieving greater judicial diversity; and
- Create a five-year action plan for further accomplishments.

You are invited to be a part of this evaluation and review process by participating in the 2011 Summit on Diversity in the Judiciary. Please register online at judicialsummit@calbar.ca.gov no later than August 12, 2011. If you have any questions, please contact Donna Clay-Conti at 415-865-7911 or donna.clay-conti@jud.ca.gov.

We look forward to your participation at this important event.

Sincerely,



Tani Cantil-Sakauye
Chief Justice of California



William N. Hebert
President, State Bar of California

TCS/WH/DPCC/gck

Limited funding for this program is provided by the Administration of Justice Fund and voluntary contributions from the State Bar

APPENDIX 2
2011 Judicial Summit Agenda

(Note: Chief Justice Cantil-Sakauye was unable to give her keynote address.)

**CONTINUING A LEGACY OF EXCELLENCE:
A SUMMIT ON ACHIEVING DIVERSITY IN THE JUDICIARY
Wednesday, September 7, 2011 – 9:30 AM to 3:00 PM
Administrative Office of the Courts
Milton Marks Conference Center
Ronald M. George State Office Complex
San Francisco, California**

8:30 a.m. -- Registration Opens (Conference Center Lobby)

9:30 a.m. – 9:45 a.m. Welcome and Opening Remarks

- **Hon. Brenda F. Harbin-Forte**, Superior Court of the State of California, County of Alameda; Chair, Judicial Committee, State Bar of California's Council on Access and Fairness
- **William N. Hebert**, President, State Bar of California
- **Hon. James R. Lambden**, Court of Appeal, First Appellate District; Chair, Judicial Council of California's Access & Fairness Advisory Committee

9:45 a.m. – 10:00 a.m. Setting the Stage: Hon. Brenda F. Harbin-Forte

10:00 a.m. – 11:00 a.m. Ongoing Challenges: *Panelists will discuss the stated goals of achieving a diverse judiciary and identify challenges facing the bench and bar in achieving these goals.*

Panelists:

- **Moderator: Hon. Erica Yew**, Superior Court of the State of California, County of Santa Clara; **Member, Judicial Council of California**
- **Sen. Joseph Dunn** (Ret.), Executive Director, State Bar of California
- **William C. Vickrey**, Administrative Director of the Courts, Administrative Office of the Courts
- **Yolanda Jackson**, , Deputy Executive Director and Diversity Director, Bar Association of San Francisco, and General Counsel (North) California Association of Black Lawyers
- **Maribel Medina**, La Raza Lawyers of California, Chair, Judicial Appointments Committee
- **Edwin Prather**, Immediate Past President, Asian Pacific Bar of California
- **Russ Roeca**, Former Member, State Bar Council on Access & Fairness
- **Patricia Sturdevant**, President, California Women Lawyers

11:00 a.m. – 11:30 a.m. Presentation: Implicit Bias – Kimberly Papillon, Senior Education Specialist, Education Division, Administrative Office of the Courts

11:30 a.m. – 11:45 a.m. BREAK

11:45 a.m. – 12:30 p.m. Meeting the Challenges: Concurrent Breakout Sessions

1. **Judicial Appointments and Elections** – Overcoming barriers, the Judicial Nominees Evaluation (JNE) process, local bar review (**San Diego A**)
2. **The Leaky Pipeline** – Recruitment, mentoring, succession planning, minority bar support, and tracking of applicants (**San Diego B**)
3. **Data Collection and Accessibility** – metrics, raw numbers, demographics, sources, achieving accurate analysis (**San Diego C**)
4. **Outreach and Education** – Judicial Council Goal 1 and State Bar Long-Range Strategy; diversity of law clerks and staff attorneys; community outreach; outreach to high schools, colleges, and law schools (**Monterey**)
5. **Online Judicial Application** – Process and Content (**Benicia A**)
6. **The Perceived Glass Ceiling**–How judicial assignments impact recruitment of women and judges of color (**Benicia B**)

12:30 p.m. – 1:30 p.m. Lunch

Introduction of Keynote Speaker: Hon. James R. Lambden, Associate Justice, Court of Appeal, First Appellate District

Keynote Speaker: Hon. Tani Cantil-Sakauye, Chief Justice of California

1:30 p.m. – 2:45 p.m. Creating an Action Plan

Panelists will offer initial feedback to reports from Session Facilitators, followed by full discussion, feedback and prioritization of recommendations by summit participants.

Panelists:

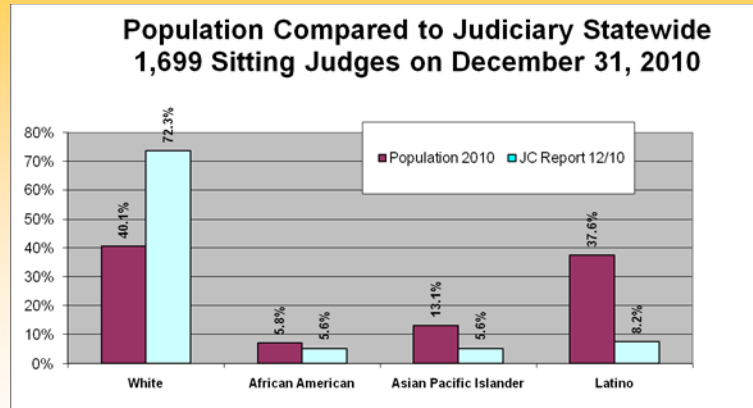
- **Moderator: Justice James Lambden**, Court of Appeal, First Appellate District
- **Justice William Murray**, Court of Appeal, Third Appellate District
- **Justice Maria Rivera**, Court of Appeal, First Appellate District
- **Judge Russell Hom**, Superior Court of the State of California, County of Sacramento
- **Judge Sharon Majors-Lewis**, Superior Court of the State of California, County of San Diego
- **Drucilla Ramey**, Dean, Golden Gate University, School of Law
- **Andrew Steckler**, Chair, State Bar Commission on Judicial Nominees Evaluation (JNE)

2:45 – 3:00 p.m. Closing Remarks -- Hon. Brenda F. Harbin-Forte, Superior Court of California, County of Alameda

3:00 p.m. ADJOURN

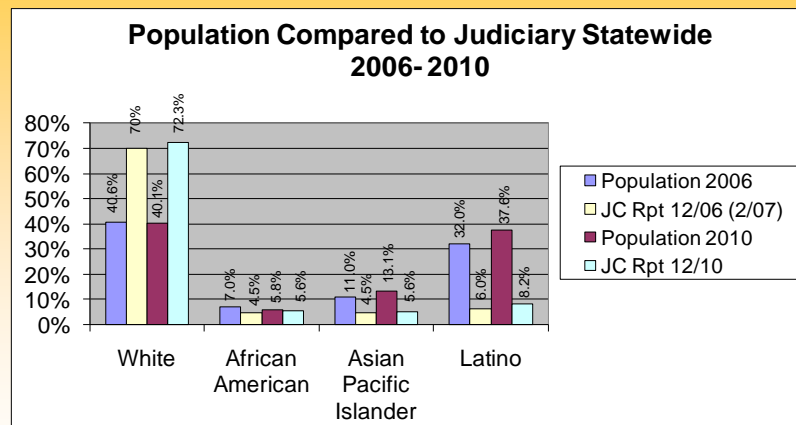
APPENDIX 3
PowerPoint Slides Presented at the 2011 Summit

Diversity in the California Courts



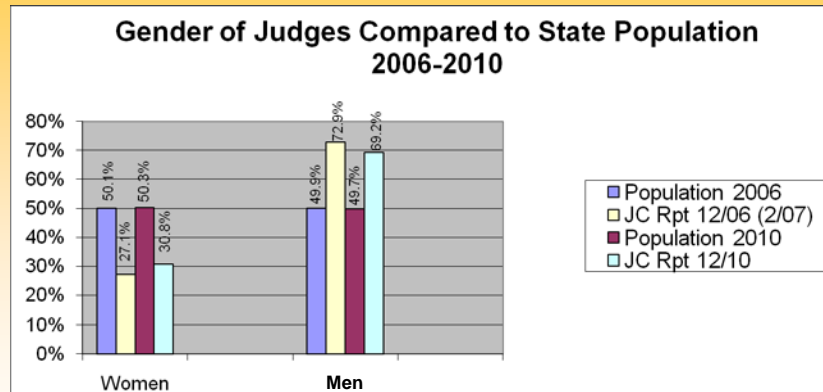
Data Sources: Judicial Council's 2006 and 2010 annual SB56 reports and the 2000 and 2010 Census reports.

Diversity in the California Courts



Data Sources: Judicial Council's 2006 and 2010 annual SB56 reports and the 2000 and 2010 Census reports.

Gender Diversity in the Courts



Data Sources: Judicial Council's 2006 and 2010 annual SB56 reports and the 2000 and 2010 Census reports.

ACCOMPLISHMENTS SINCE 2006

- Increase (Slight) in Percentage of Ethnic Minorities and Women Judges
- Judges From More Diverse Backgrounds
- Legislation Mandating Annual Statistical Data & Broad Experience
- Judicial Diversity Toolkit For Courts

ACCOMPLISHMENTS SINCE 2006

- Implicit Bias Training for JNE Commissioners
- Changes to the Judicial Appointment Application
- State Bar Online Tips on Applying
- “Road Show” Educational Program
- JNE Resource Materials - Gov’t C §12011.5(d) Re Broad Experience

ACCOMPLISHMENTS SINCE 2006

- Judicial Mentoring Programs in Alameda, Contra Costa, Los Angeles, San Francisco, and Other Counties
- Court-sponsored “How To” Programs
- State Bar Council on Access and Fairness

ACCOMPLISHMENTS SINCE 2006

- History Made In 2007
- First African American and First Woman Appointed as Judicial Appointments Secretary – Sharon Majors-Lewis
 - Increase in the percentage of women appointees from 31% to 35% at end of 2010
 - Increase in percentage of ethnic minority appointees from 16% to 24% at end of 2010

ACCOMPLISHMENTS SINCE 2006

- History Made Twice Last Week
- 1. Supreme Court Now Has A Majority of Ethnic Minorities -API
- 2. The Confirmation Panel For Justice Liu Was All-Female:
 - Chief Justice Tani Cantil-Sakauye
 - Justice Joan Dempsey Klein
 - Attorney General Kamala Harris



WHY VALUE JUDICIAL DIVERSITY?

- “In my view, a diverse bench not only will maintain and enhance our state’s tradition of having an excellent judiciary, but also will serve to reinforce our guiding principle – that we are committed to making our justice system fair and accessible to all.
 - Chief Justice Ronald M. George, Welcoming remarks, “Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary”, June 2006, San Jose, CA, convened by the State Bar



WHY VALUE JUDICIAL DIVERSITY?

- “When you recognize that, in the United States, it is the ability to petition our courts for fairness that keeps people from seeking justice in the streets, then you understand that diversity in the legal profession is critical for democracy to survive.”
 - Judge Dennis Archer (Ret.), Past ABA president

WHY VALUE JUDICIAL DIVERSITY?

- “...Judges can and do influence each other. They exchange ideas on and off the bench. **A judiciary that is comprised of judges from differing backgrounds and experiences leads to an interplay and exchange of divergent viewpoints, which in turn prevents bias, and leads to better, more informed decision making.** Diversity of opinion among decision makers encourages debate and reflection, and fosters a deliberative process that leads to an end product that is greater than the sum of its parts.”

*Editorial, American Judicature Society Magazine,
March/April 2010 ed.*

WHY POPULATION AND NOT BAR MEMBERSHIP

- Goal 1 of the California Judicial Council’s strategic plan is to achieve a judicial branch that “will reflect the diversity of the state’s residents.” Access to justice issue.
- “I strongly believe that any judge should be able to fairly hear and decide any case, no matter who the parties and regardless of the racial, ethnic, religious, economic or other minority group to which they belong. **Nevertheless, it cannot be questioned that a bench that includes members of the various communities served by the courts will help instill confidence in every segment of the public that the courts are indeed open to all persons and will fairly consider everyone’s claims.**” *California Chief Justice Ronald M. George, 2007 remarks at Senate Judiciary Committee’s Public Hearing on the Judicial Selection Process*

WHY POPULATION AND NOT BAR MEMBERSHIP

- Lawyers don't own cases, causes of actions, claims – CLIENTS DO
- CLIENTS come from the general population
- Lawyers want fair results for CLIENTS
- Explosion of self-represented litigants who come from the general population
- “PUBLIC” trust and confidence = “general population” trust and confidence in our court system

California State Bar Diversity

Categories	2001 Survey	2006 Survey	2004 CA Census
Active Bar Members	148,000	154,500	
Race/Ethnic Minorities			
African American	2.4%	1.7%	6.0%
Latino/Hispanic	3.7%	3.8%	35.0%
Asian/Pacific Is.	6.0%	5.3%	12.0%
Other/Mixed	4.9%	4.8%	3.6%
Total Minorities	17.0%	15.6%	56.6%
Women	32.0%	34.0%	50.7%
LGBT	2.4%	5.2%	2.1%
Disabilities	4.0%	No data	17.4%

THE POTENTIAL POOL

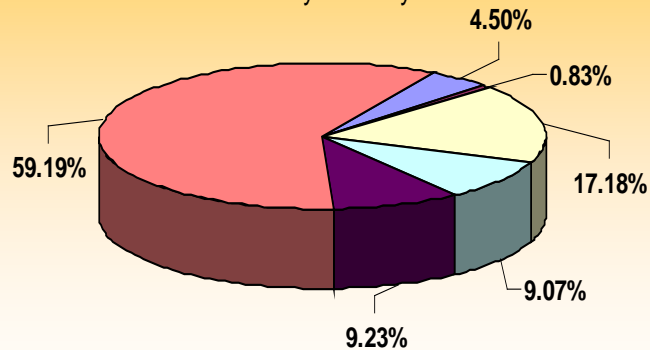
Eligible for Judicial Appointment

(passed bar between 1979 and 2000)

Women	African American	Asian American	Latino	Other Minority
53,128	4,491	8,506	6,678	4,788

Law School Pipeline

ABA Accredited CA Law School
Enrollment by Ethnicity 2004



<input type="checkbox"/> African American	<input type="checkbox"/> American Indian	<input type="checkbox"/> Asian Pacific Islanders
<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Unknown	<input type="checkbox"/> Caucasian



THE POTENTIAL POOL- WHO QUALIFIES THE QUALIFIED?

- Informally: The Governor’s Judicial Selection Advisory Committees (aka “Secret Committees”)
 - Membership, including diversity thereof, not known or made public, criteria used to evaluate candidates not known or made public, methods of investigating candidates not known or made public
- Formally: State Bar’s Commission on Judicial Nominees Evaluation (JNE) (“aka “Jenny” Commission”)
 - Membership, including diversity thereof, is known and made public, published criteria for evaluating candidates, broad input from all stakeholders, members receive bias training and cultural sensitivity training.



THE POTENTIAL POOL- WHO QUALIFIES THE QUALIFIED?

- Formally: Local and Minority Bar Judicial Appointments Evaluation Committees
 - Appointments through bar association policies and protocols: membership, including diversity thereof, is known and made public, specific criteria for evaluating candidates

The Potential Pool -- JNE Ratings by Ethnicity 2006 - 2010 (raw numbers)

	EWQ	WQ	Q	TOTALS
Asian/PI	4	21	49	74
Black	6	25	60	91
Hispanic	6	43	69	118
TOTALS	16	89	178	283

Ethnic Diversity of Appointments January 1, 2006 – December 31, 2010

COURT	NUMBER OF APPTS	ETHNIC DIVERSITY OF APPOINTEES			
		African American *	Asian/Pacific Islander *	Latino *	Total Ethnic *
Supreme Court	1	N/A	1	N/A	1
Courts of Appeal	29	6	1	1	8
Superior Courts	479	41	36	54	131
All Courts	509	47 (9.2%)	38 (7.5%)	55 (10.8%)	140 (27.5%)

* Ethnic information compiled by COAF

The Potential Pool -- JNE Ratings by Gender 2006 - 2010 (raw numbers)

	EWQ	WQ	Q	Totals
WOMEN	11	97	233	341

Gender Diversity of Appointments January 1, 2006 – December 31, 2010

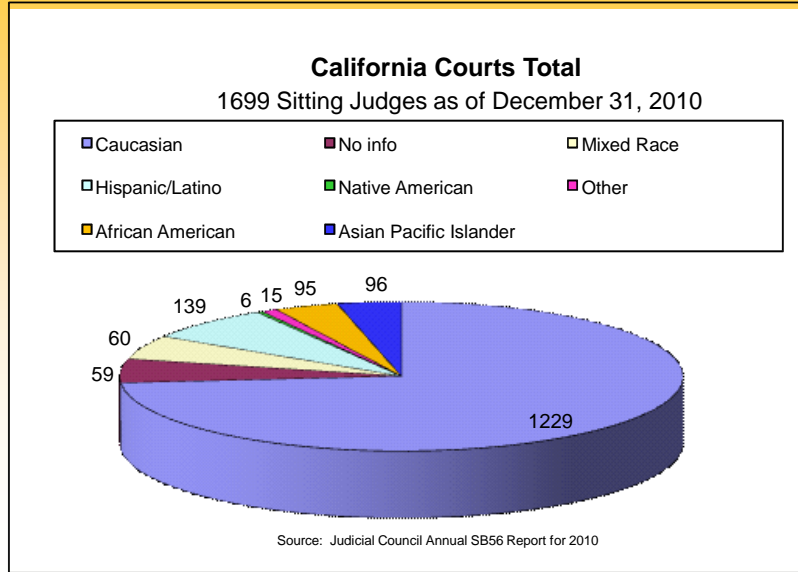
TYPE OF COURT	NUMBER OF APPTS	GENDER DIVERSITY OF APPTS	
		Men *	Women *
Supreme Court	1	N/A	1
Courts of Appeal	28 ¥	18 ¥	10
Superior Courts	480	312	168
All Courts	509 ¥	330 (65%)	179 (35%)

¥ Excludes 1 male appt'd 2x as PJ of Ct of App.

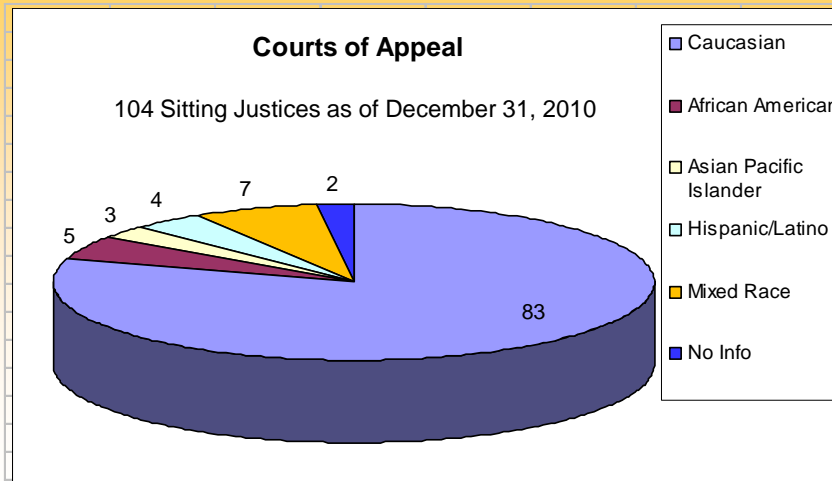
* Diversity information compiled by COAF

APPENDIX 4
Supplemental PowerPoint Slides

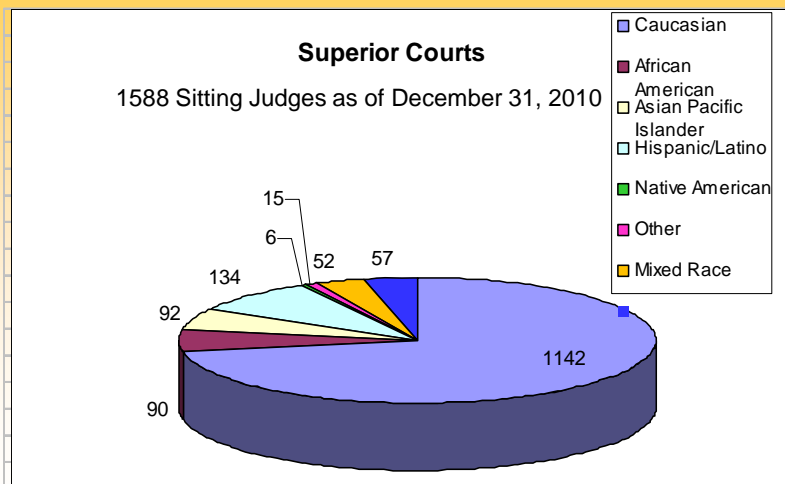
Ethnic Diversity – All Courts – YE 2010



Ethnic Diversity - Courts of Appeal - YE 2010



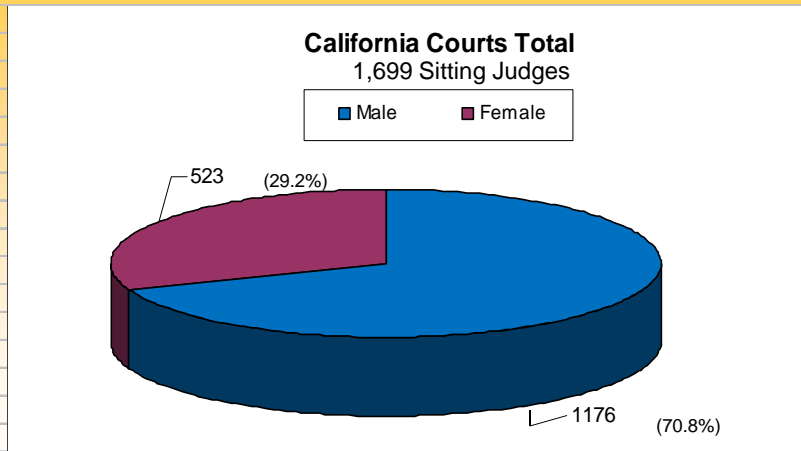
Ethnic - Superior Courts – YE 2010



Source: Judicial Council Annual SB56 Report for 2010

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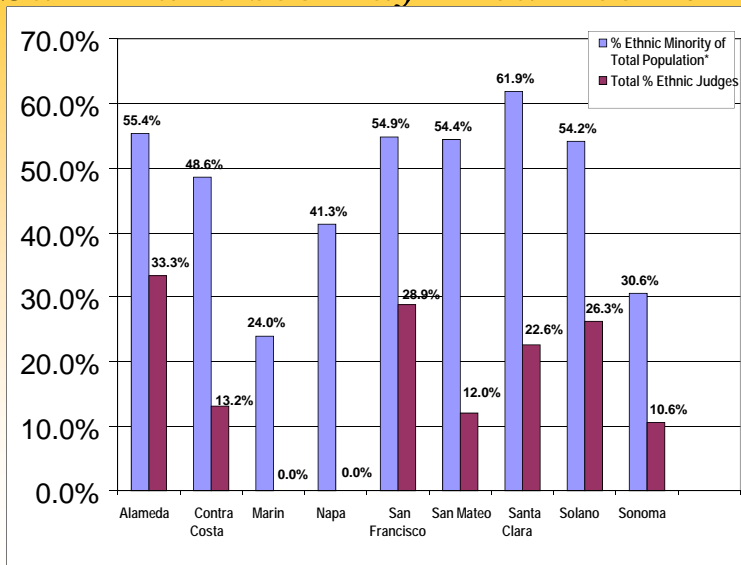
Gender – All Courts—YE 2010



Source: Judicial Council Annual SB56 Report for 2010

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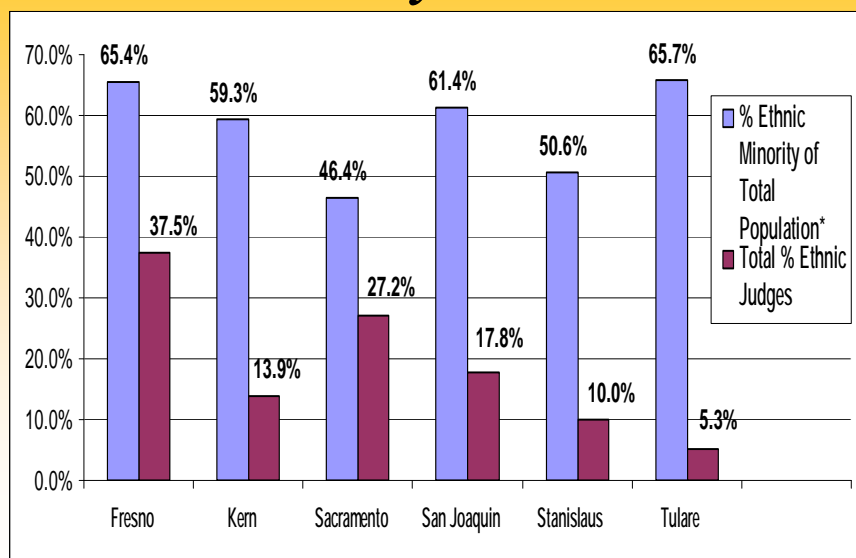
San Francisco Bay Area Dec 2010



Sources: 2010 Census and Judicial Council Annual SB56 Report for 2010
(Note *Ethnic* = African American, Asian/Pacific Islander, and Latino)

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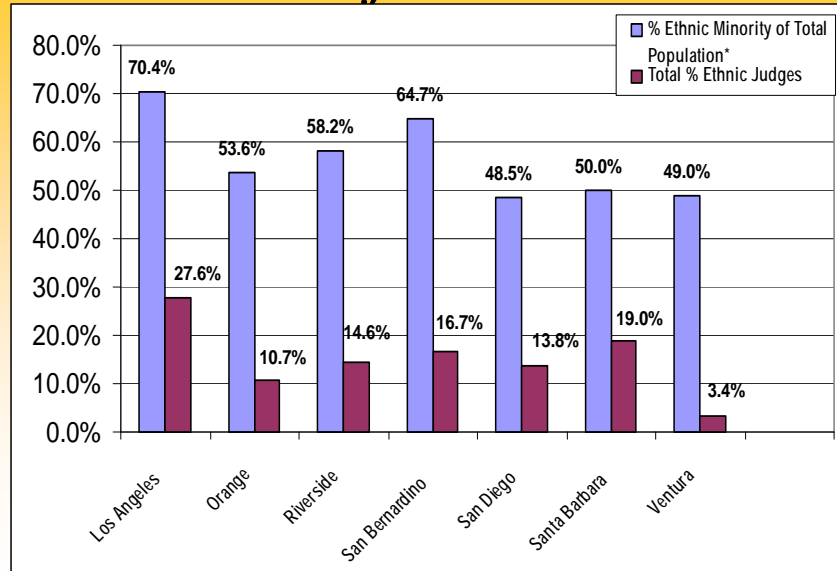
Central Valley - Dec 2010



Sources: 2010 Census and Judicial Council Annual SB56 Report for 2010
(Note *Ethnic* = African American, Asian/Pacific Islander, and Latino)

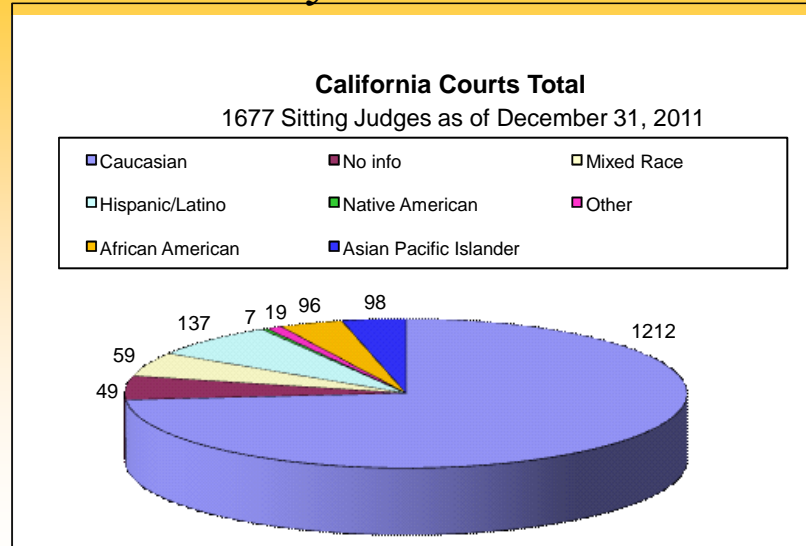
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Southern California - Dec 2010



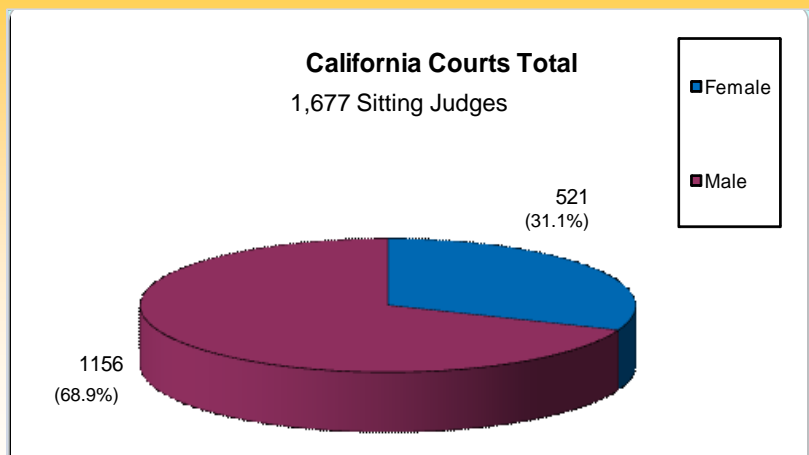
Sources: 2010 Census and Judicial Council Annual SB56 Report for 2010
(Note *Ethnic* = African American, Asian/Pacific Islander, and Latino)

Ethnic Diversity – All Courts – YE 2011



Source: Judicial Council Annual SB56 Report for 2011

Gender – All Courts—YE 2011



Source: Judicial Council Annual SB56 Report for 2011
9

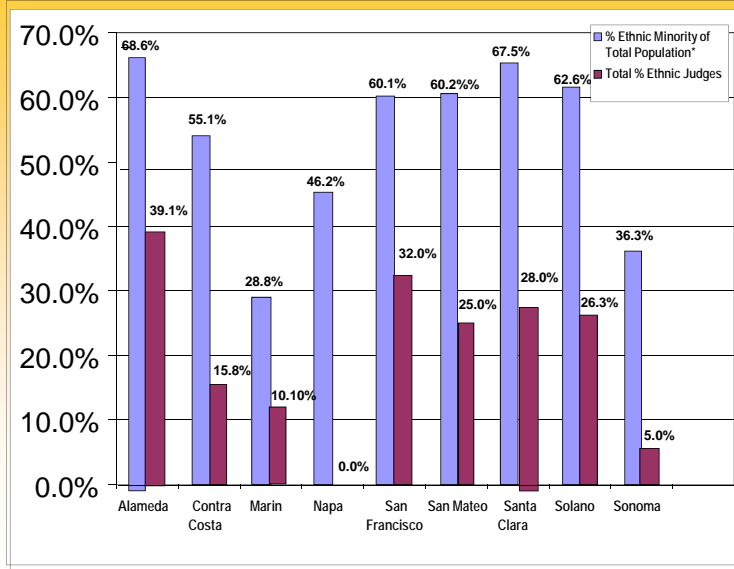
Other Diversity in the Courts

Heterosexual	LGBT	No Info	Totals
57.7% (969)	2.16% (37)	40% (672)	99.86%* (1678)

Source: Judicial Council Annual SB56 Report for 2011
*Judicial Council numbers reflect 100.1% of the bench



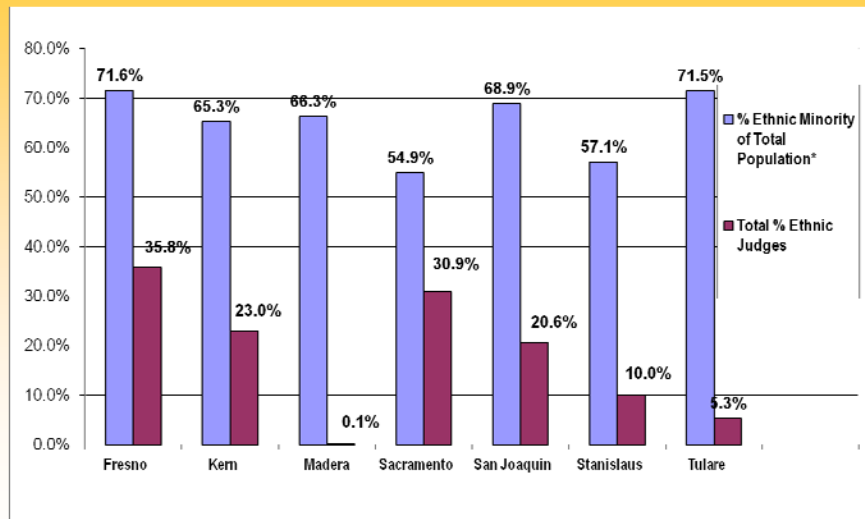
San Francisco Bay Area Dec 2011



Sources: 2010 Census and Judicial Council Annual SB56 Report for 2011
(Note "Ethnic" = All Non-Caucasian Census Categories)



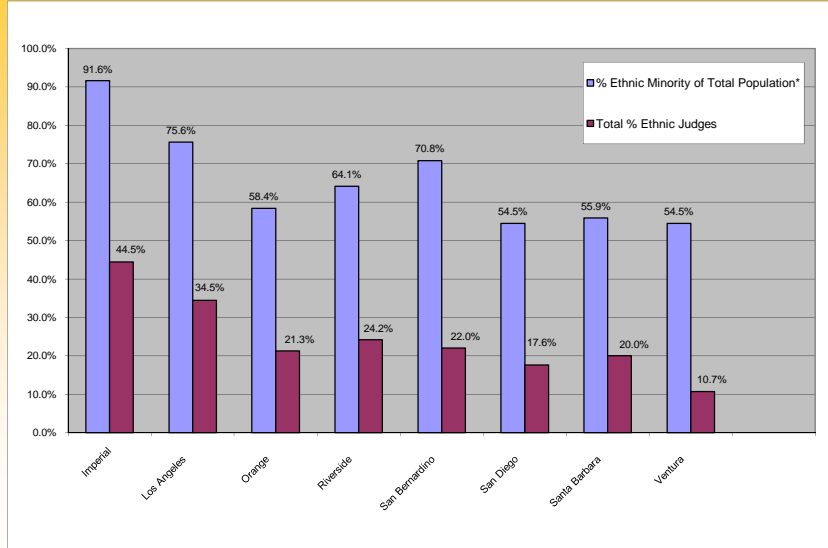
Central Valley - Dec 2011



Sources: 2010 Census and Judicial Council Annual SB56 Report for 2011
(Note "Ethnic" = All Non-Caucasian Census Categories)



Southern California - Dec 2011



Sources: 2010 Census and Judicial Council Annual SB56 Report for 2011
(Note "Ethnic" = All Non-Caucasian Census Categories)

APPENDIX 5
State Bar's Diversity Pipeline Task Force,
Courts Working Group's Final Report and Recommendations
(February 2007)

THE STATE BAR OF CALIFORNIA

**DIVERSITY PIPELINE TASK FORCE
COURTS WORKING GROUP
FINAL REPORT AND RECOMMENDATIONS
FEBRUARY 15, 2007**

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**DIVERSITY PIPELINE TASK FORCE
COURTS WORKING GROUP
FINAL REPORT AND RECOMMENDATIONS
FEBRUARY 15, 2007**

BACKGROUND

In September 2005, the State Bar created the Diversity Pipeline Task Force, a broad-based group of stakeholders committed to furthering the State Bar's diversity goals.

The Task Force is comprised of representatives from the bench and bar, law firms, corporate counsel, educational institutions and the government/public sector. The pipeline model is intended to serve as a resource model and guide to fostering collaborative activities and efforts along the career pipeline, pre-school to law school, resulting in entry and advancement into the legal profession. Its main goal is to develop student aspirations and to generate and provide support to increase the number of diverse lawyers in the legal profession.

The work of the Task Force was performed by various work groups, with the Courts Working Group being one such entity. The Honorable Brenda Harbin-Forte, a judge of the Alameda County Superior Court, chaired the Courts Working Group. A complete roster of the Courts Working Group is appended hereto as Attachment 1.

As part of its Task Force activity, the Courts Working Group held a Judicial Summit in conjunction with the State Bar Diversity Summit in June 2006. The summit, themed "Continuing a Legacy of Excellence: A Summit On Diversity In The Judiciary", was called for the purpose of convening judges and other key participants, including representatives from the Governor's Office, Legislature, Judicial Council and bar leaders, to discuss the current state of diversity in the judiciary and to develop recommendations to encourage a more diverse bench. A copy of the agenda for the Judicial Summit is appended hereto as Attachment 2.

After considering the comments from the members of the judiciary and other participants at the Judicial Summit, and based on legislative events that occurred thereafter, the Courts Working Group has developed the following recommendations.¹

¹ Many of the original recommendations advanced by the Courts Working Group regarding collection and reporting of demographic information were incorporated into SB 56, the requirements of which are discussed on the following pages.

FINAL RECOMMENDATIONS OF THE COURTS WORKING GROUP

I. DATA COLLECTION AND ACCESSIBILITY

CONCERNS:

California currently has 1,610 authorized judgeships², with one Supreme Court having seven justices, five appellate districts having 105 justices, and 58 Superior Courts with 1,498 judges. In seeking to establish baseline numbers reflective of the degree of diversity in the court system, working group members discovered that there were neither complete nor reliable statistics on the races, ethnicities and genders of the state's judges. The statistics provided by the Administrative Office of the Courts revealed that almost 500 judges, or approximately one-third of the state's judiciary, had declined to provide voluntary information on their race or ethnicity.

In order to establish baseline data on the degree of ethnic diversity among judges and justices, the members of the Courts Working Group compiled their own statistics for presentation at the summit. A copy of the statistical report on ethnic diversity is appended hereto as Attachment 3.

As was the case with obtaining official statistics on the level of ethnic diversity, it was similarly difficult to acquire official baseline data on the level of gender diversity in the courts. The Courts Working Group collected some preliminary numbers on the number of female and male judges, primarily by examining the names of judges, and presented those tentative figures at the Judicial Summit. A copy of the gender statistics is appended hereto as Attachment 4.

In addition to the 1,610 judges and justices, there are approximately 400 commissioners and referees who preside over cases in our courts. These subordinate judicial officers ("SJOs") are selected by the judges on whose courts they serve. The Courts Working Group again, finding no official statistics on the level of ethnic diversity among these SJOs, researched and compiled its own statistics, limited to diversity among commissioners. A copy of the statistical report reflecting the combined level of diversity among trial court judges and commissioners that was presented at the Judicial Summit is appended hereto as Attachment 5.

In addition to a paucity of information on the degree of diversity among sitting judges and commissioners, the Working Group encountered the absence of reliable information on the demographics of the current Governor's appointments to the bench. Appended hereto as Attachment 6 is the Courts Working Group's summary of judicial appointments for the period November 2003 to May 5, 2006, which was distributed to attendees at the judicial summit.

² Fifty (50) new trial court judgeships have already been approved by the Legislature. The Judicial Council anticipates that the legislature will approve and fund 100 more trial court judgeships over the next two years. These additional 150 seats will result in a total of 1,760 judgeships. In addition, the Judicial Council hopes to add an unspecified number of appellate judgeships. Thus, in the next five years, there may well be approximately 1,800 judges on the trial and appellate courts in California.

The absence of official baseline numbers will make it more difficult to assess the effectiveness of future efforts to diversify the judiciary.

RECOMMENDATIONS

1. The State Bar should assist the Governor's office and the Administrative Office of the Courts in the implementation of Senate Bill No. 56 (2005-2006 Reg. Sess., as amended August 29, 2006), now codified at Government Code section 12011.5(n), which requires the following:
 - (a) the Governor to disclose aggregate statewide demographic data provided by all judicial applicants relative to ethnicity and gender,
 - (b) the designated agency of the State Bar responsible for evaluation of judicial candidates to collect and release on an aggregate statewide basis (a) statewide demographic data relative to ethnicity and gender provided by judicial applicants reviewed by the designated State Bar agency, and (b) the statewide summary of the recommendations of the designated agency by ethnicity and gender, and
 - (c) the Administrative Office of the Courts to collect and release the demographic data provided by justices and judges relative to ethnicity and gender, by specific jurisdiction.
2. Working through the Bar Leaders Conference, the State Bar should encourage each county bar to provide an annual report to the State Bar regarding the state of diversity on that county's bench, using uniform reporting categories such as the racial and ethnic classifications used by the Department of Finance in its collection and reporting of demographic information. The State Bar should facilitate data collection by providing a standardized form. The report should be submitted by June 30 of each year, and should detail, as of December 31 of the preceding year, the aggregate race/ethnicity and gender of the judicial officers on that superior court bench. For those locales with no county bar association, the local bar association in an adjoining county should be encouraged and enlisted to gather the demographic data for that county.
3. The ethnic judges' associations (The Judicial Council of the California Association of Black Lawyers, The California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council) should continue to work collaboratively to collect and release, on an aggregate statewide basis, demographic data on the diversity of California's state and federal courts. The racial and ethnic categories should correspond to those classifications used by the Department of Finance in its collection and reporting of demographic information. The groups should issue their first reports on June 30, 2007.

4. The Administrative Office of the Courts should be encouraged to collect and release aggregate data on the level of racial, ethnic, gender, and other recognized types of diversity among the commissioners and referees hired by the courts in the 58 counties.
5. The State Bar should seek to facilitate future discussions on pipeline “leakage” by maintaining statistics on the ethnic minority and women law school enrollment of all accredited California law schools and receiving input from minority and women law student associations (e.g., Law Students of African Descent, La Raza Law Students, Asian Law Students, etc.), minority bar associations, and its own advisory committees such as the Council on Access and Fairness.
6. The Governor’s Office, the Administrative Office of the Courts, and the State Bar should establish a confidential mechanism for collecting and reporting voluntary information on the aggregate number of judges and SJOs who are lesbian/gay/ bisexual/transgendered or who have a disability.

II. OVERCOMING BARRIERS:

CONCERNS:

The demographic data compiled by the working group revealed that in each of the 58 counties in California, the number of Caucasian judges on the bench exceeded the percentage of Caucasian population for the county. In many counties with high ethnic minority populations, and presumably high numbers of court users who were ethnic minorities, there were no judges of color presiding over the myriad matters adjudicated for that diverse population.

The members of the Working Group agreed that there were certain barriers—real and perceived—to achieving the goal of a truly diverse judiciary. The working group members acknowledge that the process of judicial appointments is an inherently political one, and that the job of appointing judges falls to the executive branch of government. Nonetheless, the working group felt that there were significant opportunities for all three branches of government to work together to improve the appointment process. The Judicial Branch --- its Judicial Council, judges and lawyers -- can help develop effective strategies to recruit, screen and retain a more diverse judiciary. The Legislative Branch’s system of checks and balances can be used to assure that efforts to achieve a more representative judiciary are realized. The Executive Branch can publicly declare a commitment to diversity in making appointments to the bench, just as it has declared a commitment to diversity in making appointments to boards and commissions.

The working group members felt that more transparency at certain critical junctures would increase public trust and confidence and advance the administration of justice.

One perceived barrier to achieving diversity relates to the judicial evaluation process. The various peer review processes required by statute (the Commission on Judicial

Nominees Evaluation (hereinafter “JNE) or utilized by the Governor’s office for evaluating applicants for judicial appointments (county bar judicial evaluation committees) are perceived by some as being unfair to underrepresented groups due to a lack of transparency regarding the processes themselves, and a perceived lack of accountability for evaluative outcomes. Cultural and other biases may adversely affect the ratings given to minority applicants for judicial appointment by the JNE commissioners and the members of county bar judicial evaluation committees. While reliable statistical data is unavailable, there is a belief that a disproportionate percentage of ethnic minorities and women applicants are rated “not qualified” or barely “qualified “ while non-ethnic minorities and male applicants with similar qualifications receive higher ratings.

Similarly, the screening committees used by the Governor’s office were also seen as barriers, to the extent that neither the names of these judicial gatekeepers, nor the criteria and process they employ to evaluate judicial applicants, are made public. The evaluations performed by these local screening committees often influence the Governor’s decisions as to which judicial candidates are forwarded for formal JNE evaluation. Thus arguably, these anonymous local screening committees, applying criteria and following a process unknown to the candidates or the public, can prevent qualified judicial candidates from advancing to the formal JNE screening process.

On a related note, the working group members recognized that many members of underrepresented groups have legal practices that emphasize civil, family, juvenile, probate, mediation, and other areas where jury trials are not common. The application for judicial appointment, and the JNE Commission evaluation form, both seem weighted heavily toward jury trial experience.

Finally, some interested parties raised concerns that, even though criminal jury trial experience seemed a preferred quality for applicants seeking appointment to the bench, those applicants who have extensive trial experience gained through representing criminal defendants (e.g., public defenders) were nonetheless perceived as “less qualified” to hold judicial office. Given the numbers of minorities and women engaged in criminal defense practice, this perception could further discourage minority and women applicants and limit the pool of diverse attorneys for appointment to the bench.

RECOMMENDATIONS:

1. The State Bar should continue to conduct outreach to the minority and specialty bar associations to explain the role and procedures of the JNE Commission in the appointments process, to encourage members of minority and specialty bar associations to apply for positions on the JNE Commission, and to educate members of minority and specialty bar associations on the types of professional backgrounds, training, and experiences they should seek out to make them more attractive as judicial applicants.

2. The State Bar should require a minimum of two (2) hours of mandatory training for all JNE commissioners in the areas of fairness and bias in the judicial appointments process.
3. The State Bar should work with the Administrative Offices of the Courts and the Governor's office in implementing Senate Bill No. 56, as stated above.
4. County and state population figures³, not state bar membership, should be used as the standard in the reports under Senate Bill No. 56 by which the pool of desired level of diversity of judicial applicants should be measured.
5. County bar associations that have evaluation contracts with the Governor's office should be encouraged to submit an annual public report on the total number of applicants evaluated and the aggregate ratings given to applicants, relative to ethnicity and gender, modeled after the reports required of JNE by SB 56. These county bar association judicial evaluation committees should also be encouraged to disclose voluntarily the makeup of their membership in terms of racial, ethnic, gender and other recognized types of diversity.
6. The application form for judicial appointment used by the Governor's Office should be amended to add questions specifically designed to elicit an applicant's experience in areas of the law that may not involve jury trials or litigation and information about other qualifying experiences and skill-sets, including cultural sensitivity.
7. The JNE evaluation form should be amended to elicit evaluator comments on an applicant's experience in non-jury trials and about other qualifying experiences and skill-sets, including cultural sensitivity.
8. The Governor's Office is encouraged to articulate publicly its position on the importance of judicial diversity and its philosophy and strategies for achieving a more representative judiciary.
9. The leaders of the Executive, Legislative, and Judicial Branches should continue to work collaboratively to ensure that California's judiciary reflects the rich diversity of the population that it serves.

³The Working Group relies on Connerly v. State Personnel Board (2001) 92 Cal.App.4th 16 for its view that the collection of accurate data based on race and gender does not violate Proposition 209. "[A] monitoring program designed to collect and report accurate and up-to-date information is justified by the compelling governmental need for such information. So long as such a program does not discriminate against or grant a preference to an individual or group, Proposition 209 is not implicated." (Id., 46-47.)

III. RECRUITMENT

CONCERNS:

Greater outreach and recruitment efforts are needed to increase the number of lawyers from diverse backgrounds who apply for judicial appointment. It is a necessary and proper role of the bar and the judiciary to develop long-range and viable recruitment strategies to achieve a larger applicant pool.

RECOMMENDATIONS

1. To the extent allowed by relevant provisions of the California Constitution (e.g. Proposition 209), the pool of commissioners and referees hired by each superior court should represent the rich diversity of the community served by that court.
2. In an effort to increase the applicant pool, judges should take a pro-active role in recruiting, grooming, and mentoring candidates from diverse backgrounds for judges, commissioners, referees, pro tem judges, and judicial clerks for the trial and appellate courts, helping them design individual strategies calculated to qualify them for eventual judicial appointment.
3. The State Bar should work with courts, in conjunction with local and specialty bar associations, to present educational programs for lawyers, patterned after the “So, You Want To Be A Judge?” programs presented by the California Women Lawyers bar association, to educate attendees on the judicial appointments and elections processes, judicial salary and benefits, and the overall benefits of pursuing a judicial career.
4. Because elections to judgeships can serve as a viable option for increasing diversity on the bench, judges should take a pro-active role in educating lawyers from diverse backgrounds on how to run for open judicial seats.
5. Judges should work with local, minority and other specialty bar associations to identify, recruit and support all qualified candidates for judicial appointment.
6. Mentor judges should provide support and preparation for all levels of the appointments process, in particular early career planning, “how to be a judge” programs, and mock interviews to prepare for meetings with local screening committees and the Governor’s Office.
7. Retiring ethnic minority judges should engage in “succession” planning by grooming ethnic minority lawyers to succeed to that seat.
8. Local, minority and other diversity bars should develop methods to identify and track the progress of ethnic minority and women judicial applicants.

IV. OUTREACH AND EDUCATION

CONCERNS:

Goal 1 of the Judicial Council's strategic plan, as amended in December 2006, provides:

California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents.

The Working Group recognizes that superior courts have ongoing community outreach programs that encourage judges to relate to their local communities. Despite tremendous and varied outreach efforts, however, many members of the public continue to experience an unacceptable level of dissatisfaction with their court experiences.

Public trust and confidence surveys also reveal that the perception still exists that certain ethnic minorities are treated unfairly in the court system. For example, in the most recent report published by the Judicial Council, more than half of all respondents, regardless of race or ethnicity, felt that African-Americans usually receive worse results with respect to case outcomes.⁴ Even more felt that individuals from low-income and non-English speaking communities experience worse case outcomes.

The attendees at the judicial summit and the members of the Working Group feel that the degree of diversity on the bench may impact the public's perception of the level of justice received by members of certain communities. Greater diversity may well lead to an increased level of public trust and confidence in the court system.

RECOMMENDATIONS

1. The State Bar should work with the Judicial Council to implement an action plan to carry out Goal 1 of its strategic plan, with specific deadlines and timetables for achieving the goal of ensuring that the judicial branch reflects the diversity of the state's residents.
2. The State Bar and the Administrative Office of the Courts should implement similar education and outreach efforts to publicize career opportunities within

⁴ "It is notable and cause for substantial concern that the majority of every major ethnic group perceive "worse results" in outcomes for African-Americans, low-income people, and non-English speakers." *2005 Trust and Confidence in the Courts, A Survey of the Public and Attorneys, Commissioned by the Administrative Office of the Courts and on behalf of the Judicial Council of California, September 2005, Part I: Findings and Recommendations, pages 29- 30.*

each organization and strive to ensure that staff members fairly represent the rich diversity of California's population. In addition, the Judicial Council should encourage justices of the Supreme Court and the Courts of Appeal to hire a diverse pool of law clerks and staff attorneys.

3. **OUTREACH TO THE COMMUNITY:** The State Bar and/or the Judicial Council, the Administrative Office of the Courts and its appropriate departments should:
 - a. develop strategies to educate the community at large on the importance of the judicial branch and the value of diversity on the bench career opportunities in the legal field. Courts should identify and present to diverse community groups judicial role models from non-traditional backgrounds.
 - b. consider developing and offering periodic regional workshops for judges and court leaders on appropriate community outreach, and should allow judges to count toward their minimum continuing education expectations any hours spent on such "qualified" outreach efforts.
 - c. encourage judges to work with community-based organizations (community groups, churches and other religious institutions, service clubs, etc.) in efforts to increase diversity in the courts.

4. **OUTREACH TO SCHOOLS:** The State Bar, and/or the Judicial Council, the Administrative Office of the Courts and its appropriate departments should:
 - a. work with school districts to develop age-appropriate "street law"- type programs for all grade levels (K-12) that expose students to the judicial process and the various roles for law enforcement, lawyers and judges in the juvenile and adult criminal justice systems.
 - b. be encouraged to develop, with the assistance of bar associations, educational programs for high school, college and law students on the judicial appointments and elections processes as a way to encourage youth to consider the judiciary as a career option.
 - c. be encouraged to fund local programs designed to create volunteer opportunities in the courts for high school, college and law students, and to expose them to job opportunities in various levels of court administration.
 - d. encourage courts to use the American Bar Association's mock trial programs or other similar programs for elementary school students (i.e., those based on familiar fairy tales) as a means of getting young people interested in legal careers.

- e. be encouraged to work with junior high and high school career counselors to encourage them to steer students from diverse backgrounds toward law as a viable career option.
 - f. prepare a readily accessible packet of materials for wide distribution to students providing information on the law as a career and the various roles lawyers can play in the judicial system, including becoming judges. The packet, which should be available online and through the mail, should also educate students on career options related to the judicial system, including such careers as court interpreters, police officers, probation officers, court reporters, clerks, bailiffs, etc.
5. OUTREACH TO LAW SCHOOLS: The State Bar, and/or the Judicial Council, the Administrative Office of the Courts and its appropriate departments should:
- a. be encouraged to work with college career planning counselors to develop and host pre-LSAT classes and “So, You Want To Be A Lawyer?” workshops.
 - b. be encouraged to work with local law schools to host an annual program for first year law students on how to lay the foundation for a future career as a judge.
 - c. work with local law schools to design county programs for law students, such as the Legal Aid clinics.
 - d. encourage and work with law schools to develop a week-long orientation course for entering students to help prepare them to succeed in law school.

CONCLUSIONS

The Courts Working Group believes that a diverse judiciary is not just an admirable goal, but also a necessary and achievable one. If the recommendations contained in this report are implemented, California’s judiciary will be on the path to reflecting the diversity of the population it is designed to serve. Increased diversity will result in a greater degree of public trust and confidence in the court system, and all California citizens will reap the positive benefits that flow from the perception that equal justice is indeed being dispensed in the state’s courthouses.

**State Bar of California
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Diversity Pipeline Task Force
2005-2006**

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**CONTINUING A LEGACY OF EXCELLENCE:
A SUMMIT ON DIVERSITY IN THE JUDICIARY
Saturday, June 3, 2006, San Jose Marriott Hotel
301 South Market Street, San Jose, California
(408) 280-1300**

PROGRAM

9:00 a.m.-1:00 p.m.

Registration

11:00 a.m.- 1:00 pm

Buffet luncheon

12:00 - 12:30 p.m. Welcome and Opening Remarks

Hon. Brenda F. Harbin-Forte, Alameda County Superior Court, Chair, Courts and Government/
Public Sector Working Group, State Bar's Diversity Pipeline Task Force
James Heiting, Esq., President, State Bar of California
Hon. James Lambden, Court of Appeal, First District, Chair, Judicial Council's Access &
Fairness Advisory Committee
Hon. Ronald M. George, Chief Justice, California Supreme Court

12:30-1:45 p.m. Panel One: Identifying The Barriers

Panelists discuss why a diverse judiciary serves the public interest and improves public trust and confidence, and take a candid look at the various barriers to establishing a more diverse judiciary

Hon. LaDoris Cordell (Ret.) Santa Clara County Superior Court, Moderator
Hon. William J. Murray, San Joaquin County Superior Court
Hon. Emily Vasquez, Sacramento County Superior Court
Hon. Erica Yew, Santa Clara County Superior Court
John Davies, Esq., Judicial Appointments Advisor, Office of the Governor
Andrew Sweet, Esq., Chair, State Bar's Commission on Judicial Nominees Evaluation
Chris Arriola, Esq., President, Santa Clara County Bar Association

1:45- 2:00 p.m. BREAK

2:00- 3:30 p.m. Concurrent Discussion Groups: Finding The Solutions

Participants engage in small group discussions to explore ways to overcome identified barriers to creating a diverse judiciary, and report back their recommendations to the full group

3:30- 4:45 p.m. Panel Two: A Call To Action: Reality Checks And Recommendations

Panelists comment on proposed recommendations, discuss strategies that have proven successful in the past, and propose methods for improving greater access to justice through achieving and maintaining a diverse judiciary

Hon. Laurie Zelon, Court of Appeal, Second District, Moderator
Hon. Candace Cooper, Presiding Justice, Court of Appeal, Second District (*invited*)
Hon. George Hernandez, Alameda County Superior Court
Hon. Russ Hom, Sacramento County Superior Court
Hon. Burt Pines, Los Angeles Superior Court
Demetrius Shelton, Esq., Oakland City Attorney's Office, and Vice President, State Bar
Mr. Bill Vickrey, Administrative Director of the Courts

4:45 to 5:00 p.m. CLOSING REMARKS

Hon. Brenda F. Harbin-Forte

5:00 p.m. ADJOURN

ETHNIC-GENDER DIVERSITY IN THE CALIFORNIA COURTS
AS OF MAY 5, 2006

COURT	AFRICAN-AMERICAN WOMEN	AFRICAN AMERICAN MEN	ASIAN P/I WOMEN	ASIAN P/I MEN	LATINA WOMEN	LATINO MEN	TOTAL ETHNIC	TOTAL # OF SEATS	%AGE ETHNIC
Supreme Court	0	0	1	1	0	1	3	7	42.8%
Courts of Appeal	2	1	2	1	2	2	10 *	105	9.5% *
Superior Courts	34	50	25	47	23	84	263 *	1498	17.5% *
Totals	36	51	28	49	25	87	276 *	1610	17.1% *

* Sources: According to the Governor's Office, 6 African-Americans, 11 Asian Americans, and 10 Latinos have been appointed, for a total of 27 ethnic minority appointments. However, the Governor's Office has not identified the courts to which the appointments have been made. The totals contained in this chart are based on California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council

APPELLATE COURTS --ETHNIC MINORITY JUSTICES
AS OF MAY 5, 2006 *

COURT	TOTAL ETHNIC JUSTICES	TOTAL JUDGESHIIPS/ % ETHNIC		AFRICAN-AMERICANS	ASIAN/PACIFIC ISLANDERS	LATINOS
SUPREME COURT	3	7	42.8%	0	2	1
FIRST APPELLATE DIST. ¹	1	20	5.0%	0	0	1
SECOND APPELLATE DIST. ²	5	32	15.6%	2	2	1
THIRD APPELLATE DIST. ³	2	11	18.2%	1	1	0
FOURTH APPELLATE DIST. ⁴	2	25	8.0%	0	0	2
FIFTH APPELLATE DIST. ⁵	0	10	0%	0	0	0
SIXTH APPELLATE DIST. ⁶	1	7	14.3%	0	1	0
TOTALS	14 *	112	12.5%	3	6	5

* **Sources:** According to the Governor's Office, 6 African Americans, 11 Asian/Pacific Islanders, and 10 Latinos have been appointed, for a total of 27 ethnic minority appointments. However, the Governor's Office has not identified the courts to which appointments have been made. The totals contained in this chart are based on California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council

¹ The First District is comprised of the following 12 counties: Alameda; Contra Costa; Del Norte; Humboldt; Lake; Marin; Mendocino; Napa; San Francisco; San Mateo; Solano; and Sonoma

² The Second District is comprised of the following 4 counties: Los Angeles; San Luis Obispo; Santa Barbara; and Ventura

³ The Third District is comprised of the following 23 counties: Alpine; Amador; Butte; Calaveras; Colusa; El Dorado; Glenn; Lassen; Modoc; Mono; Nevada; Placer; Plumas; Sacramento; San Joaquin; Shasta; Sierra; Siskiyou; Sutter; Tehama; Trinity; Yolo; and Yuba

⁴ The Fourth District is comprised of the following 6 counties: Imperial; Inyo; Orange; Riverside; San Bernardino; and San Diego

⁵ The Fifth District is comprised of the following 9 counties: Fresno; Kern; Kings; Madera; Mariposa; Merced; Stanislaus; Tulare; and Tuolumne

⁶ The Sixth District is comprised of the following 4 counties: Monterey; San Benito; Santa Clara; and Santa Cruz

GENDER DIVERSITY- SUPERIOR COURTS- AS OF MAY 2006- PRELIMINARY

COUNTY	JUDGES			TOTAL AUTH'D JUDGES	VACANCIES	COMMISSIONERS			TOTAL AUTH'D COMMR'S	VACANCIES
	M	F	Filled			M	F	Filled		
Alameda	48	18	66	69	3	11	5	16	16	0
Alpine	2	0	2	2	0	0	0	0	1	1
Amador	1	1	2	2	0	0	0	0	1	1
Butte	8	2	10	10	0	2	0	2	2	0
Calaveras	2	0	2	2	0	0	0	0	1	1
Colusa	2	0	2	2	0	0	0	0	1	1
Contra Costa	18	15	33	33	0	10	2	12	14	2
Del Norte	2	0	2	2	0	1	0	1	1	0
El Dorado	5	1	6	6	0	2	0	2	2	0
Fresno	32	4	36	36	0	4	4	8	9	1
Glenn	2	0	2	2	0	1	0	1	1	0
Humboldt	6	1	7	7	0	0	1	1	1	0
Imperial	7	1	8	9	1	2	0	2	2	0
Inyo	2	0	2	2	0	1	0	1	1	0
Kern	30	3	33	33	0	5	1	6	7	1
Kings	6	1	7	7	0	1	1	2	2	0
Lake	4	0	4	4	0	1	0	1	1	0
Lassen	2	0	2	2	0	1	0	1	1	0
Los Angeles	300	126	426	429	3	96	36	132	135	3
Madera	6	1	7	7	0	0	1	1	2	1
Marin	7	3	10	10	0	3	1	4	5	1
Mariposa	2	0	2	2	0	0	0	0	2	2
Mendocino	7	1	8	8	0	1	0	1	2	1
Merced	6	0	6	6	0	4	0	4	4	0
Modoc	2	0	2	2	0	0	0	0	0	0
Mono	2	0	2	2	0	1	0	1	1	0
Monterey	13	5	18	18	0	1	1	2	2	0
Napa	4	2	6	6	0	1	0	1	2	1
Nevada	5	1	6	6	0	0	0	0	1	1
Orange	82	27	109	109	0	30	3	33	35	2
Placer	7	2	9	9	0	2	2	4	4	0

GENDER DIVERSITY- SUPERIOR COURTS- AS OF MAY 2006- PRELIMINARY

COUNTY	JUDGES			TOTAL AUTH'D JUDGES	VACANCIES	COMMISSIONERS			TOTAL AUTH'D COMMR'S	VACANCIES
	M	F	Filled			M	F	Filled		
Plumas	2	0	2	2	0	1	0	1	1	0
Riverside	40	9	49	49	0	15	5	20	20	0
Sacramento	38	13	51	52	1	3	3	6	8	2
San Benito	2	0	2	2	0	1	0	1	1	1
San Bernardino	46	14	60	63	3	10	2	12	12	0
San Diego	90	36	126	128	2	15	7	22	22	0
San Francisco	28	22	50	50	0	6	8	14	14	0
San Joaquin	18	8	26	26	0	3	1	4	4	0
San Luis Obispo	7	3	10	11	1	3	0	3	4	1
San Mateo	18	8	26	26	0	3	4	7	7	0
Santa Barbara	16	2	18	19	1	3	2	5	5	0
Santa Clara	58	21	79	79	0	4	5	9	10	1
Santa Cruz	7	1	8	10	2	2	1	3	3	0
Shasta	8	1	9	9	0	2	0	2	2	0
Sierra	2	0	2	2	0	0	0	0	1	1
Siskiyou	3	1	4	4	0	0	1	1	1	0
Solano	13	2	15	16	1	2	3	5	6	1
Sonoma	13	3	16	16	0	2	4	6	6	0
Stanislaus	12	5	17	17	0	2	2	4	4	0
Sutter	5	0	5	5	0	0	0	0	1	1
Tehama	4	0	4	4	0	1	0	1	1	0
Trinity	2	0	2	2	0	0	1	1	1	0
Tulare	13	3	16	16	0	3	1	4	4	0
Tuolumne	3	1	4	4	0	0	0	0	1	1
Ventura	23	5	28	28	0	4	0	4	4	0
Yolo	6	3	9	9	0	2	1	3	3	0
Yuba	2	3	5	5	0	1	0	1	1	0
TOTALS	1,101	379	1,480	1,498	18	269	109	378	406	29

Percentages 74.4% 25.6% 100.0%

71.2% 28.8% 100.0%

GENDER DIVERSITY -- APPELLATE COURTS
AS OF MAY 5, 2006 *

COURT	TOTAL WOMEN JUSTICES	TOTAL JUDGESHIPS	% WOMEN
CALIFORNIA SUPREME COURT	3	7	42.8%
FIRST APPELLATE DISTRICT ¹	6	20	30.0%
SECOND APPELLATE DISTRICT ²	11	32	34.4%
THIRD APPELLATE DISTRICT ³	2	11	18.2%
FOURTH APPELLATE DISTRICT ⁴	8	25	32.0%
FIFTH APPELLATE DISTRICT ⁵	2	10	20%
SIXTH APPELLATE DISTRICT ⁶	2	7	28.6%
TOTALS	34	112	30.3%

* **Sources:** California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts); public records regarding judicial appointments.

¹ The First District is comprised of the following 12 counties: Alameda; Contra Costa; Del Norte; Humboldt; Lake; Marin; Mendocino; Napa; San Francisco; San Mateo; Solano; and Sonoma

² The Second District is comprised of the following 4 counties: Los Angeles; San Luis Obispo; Santa Barbara; and Ventura

³ The Third District is comprised of the following 23 counties: Alpine; Amador; Butte; Calaveras; Colusa; El Dorado; Glenn; Lassen; Modoc; Mono; Nevada; Placer; Plumas; Sacramento; San Joaquin; Shasta; Sierra; Siskiyou; Sutter; Tehama; Trinity; Yolo; and Yuba

⁴ The Fourth District is comprised of the following 6 counties: Imperial; Inyo; Orange; Riverside; San Bernardino; and San Diego

⁵ The Fifth District is comprised of the following 9 counties: Fresno; Kern; Kings; Madera; Mariposa; Merced; Stanislaus; Tulare; and Tuolumne

⁶ The Sixth District is comprised of the following 4 counties: Monterey; San Benito; Santa Clara; and Santa Cruz

ETHNIC MINORITY COMMISSIONERS AND JUDGES VS. % OF POPULATION

COUNTY	% White of Total Population	% 3 Ethnic Groups of Total Pop*	% 3 Ethnic of All Bench Officers	AFRICAN-AMERICAN				ASIAN/PACIFIC ISLANDER				LATINO / HISPANIC				TOTAL ETHNIC BENCH OFFICERS**			TOTAL AUTH'D BENCH OFFICERS		
				J (C)	Tot	% All	% Pop	J (C)	Tot	% All	% Pop	J (C)	Tot	% All	% Pop	J	C	Tot	J	C	Total
				Alameda	39.1%	57.7%	32.9%	14(4)	18	21.2%	13.1%	4(0)	4	4.7%	23.2%	6(0)	6	7.1%	21.4%	24	4
Alpine	71.7%	9.3%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	1.1%	0(0)	0	0.0%	7.7%	0	0	0	2	1	3
Amador	82.4%	14.5%	0.0%	0(0)	0	0.0%	3.8%	0(0)	0	0.0%	1.0%	0(0)	0	0.0%	9.7%	0	0	0	2	1	3
Butte	79.2%	16.7%	0.0%	0(0)	0	0.0%	1.3%	0(0)	0	0.0%	3.3%	0(0)	0	0.0%	12.1%	0	0	0	10	2	12
Calaveras	85.9%	10.0%	0.0%	0(0)	0	0.0%	0.7%	0(0)	0	0.0%	0.9%	0(0)	0	0.0%	8.4%	0	0	0	2	1	3
Colusa	46.8%	50.4%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	1.7%	0(0)	0	0.0%	48.2%	0	0	0	2	1	3
Contra Costa	55.8%	41.7%	10.6%	1(1)	2	4.3%	8.7%	2(0)	2	4.3%	12.3%	1(0)	1	2.1%	20.7%	4	1	5	33	14	47
Del Norte	69.2%	21.6%	0.0%	0(0)	0	0.0%	4.4%	0(0)	0	0.0%	2.4%	0(0)	0	0.0%	14.8%	0	0	0	2	1	3
El Dorado	85.3%	12.2%	0.0%	0(0)	0	0.0%	0.4%	0(0)	0	0.0%	2.0%	0(0)	0	0.0%	9.8%	0	0	0	6	2	8
Fresno	37.2%	60.8%	22.2%	3(0)	3	6.7%	4.9%	1(0)	1	2.2%	9.0%	5(1)	6	13.3%	46.9%	9	1	10	36	9	45
Glenn	62.0%	34.7%	0.0%	0(0)	0	0.0%	0.4%	0(0)	0	0.0%	3.4%	0(0)	0	0.0%	30.9%	0	0	0	2	1	3
Humboldt	81.7%	9.6%	0.0%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	1.8%	0(0)	0	0.0%	7.0%	0	0	0	7	1	8
Imperial	19.4%	79.2%	27.3%	0(0)	0	0.0%	3.3%	0(0)	0	0.0%	2.1%	3(0)	3	27.3%	73.8%	3	0	3	9	2	11
Inyo	76.6%	13.4%	0.0%	0(0)	0	0.0%	0.1%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	12.4%	0	0	0	2	1	3
Kern	46.7%	51.1%	10.0%	0(0)	0	0.0%	5.6%	0(0)	0	0.0%	3.7%	1(3)	4	10.0%	41.8%	1	3	4	33	7	40
Kings	41.4%	54.4%	22.2%	0(0)	0	0.0%	8.0%	0(0)	0	0.0%	0.9%	2(0)	2	22.2%	45.5%	2	0	2	7	2	9
Lake	79.8%	16.8%	0.0%	0(0)	0	0.0%	1.9%	0(0)	0	0.0%	1.9%	0(0)	0	0.0%	13.0%	0	0	0	4	1	5
Lassen	73.5%	22.4%	0.0%	0(0)	0	0.0%	7.9%	0(0)	0	0.0%	1.0%	0(0)	0	0.0%	13.6%	0	0	0	2	1	3
Los Angeles	30.0%	68.0%	24.1%	38(10)	48	8.5%	8.7%	35(4)	39	6.9%	13.0%	43(6)	49	8.7%	46.3%	116	20	136	429	135	564
Madera	46.7%	50.2%	0.0%	0(0)	0	0.0%	3.0%	0(0)	0	0.0%	1.3%	0(0)	0	0.0%	45.9%	0	0	0	7	2	9
Marin	76.4%	21.4%	0.0%	0(0)	0	0.0%	2.9%	0(0)	0	0.0%	4.4%	0(0)	0	0.0%	14.1%	0	0	0	10	5	15
Mariposa	86.2%	8.5%	0.0%	0(0)	0	0.0%	0.6%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	7.1%	0	0	0	2	2	4
Mendocino	72.2%	19.8%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	1.3%	0(0)	0	0.0%	17.9%	0	0	0	8	2	10
Merced	37.0%	61.0%	10.0%	0(0)	0	0.0%	2.9%	1(0)	1	10.0%	6.2%	0(0)	0	0.0%	51.9%	1	0	1	6	4	10
Modoc	84.7%	10.5%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	0.6%	0(0)	0	0.0%	9.4%	0	0	0	2	0	2
Mono	72.8%	23.6%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	1.2%	0(0)	0	0.0%	22.0%	0	0	0	2	1	3
Monterey	36.1%	61.6%	20.0%	1(0)	1	5.0%	2.8%	0(0)	0	0.0%	6.4%	3(0)	3	15.0%	52.4%	4	0	4	18	2	20
Napa	64.4%	33.2%	0.0%	0(0)	0	0.0%	1.2%	0(0)	0	0.0%	4.3%	0(0)	0	0.0%	27.7%	0	0	0	6	2	8
Nevada	90.8%	6.8%	0.0%	0(0)	0	0.0%	0.2%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	5.7%	0	0	0	6	1	7
Orange	47.9%	49.8%	12.5%	3(0)	3	2.1%	1.3%	6(0)	6	4.2%	15.6%	8(1)	9	6.3%	33.0%	17	1	18	109	35	144

J= Judge C= Commissioner * Excludes "American Indian" and "Multirace" categories.

Sources: Dept of Finance, March 2006 report; surveys and membership rosters of various ethnic judges association.

ETHNIC MINORITY COMMISSIONERS AND JUDGES VS. % OF POPULATION

	% White of Total Population	% 3 Ethnic Groups of Total Pop*	% 3 Ethnic of All Bench Officers	AFRICAN-AMERICAN				ASIAN/PACIFIC ISLANDER				LATINO / HISPANIC				TOTAL ETHNIC BENCH OFFICERS			TOTAL AUTH'D BENCH OFFICERS		
				J (C)	Tot	% All	% Pop	J (C)	Tot	% All	% Pop	J (C)	Tot	% All	% Pop	J	C	Tot	J	C	Total
				Placer	81.0%	16.4%	0.0%	0(0)	0	0.0%	0.6%	0(0)	0	0.0%	4.3%	0(0)	0	0.0%	11.5%	0	0
Plumas	90.0%	6.2%	0.0%	0(0)	0	0.0%	0.6%	0(0)	0	0.0%	0.6%	0(0)	0	0.0%	5.1%	0	0	0	2	1	3
Riverside	46.4%	51.1%	5.8%	1(0)	1	1.4%	5.4%	0(0)	0	0.0%	5.4%	1(2)	3	4.3%	40.4%	2	2	4	49	20	69
Sacramento	53.9%	41.3%	23.3%	5(0)	5	8.3%	9.5%	4(1)	5	8.3%	12.8%	4(1)	5	8.3%	19.0%	13	1	14	52	8	60
San Benito	42.6%	55.4%	0.0%	0(0)	0	0.0%	1.0%	0(0)	0	0.0%	2.6%	0(0)	0	0.0%	51.8%	0	0	0	2	1	3
San Bernardino	38.9%	59.1%	6.7%	1(0)	1	1.3%	8.9%	2(0)	2	2.7%	5.4%	2(0)	2	2.7%	44.9%	5	0	5	63	12	75
San Diego	54.7%	42.3%	12.7%	6(0)	6	75.0%	5.0%	5(0)	5	3.3%	9.7%	7(1)	8	5.3%	27.5%	18	1	19	128	22	150
San Francisco	44.7%	52.4%	21.9%	4(2)	6	9.4%	7.1%	5(1)	6	9.4%	31.7%	2(0)	2	3.1%	13.5%	11	3	14	50	14	64
San Joaquin	43.6%	53.4%	13.3%	2(0)	2	6.7%	6.7%	0(0)	0	0.0%	13.5%	2(0)	2	6.7%	33.1%	4	0	4	26	4	30
San Luis Obispo	74.2%	23.4%	0.0%	0(0)	0	0.0%	1.8%	0(0)	0	0.0%	2.8%	0(0)	0	0.0%	18.7%	0	0	0	11	4	15
San Mateo	46.6%	50.8%	6.1%	0(0)	0	0.0%	3.5%	1(0)	1	3.0%	23.6%	1(0)	1	3.0%	23.7%	2	0	2	26	7	33
Santa Barbara	56.4%	41.5%	16.7%	0(0)	0	0.0%	2.4%	0(0)	0	0.0%	4.2%	3(1)	4	16.7%	34.9%	3	1	4	19	5	24
Santa Clara	43.0%	54.5%	16.9%	2(0)	2	2.2%	2.7%	3(1)	4	4.5%	27.0%	8 (1)	9	10.1%	24.8%	13	2	15	79	10	89
Santa Cruz	61.3%	36.3%	7.7%	0(0)	0	0.0%	0.9%	0(0)	0	0.0%	4.3%	1(0)	1	7.7%	31.1%	1	0	1	10	3	13
Shasta	86.6%	8.7%	0.0%	0(0)	0	0.0%	0.7%	0(0)	0	0.0%	2.5%	0(0)	0	0.0%	5.5%	0	0	0	9	2	11
Sierra	91.1%	5.8%	0.0%	0(0)	0	0.0%	0.2%	0(0)	0	0.0%	0.2%	0(0)	0	0.0%	5.4%	0	0	0	2	1	3
Siskiyou	82.8%	10.3%	20.0%	0(0)	0	0.0%	1.2%	1(0)	1	20.0%	1.2%	0(0)	0	0.0%	7.9%	1	0	1	4	1	5
Solano	47.3%	48.5%	13.6%	2(0)	2	9.1%	13.2%	0(1)	1	4.5%	15.0%	0(0)	0	0.0%	20.4%	2	1	3	16	6	22
Sonoma	71.0%	26.0%	9.1%	0(0)	0	0.0%	1.4%	1(0)	1	4.5%	4.1%	0(1)	1	4.5%	20.5%	1	1	2	16	6	22
Stanislaus	52.1%	45.2%	4.8%	0(0)	0	0.0%	2.4%	0(0)	0	0.0%	5.0%	1(0)	1	4.8%	37.8%	1	0	1	17	4	21
Sutter	56.3%	40.7%	0.0%	0(0)	0	0.0%	1.6%	0(0)	0	0.0%	12.3%	0(0)	0	0.0%	26.7%	0	0	0	5	1	6
Tehama	76.8%	19.1%	0.0%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	17.8%	0	0	0	4	1	5
Trinity	87.9%	4.5%	0.0%	0(0)	0	0.0%	0.4%	0(0)	0	0.0%	0.5%	0(0)	0	0.0%	3.6%	0	0	0	2	1	3
Tulare	39.4%	58.6%	15.0%	0(0)	0	0.0%	1.2%	0(0)	0	0.0%	3.3%	1(2)	3	15.0%	54.1%	1	2	3	16	4	20
Tuolumne	85.1%	11.5%	0.0%	0(0)	0	0.0%	1.9%	0(0)	0	0.0%	0.8%	0(0)	0	0.0%	8.8%	0	0	0	4	1	5
Ventura	53.0%	45.0%	9.4%	1(0)	1	3.1%	1.5%	0(0)	0	0.0%	7.0%	2(0)	2	6.3%	36.4%	3	0	3	28	4	32
Yolo	55.9%	40.8%	0.0%	0(0)	0	0.0%	2.1%	0(0)	0	0.0%	10.5%	0(0)	0	0.0%	28.2%	0	0	0	9	3	12
Yuba	63.8%	30.7%	0.0%	0(0)	0	0.0%	2.8%	0(0)	0	0.0%	7.1%	0(0)	0	0.0%	20.8%	0	0	0	5	1	6
TOTALS	44.6%	52.8%	16.1%	84(17)	101	5.3%	6.0%	71(8)	79	4.1%	12.0%	107(19)	126	6.6%	34.8%	262	44	306	1,498	407	1,905

J= Judge C= Commissioner * Excludes "American Indian" and "Multirace" categories.

Sources: Dept of Finance, March 2006 report; surveys and membership rosters of various ethnic judges association.

SUPERIOR COURT DIVERSITY AS OF MAY 5, 2006 - % OF POPULATION VS. % OF JUDGES

COUNTY	% White of Total Population	%3 Ethnic Groups of Total Pop*	% 3 Ethnic Judges of Total Judges	AFRICAN-AMERICAN			ASIAN/PACIFIC ISLANDER			LATINO/HISPANIC			TOTAL ETHNIC JUDGES	TOTAL JUDGES
				Jdgs	% Jdgs	% Pop	Jdgs	%Jdgs	% Pop	Jdgs	% Jdgs	% Pop		
Alameda	39.1%	57.7%	34.8%	14	20.3%	13.1%	4	5.8%	23.2%	6	8.7%	21.4%	24	69
Alpine	71.7%	9.3%	0.0%	0	0.0%	0.5%	0	0.0%	1.1%	0	0.0%	7.7%	0	2
Amador	82.4%	14.5%	0.0%	0	0.0%	3.8%	0	0.0%	1.0%	0	0.0%	9.7%	0	2
Butte	79.2%	16.7%	0.0%	0	0.0%	1.3%	0	0.0%	3.3%	0	0.0%	12.1%	0	10
Calaveras	85.9%	10.0%	0.0%	0	0.0%	0.7%	0	0.0%	0.9%	0	0.0%	8.4%	0	2
Colusa	46.8%	50.4%	0.0%	0	0.0%	0.5%	0	0.0%	1.7%	0	0.0%	48.2%	0	2
Contra Costa	55.8%	41.7%	12.1%	1	3.0%	8.7%	2	6.1%	12.3%	1	3.0%	20.7%	4	33
Del Norte	69.2%	21.6%	0.0%	0	0.0%	4.4%	0	0.0%	2.4%	0	0.0%	14.8%	0	2
El Dorado	85.3%	12.2%	0.0%	0	0.0%	0.4%	0	0.0%	2.0%	0	0.0%	9.8%	0	6
Fresno	37.2%	60.8%	25.0%	3	8.3%	4.9%	1	2.8%	9.0%	5	13.9%	46.9%	9	36
Glenn	62.0%	34.7%	0.0%	0	0.0%	0.4%	0	0.0%	3.4%	0	0.0%	30.9%	0	2
Humboldt	81.7%	9.6%	0.0%	0	0.0%	0.8%	0	0.0%	1.8%	0	0.0%	7.0%	0	7
Imperial	19.4%	79.2%	33.3%	0	0.0%	3.3%	0	0.0%	2.1%	3	33.3%	73.8%	3	9
Inyo	76.6%	13.4%	0.0%	0	0.0%	0.1%	0	0.0%	0.8%	0	0.0%	12.4%	0	2
Kern	46.7%	51.1%	3.0%	0	0.0%	5.6%	0	0.0%	3.7%	1	3.0%	41.8%	1	33
Kings	41.4%	54.4%	28.6%	0	0.0%	8.0%	0	0.0%	0.9%	2	28.6%	45.5%	2	7
Lake	79.8%	16.8%	0.0%	0	0.0%	1.9%	0	0.0%	1.9%	0	0.0%	13.0%	0	4
Lassen	73.5%	22.4%	0.0%	0	0.0%	7.9%	0	0.0%	1.0%	0	0.0%	13.6%	0	2
Los Angeles	30.0%	68.0%	27.0%	38	8.9%	8.7%	35	8.2%	13.0%	43	10.0%	46.3%	116	429
Madera	46.7%	50.2%	0.0%	0	0.0%	3.0%	0	0.0%	1.3%	0	0.0%	45.9%	0	7
Marin	76.4%	21.4%	0.0%	0	0.0%	2.9%	0	0.0%	4.4%	0	0.0%	14.1%	0	10
Mariposa	86.2%	8.5%	0.0%	0	0.0%	0.6%	0	0.0%	0.8%	0	0.0%	7.1%	0	2
Mendocino	72.2%	19.8%	0.0%	0	0.0%	0.5%	0	0.0%	1.3%	0	0.0%	17.9%	0	8
Merced	37.0%	61.0%	16.7%	0	0.0%	2.9%	1	16.7%	6.2%	0	0.0%	51.9%	1	6
Modoc	84.7%	10.5%	0.0%	0	0.0%	0.5%	0	0.0%	0.6%	0	0.0%	9.4%	0	2
Mono	72.8%	23.6%	0.0%	0	0.0%	0.5%	0	0.0%	1.2%	0	0.0%	22.0%	0	2
Monterey	36.1%	61.6%	22.2%	1	5.6%	2.8%	0	0.0%	6.4%	3	16.7%	52.4%	4	18
Napa	64.4%	33.2%	0.0%	0	0.0%	1.2%	0	0.0%	4.3%	0	0.0%	27.7%	0	6
Nevada	90.8%	6.8%	0.0%	0	0.0%	0.2%	0	0.0%	0.8%	0	0.0%	5.7%	0	6
Orange	47.9%	49.8%	15.6%	3	2.8%	1.3%	6	5.5%	15.6%	8	7.3%	33.0%	17	109
Placer	81.0%	16.4%	0.0%	0	0.0%	0.6%	0	0.0%	4.3%	0	0.0%	11.5%	0	9
Plumas	90.0%	6.2%	0.0%	0	0.0%	0.6%	0	0.0%	0.6%	0	0.0%	5.1%	0	2
Riverside	46.4%	51.1%	4.1%	1	2.0%	5.4%	0	0.0%	5.4%	1	2.0%	40.4%	2	49
Sacramento	53.9%	41.3%	25.0%	5	9.6%	9.5%	4	7.7%	12.8%	4	7.7%	19.0%	13	52
San Benito	42.6%	55.4%	0.0%	0	0.0%	1.0%	0	0.0%	2.6%	0	0.0%	51.8%	0	2
San Bernardino	38.9%	59.1%	7.9%	1	1.6%	8.9%	2	3.2%	5.4%	2	3.2%	44.9%	5	63

* Excludes "American Indian" and "Multirace." Sources: CA Dept of Finance March 2006 report; surveys and membership rosters of various ethnic judges associations.

SUPERIOR COURT DIVERSITY AS OF MAY 5, 2006 - % OF POPULATION VS. % OF JUDGES

COUNTY	% White of Total Population	%3 Ethnic Groups of Total Pop*	% 3 Ethnic Judges of Total Judges	AFRICAN-AMERICAN			ASIAN/PACIFIC ISLANDER			LATINO/HISPANIC			TOTAL ETHNIC JUDGES	TOTAL JUDGES
				Jdgs	% Jdgs	% Pop	Jdgs	% Jdgs	% Pop	Jdgs	% Jdgs	% Pop.		
San Diego	54.7%	42.3%	14.1%	6	4.7%	5.0%	5	3.9%	9.7%	7	5.5%	27.5%	18	128
San Francisco	44.7%	52.4%	22.0%	4	8.0%	7.1%	5	10.0%	31.7%	2	4.0%	13.5%	11	50
San Joaquin	43.6%	53.4%	15.4%	2	7.7%	6.7%	0	0.0%	13.5%	2	7.7%	33.1%	4	26
San Luis Obispo	74.2%	23.4%	0.0%	0	0.0%	1.8%	0	0.0%	2.8%	0	0.0%	18.7%	0	11
San Mateo	46.6%	50.8%	7.7%	0	0.0%	3.5%	1	3.8%	23.6%	1	3.8%	23.7%	2	26
Santa Barbara	56.4%	41.5%	15.8%	0	0.0%	2.4%	0	0.0%	4.2%	3	15.8%	34.9%	3	19
Santa Clara	43.0%	54.5%	16.5%	2	2.5%	2.7%	3	3.8%	27.0%	8	10.1%	24.8%	13	79
Santa Cruz	61.3%	36.3%	10.0%	0	0.0%	0.9%	0	0.0%	4.3%	1	10.0%	31.1%	1	10
Shasta	86.6%	8.7%	0.0%	0	0.0%	0.7%	0	0.0%	2.5%	0	0.0%	5.5%	0	9
Sierra	91.1%	5.8%	0.0%	0	0.0%	0.2%	0	0.0%	0.2%	0	0.0%	5.4%	0	2
Siskiyou	82.8%	10.3%	25.0%	0	0.0%	1.2%	1	25.0%	1.2%	0	0.0%	7.9%	1	4
Solano	47.3%	48.5%	12.5%	2	12.5%	13.2%	0	0.0%	15.0%	0	0.0%	20.4%	2	16
Sonoma	71.0%	26.0%	6.3%	0	0.0%	1.4%	1	6.3%	4.1%	0	0.0%	20.5%	1	16
Stanislaus	52.1%	45.2%	5.9%	0	0.0%	2.4%	0	0.0%	5.0%	1	5.9%	37.8%	1	17
Sutter	56.3%	40.7%	0.0%	0	0.0%	1.6%	0	0.0%	12.3%	0	0.0%	26.7%	0	5
Tehama	76.8%	19.1%	0.0%	0	0.0%	0.5%	0	0.0%	0.8%	0	0.0%	17.8%	0	4
Trinity	87.9%	4.5%	0.0%	0	0.0%	0.4%	0	0.0%	0.5%	0	0.0%	3.6%	0	2
Tulare	39.4%	58.6%	6.3%	0	0.0%	1.2%	0	0.0%	3.3%	1	6.3%	54.1%	1	16
Tuolumne	85.1%	11.5%	0.0%	0	0.0%	1.9%	0	0.0%	0.8%	0	0.0%	8.8%	0	4
Ventura	53.0%	45.0%	10.7%	1	3.6%	1.5%	0	0.0%	7.0%	2	7.1%	36.4%	3	28
Yolo	55.9%	40.8%	0.0%	0	0.0%	2.1%	0	0.0%	10.5%	0	0.0%	28.2%	0	9
Yuba	63.8%	30.7%	0.0%	0	0.0%	2.8%	0	0.0%	7.1%	0	0.0%	20.8%	0	5
STATE TOTALS	44.6%	52.8%	17.5%	84	5.6%	6.0%	71	11.0%	12.0%	107	7.1%	34.8%	262	1,498

Sources: CA Dept. of Finance; surveys and membership rosters of various ethnic judges associations.

Updated 5/29/06. Judge B. Harbin-Forte

* Excludes "American Indian" and "Multirace." Sources: CA Dept of Finance March 2006 report; surveys and membership rosters of various ethnic judges associations.

GOVERNOR'S ETHNIC MINORITY JUDICIAL APPOINTMENTS
THROUGH MAY 5, 2006 *

COURT	AFRICAN-AMERICAN WOMEN	AFRICAN AMERICAN MEN	ASIAN P/I WOMEN	ASIAN P/I MEN	LATINA WOMEN	LATINO MEN	TOTAL ETHNIC	TOTAL # OF APPTS	% AGE ETHNIC
Supreme Court	0	0	0	0	0	0	0	1	0.0%
Courts of Appeal	0	0	1	1	1	0	3 *	14	21.4% *
Superior Courts	2	4	2	5	2	6	21 *	140	15.0% *
Totals	2	4	3	6	3	6	24 *	155	15.5% *

NOTE: GOVERNOR'S TERM BEGAN IN NOVEMBER 2003

* Sources: According to the Governor's Office, 6 African-Americans, 11 Asian Americans, and 10 Latinos have been appointed, for a total of 27 ethnic minority appointments. However, the Governor's Office has not identified the courts to which the appointments have been made. The totals contained in this chart are based on California Courts: Locations, Justices and Judges (May 2006 ed.; a publication of the Administrative Office of the Courts), as well as current membership rosters of and surveys conducted by the Judicial Council of the California Association of Black Lawyers, the California Asian American Judges Association, the California Latino Judges Association, and the National Asian Pacific American Bar Association Judicial Council

APPENDIX 6
Summary: 2006 Judicial Diversity Summit

Finding The Solutions

Summary of Discussion Groups at Judicial Summit – June 3, 2006

- Develop long term ties in the community, activists, etc.
- Being visible in the community in general.
- Outreach to high schools, recommend volunteer work in the Courts.
- Law school outreach.
- Design county-wide programs for the Bar and Law students.
- Early education in the judicial process.
- Develop informal of indirect contacts and judicial mentors.
- Develop informal diverse group to educate the Governor and fellow colleagues.
- Mentoring the youth.
- Judges to be proactive in judicial candidate recruitment. Help the Governor understand the local politics.
- Maintain the momentum. Recruit and mentor applicants.
- To recruit more people to become commissioners.
- To recruit diverse pro tem judges.
- Judges to not be biased against our fellow Commissioners.

APPENDIX 7

Link to Judicial Council of California 2005 Report, Trust and Confidence in the California Courts, Phases I and II

http://www.courts.ca.gov/documents/PTC_phase_I_web.pdf

http://www.courts.ca.gov/documents/PTC_phase_II_web.pdf

or

<http://www.courts.ca.gov/5275.htm>

APPENDIX 8
Governor's 2010 Judicial Applicant Data Report
(SB 56 Demographic Report)



Office of the Governor
Arnold Schwarzenegger

PRESS RELEASE

For Immediate Release:
Friday, December 31, 2010

Contact: Aaron McLearn
Melinda Malone
916-445-4571

Governor Schwarzenegger Releases 2010 Judicial Applicant Data

Upholds Commitment to Diversify California's Courts

Governor Arnold Schwarzenegger today released the 2010 applicant pool data for judicial appointments, upholding his commitment to ensure that qualified and diverse individuals serve California on the judicial bench.

“Over the past seven years, my Administration has worked to ensure that highly qualified people sit on our court’s benches,” said Governor Schwarzenegger. “Secretary Sharon Majors-Lewis has been instrumental in this process, making sure our courts are filled with judges that not only serve our people, but also represent their diverse backgrounds. I am proud that my Administration has contributed to the diversity of California’s courts.”

In 2006, Governor Schwarzenegger signed legislation requiring that a governor shall disclose aggregate statewide demographic data provided by all judicial applicants relative to ethnicity and gender by March 1 annually. Additionally, the Governor also released updated judicial appointment data for his Administration.

JUDICIAL APPLICANT DATA							
CALENDAR YEAR <u>2010</u>			CUMULATIVE FOR THIS ADMINISTRATION			STATE BAR MEMBERSHIP (January 2006)	
	#	%		#	%		%
Total Applicants	238	100%	Total Applicants	2532	100%		
Female	99	41.6%	Female	809	32.0%	Female	34%
American Indian or Alaska Native	3	1.0%	American Indian or Alaska Native	13	.51%	American Indian or Alaska Native	.4%
Asian	17	7.1%	Asian	162	6.4%	Asian	5.3%
Black or African-American	18	7.6%	Black or African-American	170	6.71%	Black or African-American	1.7%
Hispanic	18	7.6%	Hispanic	235	9.28%	Hispanic	3.8%
Native Hawaiian or Other Pacific Islander	0	0%	Native Hawaiian or Other Pacific Islander	4	.16%	Native Hawaiian or Other Pacific Islander	Included under Asian
White or Caucasian	168	70.6%	White or Caucasian	1647	65.1%	White or Caucasian	84.4%
Other/Unknown	10	4.2%	Other/Unknown	292	11.53%	Other/Unknown	4.4%

JUDICIAL APPOINTMENTS DATA					
CALENDAR YEAR <u>2010</u>		CUMULATIVE FOR THIS ADMINISTRATION		STATE BAR MEMBERSHIP (January 2006)	
	%		%		%
Female	40.6%	Female	34.3%	Female	34%
American Indian or Alaska Native	.7%	American Indian or Alaska Native	.2%	American Indian or Alaska Native	.4%
Asian	8.0%	Asian	7.5%	Asian	5.3%
Black or African-American	11.6%	Black or African-American	8.1%	Black or African-American	1.7%
Hispanic	13.0%	Hispanic	10.8%	Hispanic	3.8%
Native Hawaiian or Other Pacific Islander	.7%	Native Hawaiian or Other Pacific Islander	.3%	Native Hawaiian or Other Pacific Islander	Included under Asian
White or Caucasian	60.1%	White or Caucasian	64.0%	White or Caucasian	84.4%
Other/Unknown	3.6%	Other/Unknown	8.8%	Other/Unknown	4.4%

APPENDIX 9
State Bar of California,
Commission on Judicial Nominees Evaluation (JNE Commission)
2010 Statewide Demographic Report
(SB 56 Demographic Report)

**Commission on Judicial Nominees Evaluation
2010 Statewide Demographic Report**

Government Code section 12011.5, subdivision (n), as amended by Statutes 2006, Chapter 390, section 2 (Senate Bill 56) requires that on or before March 1, the Commission on Judicial Nominees Evaluation (JNE) collect and release statewide demographic data provided by the 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 completed during the 2010 calendar year.

Commission on Judicial Nominees Evaluation
180 Howard Street
San Francisco CA 94105
Alice A. Salvo, Chair 2010
jne@salvolaw.com

Heidi Schwab-Wilhelmi, Senior Administrative Specialist
heidi.schwab-wilhelmi@calbar.ca.gov

**Commission on Judicial Nominees Evaluation
Total Evaluations for Calendar Year 2010**

Candidates Submitted for Evaluation: Gender and Ethnicity

Ethnicity	Male		Female		Total Submitted	
	Male	Percent	Female	Percent	Total	Percent
Asian	10	4.5%	12	5.5%	22	10%
Black	10	4.3%	13	5.7%	23	10%
Hispanic	12	6.7%	6	3.3%	18	8%
Indian (sub-cont)	0	0%	0	0%	0	0%
Native American	2	0%	0	0%	2	1%
White	99	67%	49	33%	148	64%
Pacific Islander	2	1%	0	0%	2	1%
Other	7	5.8%	5	4.2%	12	5%
Unknown	2	6.7%	1	3.3%	3	1%
Total	144	62.61%	86	37.39%	230	100%

Note: All gender and ethnic information obtained from candidate applications

Candidates Evaluated: Gender and Rating

Rating	Male		Female		Total Submitted	
	Male	Percent	Female	Percent	Total	Percent
EWQ	15	7%	4	2%	19	8.26%
WQ	44	19%	26	11%	70	30.43%
Q	66	29%	46	20%	112	48.70%
NQ	14	6%	7	3%	21	9.13%
Withdrawn*	5	2%	2	1%	7	3.04%
Elected*	0	0%	1	0%	1	.43%
Total	144	63%	86	37%	230	100%

- * Seven candidates were withdrawn by the Governor's Office prior to evaluation.
- * One candidate was elected.

Ratings:

EWQ: Exceptionally Well Qualified
WQ: Well Qualified
Q: Qualified
NQ: Not Qualified

Candidates Evaluated: Ethnicity and Rating

Ethnicity	EWQ		WQ		Q		NQ		*Withdrawn/Elected		Others		Total Evaluations	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Asian	2	1%	5	2%	14	6%	1	0%	0	0%	0	0%	22	10%
Black	3	1%	7	3%	12	5%	0	0%	1	0%	0	0%	23	10%
Hispanic	0	0%	6	3%	10	4%	2	1%	0	0%	0	0%	18	8%
Indian- sub-cont	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	2	1%	0	0%	0	0%	0	0%	2	1%
White	12	5%	47	20%	66	29%	16	7%	7	3%	0	0%	148	64%
Pacific Islander	0	0%	0	0%	2	1%	0	0%	0	0%	0	0%	2	1%
Other	2	1%	2	1%	6	3%	2	1%	0	0%	0	0%	12	5%
Unknown	0	0%	3	1%	0	0%	0	0%	0	0%	0	0%	3	1%
Total	19	8.26%	70	30.43%	112	48.70%	21	9.13%	8	3.48%	0	0%	230	100%

APPENDIX 10
Judicial Council of California/Administrative Office of the Courts',
Demographic Data Provided by Justices and Judges Relative to
Gender and Race/Ethnicity as of December 31, 2010
(SB 56 Demographic Report)

**Demographic Data Provided by Justices and Judges
Relative to Gender and Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010***

Gender

Court	Female		Male		Total	
	N	%	N	%	N	%
Supreme Court	3	42.9%	4	57.1%	7	100.0%
Court of Appeal	34	32.7%	70	67.3%	104	100.0%
Trial Court	486	30.6%	1,102	69.4%	1,588	100.0%
Total	523	30.8%	1,176	69.2%	1,699	100.0%

Race/Ethnicity**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Court of Appeal	0	0.0%	3	2.9%	5	4.8%	4	3.8%	0	0.0%	83	79.8%	0	0.0%	7	6.7%	2	1.9%	104	100.0%
Trial Court	6	0.4%	88	5.5%	90	5.7%	134	8.4%	4	0.3%	1,142	71.9%	15	0.9%	52	3.3%	57	3.6%	1,588	100.0%
Total	6	0.4%	92	5.4%	95	5.6%	139	8.2%	4	0.2%	1,229	72.3%	15	0.9%	60	3.5%	59	3.5%	1,699	100.0%

* The data reflect the number of justices and judges on the bench as of December 31, 2010. For the Courts of Appeal, the data do not include justices who have been appointed, but not yet confirmed. For the trial courts, the data reflect those judges who have taken their oaths of office as of December 31, 2010.

** The race and ethnicity category descriptions were adapted from definitions used by the U.S. Census Bureau since its Census 2000.

*** "Some other race only" includes respondents who indicated they do not consider themselves to be any of the six identified race and ethnicity categories. To provide the most accurate data, the "some other race only" category includes only those respondents who identified some other race or ethnicity that did not clearly fall within one or more of the six identified categories.

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	Female		Male		Total	
	N	%	N	%	N	%
Supreme Court	3	42.9%	4	57.1%	7	100.0%
Court of Appeal	34	32.7%	70	67.3%	104	100.0%
First District	5	25.0%	15	75.0%	20	100.0%
Second District	12	37.5%	20	62.5%	32	100.0%
Third District	3	30.0%	7	70.0%	10	100.0%
Fourth District	9	36.0%	16	64.0%	25	100.0%
Fifth District	3	30.0%	7	70.0%	10	100.0%
Sixth District	2	28.6%	5	71.4%	7	100.0%
Trial Court	486	30.6%	1,102	69.4%	1,588	100.0%
Alameda	23	31.9%	49	68.1%	72	100.0%
Alpine	0	0.0%	2	100.0%	2	100.0%
Amador	1	50.0%	1	50.0%	2	100.0%
Butte	5	45.5%	6	54.5%	11	100.0%
Calaveras	0	0.0%	2	100.0%	2	100.0%
Colusa	1	50.0%	1	50.0%	2	100.0%
Contra Costa	18	47.4%	20	52.6%	38	100.0%
Del Norte	0	0.0%	2	100.0%	2	100.0%
El Dorado	1	14.3%	6	85.7%	7	100.0%
Fresno	9	22.5%	31	77.5%	40	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	Female		Male		Total	
	N	%	N	%	N	%
Glenn	0	0.0%	2	100.0%	2	100.0%
Humboldt	2	28.6%	5	71.4%	7	100.0%
Imperial	1	12.5%	7	87.5%	8	100.0%
Inyo	0	0.0%	2	100.0%	2	100.0%
Kern	5	13.9%	31	86.1%	36	100.0%
Kings	1	14.3%	6	85.7%	7	100.0%
Lake	0	0.0%	4	100.0%	4	100.0%
Lassen	1	50.0%	1	50.0%	2	100.0%
Los Angeles	149	33.0%	303	67.0%	452	100.0%
Madera	1	11.1%	8	88.9%	9	100.0%
Marin	4	50.0%	4	50.0%	8	100.0%
Mariposa	0	0.0%	2	100.0%	2	100.0%
Mendocino	1	12.5%	7	87.5%	8	100.0%
Merced	1	11.1%	8	88.9%	9	100.0%
Modoc	0	0.0%	2	100.0%	2	100.0%
Mono	0	0.0%	1	100.0%	1	100.0%
Monterey	9	47.4%	10	52.6%	19	100.0%
Napa	2	33.3%	4	66.7%	6	100.0%
Nevada	2	33.3%	4	66.7%	6	100.0%
Orange	34	29.1%	83	70.9%	117	100.0%
Placer	2	20.0%	8	80.0%	10	100.0%
Plumas	1	50.0%	1	50.0%	2	100.0%
Riverside	13	23.6%	42	76.4%	55	100.0%
Sacramento	15	25.4%	44	74.6%	59	100.0%
San Benito	0	0.0%	2	100.0%	2	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	Female		Male		Total	
	N	%	N	%	N	%
San Bernardino	19	26.4%	53	73.6%	72	100.0%
San Diego	39	30.0%	91	70.0%	130	100.0%
San Francisco	24	46.2%	28	53.8%	52	100.0%
San Joaquin	7	25.0%	21	75.0%	28	100.0%
San Luis Obispo	5	41.7%	7	58.3%	12	100.0%
San Mateo	8	32.0%	17	68.0%	25	100.0%
Santa Barbara	6	28.6%	15	71.4%	21	100.0%
Santa Clara	27	36.0%	48	64.0%	75	100.0%
Santa Cruz	4	40.0%	6	60.0%	10	100.0%
Shasta	3	30.0%	7	70.0%	10	100.0%
Sierra	0	0.0%	2	100.0%	2	100.0%
Siskiyou	2	50.0%	2	50.0%	4	100.0%
Solano	5	26.3%	14	73.7%	19	100.0%
Sonoma	7	36.8%	12	63.2%	19	100.0%
Stanislaus	9	45.0%	11	55.0%	20	100.0%
Sutter	1	20.0%	4	80.0%	5	100.0%
Tehama	0	0.0%	4	100.0%	4	100.0%
Trinity	0	0.0%	2	100.0%	2	100.0%
Tulare	5	26.3%	14	73.7%	19	100.0%
Tuolumne	1	33.3%	2	66.7%	3	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	Female		Male		Total	
	N	%	N	%	N	%
Ventura	7	24.1%	22	75.9%	29	100.0%
Yolo	2	20.0%	8	80.0%	10	100.0%
Yuba	3	75.0%	1	25.0%	4	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Court of Appeal	0	0.0%	3	2.9%	5	4.8%	4	3.8%	0	0.0%	83	79.8%	0	0.0%	7	6.7%	2	1.9%	104	100.0%
First District	0	0.0%	0	0.0%	2	10.0%	1	5.0%	0	0.0%	17	85.0%	0	0.0%	0	0.0%	0	0.0%	20	100.0%
Second District	0	0.0%	2	6.3%	1	3.1%	0	0.0%	0	0.0%	26	81.3%	0	0.0%	2	6.3%	1	3.1%	32	100.0%
Third District	0	0.0%	0	0.0%	2	20.0%	1	10.0%	0	0.0%	5	50.0%	0	0.0%	2	20.0%	0	0.0%	10	100.0%
Fourth District	0	0.0%	0	0.0%	0	0.0%	2	8.0%	0	0.0%	21	84.0%	0	0.0%	2	8.0%	0	0.0%	25	100.0%
Fifth District	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	9	90.0%	0	0.0%	0	0.0%	1	10.0%	10	100.0%
Sixth District	0	0.0%	1	14.3%	0	0.0%	0	0.0%	0	0.0%	5	71.4%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Trial Court	6	0.4%	88	5.5%	90	5.7%	134	8.4%	4	0.3%	1,142	71.9%	15	0.9%	52	3.3%	57	3.6%	1,588	100.0%
Alameda	0	0.0%	6	8.3%	12	16.7%	6	8.3%	0	0.0%	41	56.9%	0	0.0%	5	6.9%	2	2.8%	72	100.0%
Alpine	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Amador	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Butte	1	9.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	10	90.9%	0	0.0%	0	0.0%	0	0.0%	11	100.0%
Calaveras	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%
Colusa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Contra Costa	0	0.0%	2	5.3%	2	5.3%	1	2.6%	0	0.0%	31	81.6%	0	0.0%	1	2.6%	1	2.6%	38	100.0%
Del Norte	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
El Dorado	0	0.0%	0	0.0%	1	14.3%	0	0.0%	0	0.0%	6	85.7%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Fresno	1	2.5%	1	2.5%	4	10.0%	6	15.0%	0	0.0%	25	62.5%	1	2.5%	2	5.0%	0	0.0%	40	100.0%
Glenn	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Humboldt	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	85.7%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Imperial	0	0.0%	0	0.0%	0	0.0%	3	37.5%	0	0.0%	4	50.0%	0	0.0%	1	12.5%	0	0.0%	8	100.0%
Inyo	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Kern	0	0.0%	1	2.8%	0	0.0%	3	8.3%	1	2.8%	29	80.6%	1	2.8%	1	2.8%	0	0.0%	36	100.0%
Kings	0	0.0%	0	0.0%	0	0.0%	1	14.3%	0	0.0%	5	71.4%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Lake	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Lassen	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Los Angeles	3	0.7%	35	7.7%	37	8.2%	51	11.3%	2	0.4%	281	62.2%	5	1.1%	19	4.2%	19	4.2%	452	100.0%
Madera	1	11.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	88.9%	0	0.0%	0	0.0%	0	0.0%	9	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
Marin	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	100.0%	0	0.0%	0	0.0%	0	0.0%	8	100.0%
Mariposa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mendocino	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	87.5%	0	0.0%	1	12.5%	0	0.0%	8	100.0%
Merced	0	0.0%	1	11.1%	0	0.0%	1	11.1%	0	0.0%	7	77.8%	0	0.0%	0	0.0%	0	0.0%	9	100.0%
Modoc	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mono	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Monterey	0	0.0%	2	10.5%	0	0.0%	2	10.5%	0	0.0%	14	73.7%	0	0.0%	1	5.3%	0	0.0%	19	100.0%
Napa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Nevada	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Orange	0	0.0%	8	6.8%	4	3.4%	9	7.7%	0	0.0%	88	75.2%	1	0.9%	4	3.4%	3	2.6%	117	100.0%
Placer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	9	90.0%	0	0.0%	0	0.0%	1	10.0%	10	100.0%
Plumas	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Riverside	0	0.0%	0	0.0%	3	5.5%	5	9.1%	0	0.0%	40	72.7%	0	0.0%	2	3.6%	5	9.1%	55	100.0%
Sacramento	0	0.0%	6	10.2%	4	6.8%	6	10.2%	0	0.0%	37	62.7%	2	3.4%	1	1.7%	3	5.1%	59	100.0%
San Benito	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%
San Bernardino	0	0.0%	2	2.8%	4	5.6%	6	8.3%	0	0.0%	56	77.8%	1	1.4%	2	2.8%	1	1.4%	72	100.0%
San Diego	0	0.0%	3	2.3%	6	4.6%	9	6.9%	0	0.0%	100	76.9%	2	1.5%	1	0.8%	9	6.9%	130	100.0%
San Francisco	0	0.0%	8	15.4%	3	5.8%	4	7.7%	0	0.0%	37	71.2%	0	0.0%	0	0.0%	0	0.0%	52	100.0%
San Joaquin	0	0.0%	2	7.1%	1	3.6%	2	7.1%	0	0.0%	22	78.6%	0	0.0%	1	3.6%	0	0.0%	28	100.0%
San Luis Obispo	0	0.0%	1	8.3%	0	0.0%	1	8.3%	0	0.0%	10	83.3%	0	0.0%	0	0.0%	0	0.0%	12	100.0%
San Mateo	0	0.0%	1	4.0%	2	8.0%	0	0.0%	0	0.0%	18	72.0%	0	0.0%	2	8.0%	2	8.0%	25	100.0%
Santa Barbara	0	0.0%	0	0.0%	0	0.0%	4	19.0%	0	0.0%	17	81.0%	0	0.0%	0	0.0%	0	0.0%	21	100.0%
Santa Clara	0	0.0%	4	5.3%	3	4.0%	9	12.0%	1	1.3%	50	66.7%	2	2.7%	1	1.3%	5	6.7%	75	100.0%
Santa Cruz	0	0.0%	0	0.0%	0	0.0%	1	10.0%	0	0.0%	8	80.0%	0	0.0%	1	10.0%	0	0.0%	10	100.0%
Shasta	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%
Sierra	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Siskiyou	0	0.0%	1	25.0%	0	0.0%	0	0.0%	0	0.0%	3	75.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Solano	0	0.0%	2	10.5%	3	15.8%	0	0.0%	0	0.0%	12	63.2%	0	0.0%	0	0.0%	2	10.5%	19	100.0%
Sonoma	0	0.0%	1	5.3%	0	0.0%	1	5.3%	0	0.0%	17	89.5%	0	0.0%	0	0.0%	0	0.0%	19	100.0%
Stanislaus	0	0.0%	0	0.0%	1	5.0%	1	5.0%	0	0.0%	18	90.0%	0	0.0%	0	0.0%	0	0.0%	20	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
Sutter	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Tehama	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Trinity	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Tulare	0	0.0%	0	0.0%	0	0.0%	1	5.3%	0	0.0%	15	78.9%	0	0.0%	0	0.0%	3	15.8%	19	100.0%
Tuolumne	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%
Ventura	0	0.0%	0	0.0%	0	0.0%	1	3.4%	0	0.0%	25	86.2%	0	0.0%	2	6.9%	1	3.4%	29	100.0%
Yolo	0	0.0%	1	10.0%	0	0.0%	0	0.0%	0	0.0%	9	90.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%
Yuba	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%

**Demographic Data Provided by Female Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only	Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total		
	N	%		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	66.7%	0	0.0%	1	33.3%	0	0.0%	3	100.0%
Court of Appeal	0	0.0%	1	2.9%	0	0.0%	2	5.9%	0	0.0%	27	79.4%	0	0.0%	4	11.8%	0	0.0%	34	100.0%
First District	0	0.0%	0	0.0%	0	0.0%	1	20.0%	0	0.0%	4	80.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Second District	0	0.0%	1	8.3%	0	0.0%	0	0.0%	0	0.0%	10	83.3%	0	0.0%	1	8.3%	0	0.0%	12	100.0%
Third District	0	0.0%	0	0.0%	0	0.0%	1	33.3%	0	0.0%	1	33.3%	0	0.0%	1	33.3%	0	0.0%	3	100.0%
Fourth District	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	77.8%	0	0.0%	2	22.2%	0	0.0%	9	100.0%
Fifth District	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%
Sixth District	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Trial Court	2	0.4%	30	6.2%	49	10.1%	35	7.2%	2	0.4%	340	70.0%	5	1.0%	11	2.3%	12	2.5%	486	100.0%
Alameda	0	0.0%	1	4.3%	7	30.4%	2	8.7%	0	0.0%	11	47.8%	0	0.0%	1	4.3%	1	4.3%	23	100.0%
Alpine	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Amador	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Butte	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	80.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Calaveras	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Colusa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Contra Costa	0	0.0%	1	5.6%	2	11.1%	1	5.6%	0	0.0%	13	72.2%	0	0.0%	1	5.6%	0	0.0%	18	100.0%
Del Norte	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
El Dorado	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Fresno	0	0.0%	0	0.0%	1	11.1%	1	11.1%	0	0.0%	7	77.8%	0	0.0%	0	0.0%	0	0.0%	9	100.0%
Glenn	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Humboldt	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%
Imperial	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Inyo	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Kern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Kings	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Lake	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Lassen	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Los Angeles	1	0.7%	9	6.0%	17	11.4%	14	9.4%	1	0.7%	98	65.8%	1	0.7%	4	2.7%	4	2.7%	149	100.0%
Madera	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%

**Demographic Data Provided by Female Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
Marin	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Mariposa	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Mendocino	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	1	100.0%
Merced	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Modoc	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Mono	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Monterey	0	0.0%	1	11.1%	0	0.0%	1	11.1%	0	0.0%	6	66.7%	0	0.0%	1	11.1%	0	0.0%	9	100.0%
Napa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Nevada	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Orange	0	0.0%	3	8.8%	2	5.9%	2	5.9%	0	0.0%	25	73.5%	1	2.9%	0	0.0%	1	2.9%	34	100.0%
Placer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Plumas	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Riverside	0	0.0%	0	0.0%	2	15.4%	0	0.0%	0	0.0%	9	69.2%	0	0.0%	0	0.0%	2	15.4%	13	100.0%
Sacramento	0	0.0%	3	20.0%	2	13.3%	2	13.3%	0	0.0%	6	40.0%	0	0.0%	0	0.0%	2	13.3%	15	100.0%
San Benito	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
San Bernardino	0	0.0%	0	0.0%	3	15.8%	0	0.0%	0	0.0%	16	84.2%	0	0.0%	0	0.0%	0	0.0%	19	100.0%
San Diego	0	0.0%	2	5.1%	3	7.7%	4	10.3%	0	0.0%	28	71.8%	2	5.1%	0	0.0%	0	0.0%	39	100.0%
San Francisco	0	0.0%	3	12.5%	3	12.5%	2	8.3%	0	0.0%	16	66.7%	0	0.0%	0	0.0%	0	0.0%	24	100.0%
San Joaquin	0	0.0%	1	14.3%	1	14.3%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
San Luis Obispo	0	0.0%	1	20.0%	0	0.0%	1	20.0%	0	0.0%	3	60.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
San Mateo	0	0.0%	1	12.5%	0	0.0%	0	0.0%	0	0.0%	6	75.0%	0	0.0%	0	0.0%	1	12.5%	8	100.0%
Santa Barbara	0	0.0%	0	0.0%	0	0.0%	1	16.7%	0	0.0%	5	83.3%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Santa Clara	0	0.0%	2	7.4%	3	11.1%	2	7.4%	1	3.7%	16	59.3%	1	3.7%	1	3.7%	1	3.7%	27	100.0%
Santa Cruz	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	75.0%	0	0.0%	1	25.0%	0	0.0%	4	100.0%
Shasta	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%
Sierra	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Siskiyou	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Solano	0	0.0%	0	0.0%	2	40.0%	0	0.0%	0	0.0%	3	60.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Sonoma	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	5	71.4%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Stanislaus	0	0.0%	0	0.0%	1	11.1%	0	0.0%	0	0.0%	8	88.9%	0	0.0%	0	0.0%	0	0.0%	9	100.0%

**Demographic Data Provided by Female Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
Sutter	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Tehama	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Trinity	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Tulare	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Tuolumne	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Ventura	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Yolo	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Yuba	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%

**Demographic Data Provided by Male Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only	Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total		
	N	%		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Supreme Court	0	0.0%	1	25.0%	0	0.0%	1	25.0%	0	0.0%	2	50.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Court of Appeal	0	0.0%	2	2.9%	5	7.1%	2	2.9%	0	0.0%	56	80.0%	0	0.0%	3	4.3%	2	2.9%	70	100.0%
First District	0	0.0%	0	0.0%	2	13.3%	0	0.0%	0	0.0%	13	86.7%	0	0.0%	0	0.0%	0	0.0%	15	100.0%
Second District	0	0.0%	1	5.0%	1	5.0%	0	0.0%	0	0.0%	16	80.0%	0	0.0%	1	5.0%	1	5.0%	20	100.0%
Third District	0	0.0%	0	0.0%	2	28.6%	0	0.0%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Fourth District	0	0.0%	0	0.0%	0	0.0%	2	12.5%	0	0.0%	14	87.5%	0	0.0%	0	0.0%	0	0.0%	16	100.0%
Fifth District	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	85.7%	0	0.0%	0	0.0%	1	14.3%	7	100.0%
Sixth District	0	0.0%	1	20.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%	0	0.0%	1	20.0%	0	0.0%	5	100.0%
Trial Court	4	0.4%	58	5.3%	41	3.7%	99	9.0%	2	0.2%	802	72.8%	10	0.9%	41	3.7%	45	4.1%	1,102	100.0%
Alameda	0	0.0%	5	10.2%	5	10.2%	4	8.2%	0	0.0%	30	61.2%	0	0.0%	4	8.2%	1	2.0%	49	100.0%
Alpine	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Amador	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Butte	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Calaveras	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%
Colusa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Contra Costa	0	0.0%	1	5.0%	0	0.0%	0	0.0%	0	0.0%	18	90.0%	0	0.0%	0	0.0%	1	5.0%	20	100.0%
Del Norte	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
El Dorado	0	0.0%	0	0.0%	1	16.7%	0	0.0%	0	0.0%	5	83.3%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Fresno	1	3.2%	1	3.2%	3	9.7%	5	16.1%	0	0.0%	18	58.1%	1	3.2%	2	6.5%	0	0.0%	31	100.0%
Glenn	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Humboldt	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Imperial	0	0.0%	0	0.0%	0	0.0%	3	42.9%	0	0.0%	3	42.9%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Inyo	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Kern	0	0.0%	1	3.2%	0	0.0%	3	9.7%	1	3.2%	24	77.4%	1	3.2%	1	3.2%	0	0.0%	31	100.0%
Kings	0	0.0%	0	0.0%	0	0.0%	1	16.7%	0	0.0%	4	66.7%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
Lake	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Lassen	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Los Angeles	2	0.7%	26	8.6%	20	6.6%	37	12.2%	1	0.3%	183	60.4%	4	1.3%	15	5.0%	15	5.0%	303	100.0%
Madera	1	12.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	87.5%	0	0.0%	0	0.0%	0	0.0%	8	100.0%

**Demographic Data Provided by Male Justices and Judges
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As of December 31, 2010**

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only***		More Than One Race		Information Not Provided		Total	
Marin	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Mariposa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mendocino	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Merced	0	0.0%	1	12.5%	0	0.0%	1	12.5%	0	0.0%	6	75.0%	0	0.0%	0	0.0%	0	0.0%	8	100.0%
Modoc	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mono	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Monterey	0	0.0%	1	10.0%	0	0.0%	1	10.0%	0	0.0%	8	80.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%
Napa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Nevada	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Orange	0	0.0%	5	6.0%	2	2.4%	7	8.4%	0	0.0%	63	75.9%	0	0.0%	4	4.8%	2	2.4%	83	100.0%
Placer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	87.5%	0	0.0%	0	0.0%	1	12.5%	8	100.0%
Plumas	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Riverside	0	0.0%	0	0.0%	1	2.4%	5	11.9%	0	0.0%	31	73.8%	0	0.0%	2	4.8%	3	7.1%	42	100.0%
Sacramento	0	0.0%	3	6.8%	2	4.5%	4	9.1%	0	0.0%	31	70.5%	2	4.5%	1	2.3%	1	2.3%	44	100.0%
San Benito	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%
San Bernardino	0	0.0%	2	3.8%	1	1.9%	6	11.3%	0	0.0%	40	75.5%	1	1.9%	2	3.8%	1	1.9%	53	100.0%
San Diego	0	0.0%	1	1.1%	3	3.3%	5	5.5%	0	0.0%	72	79.1%	0	0.0%	1	1.1%	9	9.9%	91	100.0%
San Francisco	0	0.0%	5	17.9%	0	0.0%	2	7.1%	0	0.0%	21	75.0%	0	0.0%	0	0.0%	0	0.0%	28	100.0%
San Joaquin	0	0.0%	1	4.8%	0	0.0%	1	4.8%	0	0.0%	18	85.7%	0	0.0%	1	4.8%	0	0.0%	21	100.0%
San Luis Obispo	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
San Mateo	0	0.0%	0	0.0%	2	11.8%	0	0.0%	0	0.0%	12	70.6%	0	0.0%	2	11.8%	1	5.9%	17	100.0%
Santa Barbara	0	0.0%	0	0.0%	0	0.0%	3	20.0%	0	0.0%	12	80.0%	0	0.0%	0	0.0%	0	0.0%	15	100.0%
Santa Clara	0	0.0%	2	4.2%	0	0.0%	7	14.6%	0	0.0%	34	70.8%	1	2.1%	0	0.0%	4	8.3%	48	100.0%
Santa Cruz	0	0.0%	0	0.0%	0	0.0%	1	16.7%	0	0.0%	5	83.3%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Shasta	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Sierra	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Siskiyou	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Solano	0	0.0%	2	14.3%	1	7.1%	0	0.0%	0	0.0%	9	64.3%	0	0.0%	0	0.0%	2	14.3%	14	100.0%
Sonoma	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	12	100.0%	0	0.0%	0	0.0%	0	0.0%	12	100.0%
Stanislaus	0	0.0%	0	0.0%	0	0.0%	1	9.1%	0	0.0%	10	90.9%	0	0.0%	0	0.0%	0	0.0%	11	100.0%

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Sutter	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Tehama	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Trinity	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Tulare	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%	10	71.4%	0	0.0%	0	0.0%	3	21.4%	14	100.0%
Tuolumne	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Ventura	0	0.0%	0	0.0%	0	0.0%	1	4.5%	0	0.0%	18	81.8%	0	0.0%	2	9.1%	1	4.5%	22	100.0%
Yolo	0	0.0%	1	12.5%	0	0.0%	0	0.0%	0	0.0%	7	87.5%	0	0.0%	0	0.0%	0	0.0%	8	100.0%
Yuba	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2010**

	Total Number of Justices/Judges	Responses with Two or More Races	
		Number	Percent
Supreme Court	7	1	<i>14.3%</i>
Asian; White		1	
Court of Appeal			
Second District	32	2	<i>6.3%</i>
Hispanic or Latino; White		2	
Third District	10	2	<i>20.0%</i>
Asian; Pacific Islander		1	
American Indian; White		1	
Fourth District	25	2	<i>8.0%</i>
White; Some Other Race		1	
Black; Hispanic		1	
Sixth District	7	1	<i>14.3%</i>
Hispanic or Latino; White		1	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2010**

	Total Number of Justices/Judges	Responses with Two or More Races	
		Number	Percent
Trial Court			
Alameda	72	5	<i>6.9%</i>
Asian; Pacific Islander		1	
Black or African American; Hispanic or Latino		1	
Black or African American; White		1	
Hispanic or Latino; White		2	
Calaveras	2	1	<i>50.0%</i>
American Indian or Alaska Native; Hispanic or Latino		1	
Contra Costa	38	1	<i>2.6%</i>
Hispanic or Latino; White		1	
Fresno	40	2	<i>5.0%</i>
Black or African American; White		1	
Hispanic or Latino; White		1	
Humboldt	7	1	<i>14.3%</i>
American Indian or Alaska Native; Hispanic or Latino; White		1	
Imperial	8	1	<i>12.5%</i>
American Indian or Alaska Native; White		1	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2010**

	Total Number of Justices/Judges	Responses with Two or More Races	
		Number	Percent
Kern	36	1	<i>2.8%</i>
American Indian or Alaska Native; White		1	
Kings	7	1	<i>14.3%</i>
American Indian or Alaska Native; White		1	
Los Angeles	452	19	<i>4.2%</i>
American Indian or Alaska Native; Black or African American		2	
American Indian or Alaska Native; Hispanic or Latino		1	
American Indian or Alaska Native; White		2	
Asian; Hispanic or Latino		1	
Asian; Hispanic or Latino; White		1	
Asian; Pacific Islander		2	
Asian; White		3	
Hispanic or Latino; White		4	
White; Some Other Race		3	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2010**

	Total Number of Justices/Judges	Responses with Two or More Races	
		Number	Percent
Mendocino	8	1	<i>12.5%</i>
American Indian or Alaska; White		1	
Monterey	19	1	<i>5.3%</i>
Black or African American; Hispanic or Latino		1	
Orange	117	4	<i>3.4%</i>
American Indian or Alaska; White		1	
Hispanic or Latino; White		2	
White; Some Other Race		1	
Riverside	55	2	<i>3.6%</i>
American Indian or Alaska; White		1	
Asian; White		1	
Sacramento	59	1	<i>1.7%</i>
Black or African American; Hispanic or Latino		1	
San Benito	2	1	<i>50.0%</i>
American Indian or Alaska; White		1	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2010**

	Total Number of Justices/Judges	Responses with Two or More Races	
		Number	Percent
San Bernardino	72	2	<i>2.8%</i>
American Indian or Alaska Native; White		1	
American Indian or Alaska Native; Hispanic or Latino		1	
San Diego	130	1	<i>0.8%</i>
Hispanic or Latino; White		1	
San Joaquin	28	1	<i>3.6%</i>
American Indian or Alaska Native; White		1	
San Mateo	25	2	<i>8.0%</i>
Asian; White		1	
Hispanic or Latino; White		1	
Santa Clara	75	1	<i>1.3%</i>
Asian; Hispanic or Latino		1	
Santa Cruz	10	1	<i>10.0%</i>
Hispanic or Latino; White		1	
Ventura	29	2	<i>6.9%</i>
Hispanic or Latino; White		2	

Year-to-Year Comparison of Demographic Data Provided by Justices and Judges*
Relative to Gender and Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010

Gender

Court	Female		Male		Total	
	N	%	N	%	N	%
Supreme Court						
2007	3	42.9%	4	57.1%	7	100.0%
2008	3	42.9%	4	57.1%	7	100.0%
2009	3	42.9%	4	57.1%	7	100.0%
2010	3	42.9%	4	57.1%	7	100.0%
2011	3	42.9%	4	57.1%	7	100.0%
Court of Appeal						
2007	32	30.5%	73	69.5%	105	100.0%
2008	29	29.0%	71	71.0%	100	100.0%
2009	29	29.0%	71	71.0%	100	100.0%
2010	30	29.4%	72	70.6%	102	100.0%
2011	34	32.7%	70	67.3%	104	100.0%
Trial Court						
2007	398	26.8%	1,088	73.2%	1,486	100.0%
2008	421	28.1%	1,075	71.9%	1,496	100.0%
2009	430	28.7%	1,068	71.3%	1,498	100.0%
2010	444	29.2%	1,078	70.8%	1,522	100.0%
2011	486	30.6%	1,102	69.4%	1,588	100.0%
Total						
2007	433	27.1%	1,165	72.9%	1,598	100.0%
2008	453	28.3%	1,150	71.7%	1,603	100.0%
2009	462	28.8%	1,143	71.2%	1,605	100.0%
2010	477	29.2%	1,154	70.8%	1,631	100.0%
2011	523	30.8%	1,176	69.2%	1,699	100.0%

**Year-to-Year Comparison of Demographic Data Provided by Justices and Judges*
Relative to Gender and Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Race/Ethnicity*

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only**		More Than One Race		Information Not Provided		Total		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Supreme Court																					
2007	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
2008	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
2009	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
2010	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
2011	0	0.0%	1	14.3%	0	0.0%	1	14.3%	0	0.0%	4	57.1%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
Court of Appeal																					
2007	0	0.0%	3	2.9%	3	2.9%	3	2.9%	0	0.0%	86	81.9%	0	0.0%	9	8.6%	1	1.0%	105	100.0%	
2008	0	0.0%	3	3.0%	3	3.0%	3	3.0%	0	0.0%	82	82.0%	0	0.0%	8	8.0%	1	1.0%	100	100.0%	
2009	0	0.0%	3	3.0%	4	4.0%	3	3.0%	0	0.0%	81	81.0%	0	0.0%	8	8.0%	1	1.0%	100	100.0%	
2010	0	0.0%	3	2.9%	3	2.9%	3	2.9%	0	0.0%	83	81.4%	0	0.0%	7	6.9%	3	2.9%	102	100.0%	
2011	0	0.0%	3	2.9%	5	4.8%	4	3.8%	0	0.0%	83	79.8%	0	0.0%	7	6.7%	2	1.9%	104	100.0%	
Trial Court																					
2007	2	0.1%	66	4.4%	68	4.6%	96	6.5%	2	0.1%	1,030	69.3%	3	0.2%	61	4.1%	158	10.6%	1,486	100.0%	
2008	2	0.1%	67	4.5%	74	4.9%	103	6.9%	2	0.1%	1,076	71.9%	7	0.5%	63	4.2%	102	6.8%	1,496	100.0%	
2009	5	0.3%	71	4.7%	77	5.1%	110	7.3%	3	0.2%	1,080	72.1%	10	0.7%	58	3.9%	84	5.6%	1,498	100.0%	
2010	5	0.3%	78	5.1%	81	5.3%	118	7.8%	3	0.2%	1,113	73.1%	15	1.0%	52	3.4%	57	3.7%	1,522	100.0%	
2011	6	0.4%	88	5.5%	90	5.7%	134	8.4%	4	0.3%	1,142	71.9%	15	0.9%	52	3.3%	57	3.6%	1,588	100.0%	
Total																					
2007	2	0.1%	70	4.4%	71	4.4%	100	6.3%	2	0.1%	1,120	70.1%	3	0.2%	71	4.4%	159	9.9%	1,598	100.0%	
2008	2	0.1%	71	4.4%	77	4.8%	107	6.7%	2	0.1%	1,162	72.5%	7	0.4%	72	4.5%	103	6.4%	1,603	100.0%	
2009	5	0.3%	75	4.7%	81	5.0%	114	7.1%	3	0.2%	1,165	72.6%	10	0.6%	67	4.2%	85	5.3%	1,605	100.0%	
2010	5	0.3%	82	5.0%	84	5.2%	122	7.5%	3	0.2%	1,200	73.6%	15	0.9%	60	3.7%	60	3.7%	1,631	100.0%	
2011	6	0.4%	92	5.4%	95	5.6%	139	8.2%	4	0.2%	1,229	72.3%	15	0.9%	60	3.5%	59	3.5%	1,699	100.0%	

*The years listed in the first column indicate the years in which the reports were published. The 2007 and 2008 reports reflect the number of justices and judges on the bench as of February 1 of those years. To provide consistency with the demographic data released by the Governor and the Commission on Judicial Nominees Evaluation of the State Bar of California, all subsequent reports reflect the number of justices and judges on the bench as of December 31 of the previous year.

Note: The changes in percentages from year to year are the result of more than one factor, including: (1) new judicial appointments; (2) judicial retirements; and (3) newly-acquired information from judges on the bench who previously did not provide their race/ethnicity information.

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2010**

Race/Ethnicity Categories

The category descriptions are adapted from definitions used by the U.S. Census Bureau since its Census 2000.

American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. The category includes persons who indicate their race as Cambodian, Chinese, East Indian, Filipino, Japanese, Korean, Malaysian, Pakistani, Thai, or Vietnamese.

Black or African American: A person having origins in any of the black racial groups of Africa.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

APPENDIX 11
Government Code section 12011.5 (as amended, effective 1/1/2012)

12011.5. (a) In the event of a vacancy in a judicial office to be filled by appointment of the Governor, or in the event that a declaration of candidacy is not filed by a judge and the Governor is required under subdivision (d) of Section 16 of Article VI of the Constitution to nominate a candidate, the Governor shall first submit to a designated agency of the State Bar of California the names of all potential appointees or nominees for the judicial office for evaluation of their judicial qualifications.

(b) The membership of the designated agency of the State Bar responsible for evaluation of judicial candidates shall consist of attorney members and public members with the ratio of public members to attorney members determined, to the extent practical, by the ratio established in Sections 6013.4 and 6013.5 of the Business and Professions Code. It is the intent of this subdivision that the designated agency of the State Bar responsible for evaluation of judicial candidates shall be broadly representative of the ethnic, gender, and racial diversity of the population of California and composed in accordance with Sections 11140 and 11141. The further intent of this subdivision is to establish a selection process for membership on the designated agency of the State Bar responsible for evaluation of judicial candidates under which no member of that agency shall provide inappropriate, multiple representation for purposes of this subdivision. Each member of the designated agency of the State Bar responsible for evaluation of judicial candidates shall complete a minimum of 60 minutes of training in the areas of fairness and bias in the judicial appointments process at orientation for new members. In the event the member serves more than one term, the member shall complete an additional 60 minutes of that training during the member's service on the designated agency of the State Bar responsible for evaluation of judicial candidates.

(c) Upon receipt from the Governor of the names of candidates for judicial office and their completed personal data questionnaires, the State Bar shall employ appropriate confidential procedures to evaluate and determine the qualifications of each candidate with regard to his or her ability to discharge the judicial duties of the office to which the appointment or nomination shall be made. Within 90 days of submission by the Governor of the name of a potential appointee for judicial office, the State Bar shall report in confidence to the Governor its recommendation whether the candidate is exceptionally well qualified, well qualified, qualified, or not qualified and the reasons therefor, and may report, in confidence, other information as the State Bar deems pertinent to the qualifications of the candidate.

(d) In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. The State Bar shall consider legal experience broadly, including, but not limited to, litigation and nonlitigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.

(e) The State Bar shall establish and promulgate rules and procedures regarding the investigation of the qualifications of candidates for judicial office by the designated agency. These rules and procedures shall establish appropriate, confidential methods for disclosing to the candidate the subject matter of substantial and credible adverse allegations received regarding the candidate's health, physical or mental condition, or moral turpitude which, unless rebutted, would be determinative of the candidate's unsuitability for judicial office. No provision of this section shall be construed as requiring that any rule or procedure be adopted that permits the disclosure to the candidate of information from which the candidate may infer the source, and no information shall either be disclosed to the candidate nor be obtainable by any process that would jeopardize the confidentiality of communications from persons whose opinion has been sought on the candidate's qualifications.

(f) All communications, written, verbal, or otherwise, of and to the Governor, the Governor's authorized agents or employees, including, but not limited to, the Governor's Legal Affairs Secretary and Appointments Secretary, or of and to the State Bar in furtherance of the purposes of this section are absolutely privileged from disclosure and confidential, and any communication made in the discretion of the Governor or the State Bar with a candidate or person providing information in furtherance of the purposes of this section shall not constitute a waiver of the privilege or a breach of confidentiality.

(g) If the Governor has appointed a person to a trial court who has been found not qualified by the designated agency, the State Bar may make public this fact after due notice to the appointee of its intention to do so, but that notice or disclosure shall not constitute a waiver of privilege or breach of confidentiality with respect to communications of or to the State Bar concerning the qualifications of the appointee.

(h) If the Governor has nominated or appointed a person to the Supreme Court or court of appeal in accordance with subdivision (d) of Section 16 of Article VI of the California Constitution, the Commission on Judicial Appointments may invite, or the State Bar's governing board or its designated agency may submit to the commission its recommendation, and the reasons therefor, but that disclosure shall not constitute a waiver of privilege or breach of confidentiality with respect to communications of or to the State Bar concerning the qualifications of the nominee or appointee.

(i) No person or entity shall be liable for any injury caused by any act or failure to act, be it negligent, intentional, discretionary, or otherwise, in the furtherance of the purposes of this section, including, but not limited to, providing or receiving any information, making any recommendations, and giving any reasons therefor. As used in this section, the term "State Bar" means its governing board and members thereof, the designated agency of the State Bar and members thereof, and employees and agents of the State Bar.

(j) At any time prior to the receipt of the report from the State Bar specified in subdivision (c) the Governor may withdraw the name of any person submitted to the State Bar for evaluation pursuant to this section.

(k) A candidate for judicial office shall not be appointed until the State Bar has reported to the Governor pursuant to this section, or until 90 days have elapsed after submission of the candidate's name to the State Bar, whichever occurs earlier. The requirement of this subdivision shall not apply to any vacancy in judicial office occurring within the 90 days preceding the expiration of the Governor's term of office, provided, however, that with respect to those vacancies and with respect to nominations pursuant to subdivision (d) of Section 16 of Article VI of the California Constitution, the Governor shall be required to submit any candidate's name to the State Bar in order to provide an opportunity, if time permits, to make an evaluation.

(l) Nothing in this section shall be construed as imposing an additional requirement for an appointment or nomination to judicial office, nor shall anything in this section be construed as adding any additional qualifications for the office of a judge.

(m) The Board of Governors of the State Bar shall not conduct or participate in, or authorize any committee, agency, employee, or commission of the State Bar to conduct or participate in, any evaluation, review, or report on the qualifications, integrity, diligence, or judicial ability of any specific justice of a court provided for in Section 2 or 3 of Article VI of the California Constitution without prior review and statutory authorization by the Legislature, except an evaluation, review, or report on potential judicial appointees or nominees as authorized by this section.

The provisions of this subdivision shall not be construed to prohibit a member of the State Bar from conducting or participating in an evaluation, review, or report in his or her individual capacity.

(n) (1) Notwithstanding any other provision of this section, but subject to paragraph (2), on or before March 1 of each year for the prior calendar year, all of the following shall occur:

(A) The Governor shall collect and release, on an aggregate statewide basis, all of the following:

(i) Demographic data provided by all judicial applicants relative to ethnicity, race, gender, gender identity, and sexual orientation.

(ii) Demographic data relative to ethnicity, race, gender, gender identity, and sexual orientation as provided by all judicial applicants, both as to those judicial applicants who have been and those who have not been submitted to the State Bar for evaluation.

(iii) Demographic data relative to ethnicity, race, gender, gender identity, and sexual orientation of all judicial appointments or nominations as provided by the judicial appointee or nominee.

(B) The designated agency of the State Bar responsible for evaluation of judicial candidates shall collect and release both of the following on an aggregate statewide basis:

(i) Statewide demographic data provided by all judicial applicants reviewed relative to ethnicity, race, gender, gender identity, sexual orientation, and areas of legal practice and employment.

(ii) The statewide summary of the recommendations of the designated agency of the State Bar by ethnicity, race, gender, gender identity, sexual orientation, and areas of legal practice and employment.

(C) The Administrative Office of the Courts shall collect and release the demographic data provided by justices and judges described in Article VI of the California Constitution relative to ethnicity, race, gender, gender identity, and sexual orientation by specific jurisdiction.

(2) For purposes of subparagraph (A) of paragraph (1), in the year following a general election or recall election that will result in a new Governor taking office prior to March 1, the departing Governor shall provide all of the demographic data collected for the year by that Governor pursuant to this subdivision to the incoming Governor. The incoming Governor shall then be responsible for releasing the provided demographic data, and the demographic data collected by that incoming Governor, if any, prior to the March 1 deadline imposed pursuant to this subdivision.

(3) Any demographic data disclosed or released pursuant to this subdivision shall disclose only aggregated statistical data and shall not identify any individual applicant, justice, or judge.

(4) The State Bar and the Administrative Office of the Courts shall use the following ethnic and racial categories: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, White, some other race, and more than one race, as those categories are defined by the United States Census Bureau for the 2010 Census for reporting purposes.

(5) Any demographic data disclosed or released pursuant to this subdivision shall also indicate the percentage of respondents who declined to respond.

(o) Members of judicial selection advisory committees are encouraged to recommend candidates from diverse backgrounds and cultures reflecting the demographics of California.

(p) If any provision of this section other than a provision relating to or providing for confidentiality or privilege from disclosure of any communication or matter, or the application of the provision to any person or circumstances, is held invalid, the remainder of this section to the extent it can be given effect, or the application of the provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable. If any other act of the Legislature conflicts with the provisions of this section, this section shall prevail.

APPENDIX 12
State Bar's Council on Access & Fairness
Tips/Checklist for Completing Online Application



May 2012

TIPS ON COMPLETING YOUR APPLICATION FOR A SUPERIOR COURT APPOINTMENT

1. INTRODUCTION.

If you have seriously considered becoming a trial court judge, you may feel intimidated by the prospect of completing the judicial application, especially since you must complete the final online version all in one sitting. You will be required to disclose detailed personal and private information. Some of the information may be very time consuming to compile. However, the application itself is really simple.

You can complete the application if you work on the draft of the application incrementally, with a clear organizational plan in mind. We list below some things to consider before you begin your journey, and, on the last page, we suggest a plan of action for tackling the draft of your application. Good luck!

2. KNOW WHAT YOU ARE GETTING YOURSELF INTO.

Select a sitting or retired judge to mentor you through the application process --- you will need a cheering section. Then do the following:

- i. Go to the governor's website: www.gov.ca.gov/s_judicialappointments.php
- ii. Print out the instructions for completing the application. The instructions for judicial appointment include the instructions for application to both the Appellate Court as well as the Superior Court. Pay particular attention to the section on completing the Superior Court Judicial Application. DO NOT click on the link for — "[Superior Court Application](#)" at the end of the instructions section. You will not go to that link until the very end of the process.
- iii. Download a copy of the application worksheet by clicking on the link "[review application](#)" and save it as a Word document. This will serve as your worksheet/working draft. You will be able to cut and paste into the final online version of your application portions of your working draft (e.g., your significant cases, your essays, etc.). This will save time as well as give you a document you can print out, and review carefully for errors with your mentor judge before you complete your application online.
- iv. Read the application straight through to familiarize yourself with the types of information you will have to provide, and make notes regarding the sources from which you can obtain the requested information.

3. KNOW WHAT YOU HAVE TO GO THROUGH.

The governor's office makes an initial evaluation of your application. Members of the governor's local Judicial Selection Advisory Committee ("JSAC") help the governor vet you. The membership of the JSACs is not officially made public. You will not be apprised of either the substance or the source of the information received by the JSAC, and you will not be given an opportunity to rebut any negative assessments of your candidacy.

The JSAC evaluation likely includes a Google search of your name, as well as 20-30 phone calls to colleagues and judges and other personal contacts in your community, and not necessarily those listed on your application. For example, if it is learned through a Google search that you were engaged in a protracted trial, and opposing counsel was not mentioned in your application, that person might be contacted.

If your application on its face shows that you are smart, well-rounded and have the breadth of life experience sought by the governor, and if the vetting process by the JSAC uncovers no areas of concern, your application will be forwarded to the State Bar's Commission on Judicial Nominees Evaluation ("JNE Commission") for formal vetting. Currently, the threshold for sending a candidate to JNE is much higher than it has been under prior administrations. If you are sent to JNE for evaluation, the current administration considers you a viable candidate for appointment.

Note, you must undergo a formal evaluation by the JNE Commission before the governor can appoint you. (This highlights how crucial it is your application makes it to the JNE Commission, *which in turn is dependent on the strength of your application.*) It is important at this juncture to review the rules of procedure governing the JNE Commission as well as Rule 7.25 which mandates the qualities the JNE Commission must consider in evaluating candidates: www.calbar.ca.gov/AboutUs/JudicialNomineesEvaluation.aspx.

Every individual noted on your application - your supporters as well as persons who may be less than enthusiastic about your aspirations - will get a JNE Commission evaluation form and will be able to weigh in on whether or not you should be appointed. However, during the JNE commission evaluation process, you will be apprised of any criticisms about you that have been found to be "substantial and credible" and you will be given an opportunity to respond to those criticisms during an interview with your assigned JNE commissioners. After your JNE interview, the full JNE commission considers you, and reports to the Governor's office a rating of exceptionally well qualified, well qualified, qualified, or not qualified.

In addition to being vetted by the local JSAC and the JNE Commission, you will likely also undergo an evaluation by your county bar association. In that process, your county bar association will gather information about you and also give you a rating of exceptionally well qualified, well qualified, qualified, or not qualified, and report its rating to the Governor's office.

4. KNOW YOURSELF.

You need to be candid with yourself about why you are suited to be a judge, and why you want to be a judge. This is also a good time not only to reflect upon whether there is anything in your personal or professional background that would detract from your suitability as a judge, but also how you will address any issues in your background in your application. While at the State Bar Web site, check your own State Bar record for accuracy. You must disclose in your application any complaints against you and any record of discipline, including any sanctions in excess of \$1,000. Also do a Google search of yourself, as it is certain, as previously mentioned, that the governor's office, as well as the various screening committees, will also Google you or check other social media sites.

5. KNOW YOUR LEVEL OF COMMITMENT TO THE ULTIMATE GOAL.

If, after reading the application worksheet and doing a candid self-evaluation you still wish to pursue becoming a judge, we recommend that you schedule three sessions with yourself, during which you devote time to answering the questions in the order that we suggest on the following page. The time intervals between each session can be as long or as short as you choose, but you should give your application priority. Completing the draft application is more of a marathon than a sprint, so keep moving forward.

6. KNOW THE CONSEQUENCES OF INATTENTIVENESS.

Keep in mind that this is probably the most important job application that you will ever complete. Typographical errors, grammatical errors, and general sloppiness will suggest that you will approach your judicial duties in the same careless and haphazard way. While there are no "litmus tests" for appointment - such as extensive trial experience, a particular party affiliation, or view on the death penalty - failure to fully and candidly answer a specific question could automatically preclude you from appointment.

Before submitting your final application, make sure you let your mentor judge, and at least two very close - and very candid - friends review your final product. Be open to constructive criticism, and make valid suggested changes to your application. Finally, please review again the instructions on the governor's website, make sure you are ready to comply with all requirements, and that you know what you must submit.

7. GET READY TO GO ONLINE TO SUBMIT YOUR FINAL APPLICATION.

After you have completed your draft and incorporated all of the desired changes based on the suggestions from you mentors/advisors into your word worksheet, it will be time to submit your application online. Allow yourself at a minimum three hours to complete this task. *Remember that you must complete the application in one sitting.* You cannot save work in progress and log off and come back at a later time without having to start all over again.

- i. Open up your Word worksheet so it will be available when you get ready to copy and paste the text of your essays and other lengthy entries. Also, have a hard copy of your application available for reference as you enter information in the dropdown menus online.
- ii. Go to the governor's website and now go to the very end of the instructions section and click on the link "Superior Court Application." This will take you to the online version of the application. Carefully read and make sure you understand the instructions.
- iii. Start to enter your information. Remember that while you must complete the application in one sitting, you do have three hours to complete each page of the application before the system will "time-out." Fortunately by pressing "add another entry" you can easily reset the three-hour timer.
- iv. Each time after you copy and paste an entry from your worksheet into the actual application, be sure to carefully proof read your work. Be alert to formatting changes (e.g., apostrophes that get converted to question marks when pasted into the application) that may have occurred.
- iv. After you submit your application online, you must mail a copy of your Authorization and Release form and application attachments (e.g., writing samples, resume, photograph, etc) to the governor's office.

COMPLETING THE TRIAL COURT APPLICATION IN THREE SESSIONS

SESSION ONE: ORDER OF QUESTIONS TO BE ANSWERED

1-6. Your name, preferred position/county, ethnicity, etc.	23. Prior judicial applications	*59. Describe your hobbies and/or personal interests
7-12. Personal info, spouse, etc.	24. Candidate for judicial office	63. Moral turpitude charges
13-14. Political party/dates	25. Military service	65. Bonded positions
15. Your state legislators ¹	32. Able to perform judicial duties	68-69. Unpaid judgments / orders; Tax liens/collections
16. Bilingual abilities	36. Total number career trials	70. Current on tax returns
17. Educational background	45-46. Current/past judicial officer; 10 big cases handled	72. Opposition to appointment
18-19. Current employment	48. Officer/director of business	*39. 10 big career cases – start ²
20. Current specializations	51. Non-lawyer licenses & proof of good character	29. Essay – “Why do you want to be a judge?” 1 st draft ³

SESSION TWO: ORDER OF QUESTIONS TO BE ANSWERED

21-22. Bar exam, Courts you can practice in.	34-35. Variety of practice-past 5 years.	60 - 61. Arrests/convictions/ investigations; Lawsuits/civil proceedings/bankruptcies
26. Work History / Supervisors	37. Detail re 5 most recent trials	62. Bar discipline/sanctions
27. Essay-Background-why qualified	44. Teaching experience- college, university, law school	64. All licenses, suspensions, disciplines, charges
*30. Professional accomplishment most proud of	45-46. Current/past judicial officer, 10 big cases, more work	66-67. Any clients sued you; Malpractice claims
*31. Describe your personality	49. Income from other than law	74. 5 personal references - draft
33. Specific areas of experience	50. Other public offices held	39. 10 big cases – more work on

SESSION THREE: ORDER OF QUESTIONS TO BE ANSWERED

38. Big cases resolved without trial in last 5 years	52. Writings/publications	73. Disclosures re negatives
40. Your published cases	53. Honors, awards, prizes	28. Essay – Role of attorney /judge in improving society
*41. Number of depositions	54-56. Bar assns, private clubs	39. 10 big career cases - finish
*42. Number of oral arguments	57. Pro bono legal services	29. Essay – “Why do you want to be a judge” final draft
*43. Most significant law-related activities	58. Community service/affairs	74. List 5 personal references – final list
47. Pro tem/arbitrator work	71. Bad press re character	Other things to do – gather writing samples, photo, resume

*Denotes a newly added or amended question to the judicial application by the current administration.

¹ [Http://www.assembly.ca.gov](http://www.assembly.ca.gov) (Go to: “Find My Representative”)

² First, list only the names of 12-13 cases that might serve as your significant cases handled as counsel. These cases may include matters mediated or cases resolved before trial. The JNE Commission will send each opposing counsel and judge listed in your application an evaluation form. Include any high-profile cases, as they may well be found through a Google search anyway. To locate current contact information of opposing counsel, co-counsel or judges, go to “ATTORNEY SEARCH” at www.calbar.ca.gov. If you can’t locate a retired judge, indicate the judge is retired.

³ Think seriously about why you want to be a judge. This essay will speak volumes about what kind of judge you will be. For your final essay, follow the “Goldilocks Rule” and make sure that the essay is: Not too hot/not too cold; not too big/not too little; not too hard/ not too soft; it should be just right!

APPENDIX 13
State Bar's Council on Access & Fairness Report
Re JNE Commission Resource Materials
[applying Govt. Code 12011.5(d)]



THE STATE BAR
OF CALIFORNIA

Council on Access & Fairness

180 Howard Street, San Francisco, California 94105

Telephone (415) 538-2240

**Resource Materials for the
Application of California Government Code Section 12011.5(d)
in the Review and Evaluation of Applications for Judicial Appointment**

**Prepared by the State Bar of California
Council on Access & Fairness
July 2011**

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For additional copies, please call (415) 538-2240 or email access&fairness@calbar.ca.gov.

INTRODUCTION

The State Bar Board of Trustees 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.

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). 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, and is intended for use during the ongoing training of the JNE Commissioners.

CALIFORNIA GOVERNMENT CODE §12011.5 PROVIDES, IN PART, THAT:

“(d) In determining the qualifications of a candidate for judicial office, the State Bar shall consider, among other appropriate factors, his or her industry, judicial temperament, honesty, objectivity, community respect, integrity, health, ability, and legal experience. *The State Bar shall consider legal experience broadly, including, but not limited to, litigation and non litigation experience, legal work for a business or nonprofit entity, experience as a law professor or other academic position, legal work in any of the three branches of government, and legal work in dispute resolution.*” (Italics added).

COMMENTARY: Further Defining “Legal Experience”

There is widespread consensus that those selected to become judges typically have the same background, *i.e.*, that of a district attorney or other prosecutor. While criminal jury trial experience is very valuable, the practice of selecting members of the judiciary with the same legal experience ignores the richness of diversity and experience in the legal profession and the valuable work that is being done in courts and legal proceedings other than criminal courts.

A great deal of important and difficult work is done in the civil law arena, including litigation, transactional, and administrative matters. With regard to civil proceedings, in addition to the traditional civil litigation courts, civil law practitioners also practice in the family, juvenile dependency, juvenile delinquency, probate, mental health and administrative law courts. While many civil matters may not generate headlines, they nonetheless often set in place a course of action that may have a significant impact on society, the community, or an individual's life. The thoughtful, detailed, specialized, and demanding skills needed for various civil law proceedings are *equally desirable prerequisites* for a judicial candidate as are the skills obtained in the practice of criminal law.

Further, attorneys with experience as judicial officers such as judges pro tem and administrative law judges, as well as those in mediation or dispute resolution, have a track record for which their demeanor, treatment of litigants, work ethic and ability to make decisions can be measured.

Therefore, it is important to recognize that there are varied and valued skill sets developed in different practice areas that suggest suitability for appointment to the bench. These skills should be considered in the review process to ensure that legal experience is viewed in the broad sense envisioned by Government Code section 12011.5(d).

SKILLS FOR SPECIFIC PRACTICE SETTINGS

Civil Litigation:

Attorneys with practice experience in civil litigation matters have often developed:

- Critical legal and analytical skills to develop litigation strategies
- Expertise in drafting court pleadings and other legal documents applying facts to law to advocate for the client's position
- Oral advocacy skills obtained through motion hearing practice, trial experience, or administrative hearings
- Negotiation and other dispute resolution skills
- A broad range of legal expertise

Juvenile, Family, Criminal Defense, Immigration and Probate Practice:

Attorneys with practice experience in juvenile, family, probate, criminal, and immigration have often developed:

- Sensitivity to the cultural, emotional/mental and economic differences of the parties that influence court proceedings and outcomes
- A unique ability to work effectively with individuals in extreme crises
- Professional demeanor and distance, despite the emotional nature of the cases, to remain objective and effective
- Knowledge in areas other than the law, including but not limited to real estate, taxation, pensions, child development, substance abuse, immigration and mental illness

Legal Work for Business or Non-Profit Entities:

Attorneys who have represented business or non-profit entities, including transactional and in-house lawyers, often have well developed skills in:

- Planning and negotiation
- Legal research
- Drafting written agreements, corporate transactional documents, etc.
- Foreseeing potential obstacles and averting them
- Preparing legal memoranda applying facts to law to advise clients, or to advocate the opposing position
- A broad range of legal expertise
- Advocacy in administrative, quasi-judicial proceedings, or in the legislative process

Dispute Resolution, Arbitration and Mediation Practice:

Attorneys with experience in dispute resolution, including arbitrators and mediators, often have experience in:

- Conducting pre-hearing conferences including case management conferences
- Ruling on preliminary motions, including discovery matters
- Conducting hearings, which may include written or oral testimony and cross-examination
- Assessing credibility of witnesses, weighing evidence and ruling on evidentiary issues
- Preparing findings of fact and conclusions of law and issuing oral and written decisions

Administrative Law Judges, Judges Pro Tem, Commissioners, Referees, and Federal Magistrate Judges:

Attorneys with judicial experience as an administrative law judge, a judge pro tem, a superior court commissioner, a superior court referee, or a federal magistrate judge often have experience in:

- Acting as presiding judicial officer assigned to a particular courtroom, managing court calendar and staff
- Processing ex parte matters
- Instructing parties as to their rights and the court process
- Conducting pre-trial conferences, and ruling on pre-trial motions
- Conducting contested hearings, which may include written or oral testimony and cross-examination, receiving documentary evidence, assessing credibility of witnesses, weighing of evidence and ruling on evidentiary issues
- Analyzing and evaluating facts and the law
- Rendering oral and/or written decisions and opinions
- Sentencing or rendering dispositions
- Ensuring due process rights of the parties

Administrative and Legislative Law Practice:

Attorneys who practice administrative law including, *but not limited to*, those with experience with the Legislature and the following administrative/governmental agencies: Workers' Compensation Appeals Board, Social Security Administration, Unemployment Insurance Appeals Board, State Welfare Commission, Occupational Safety and Health Administration, Federal Communications Commission, Securities and Exchange Commission, Social Security Office of Disability Adjudication and Review, California Public Utilities Commission, Office of Administrative Law, Immigration Court, and the Equal Employment Opportunity Commission, often have developed skills such as:

- Expertise in the inner workings of state and federal government, and complicated legal issues with proceedings involving governmental law and regulation
- Knowledge of a broad range of issues such as business and economic regulation, industry restructuring and deregulation, contracting and project development, trade regulation, and legislative consultation and lobbying registration and reporting requirements
- Gathering the necessary, appropriate evidence
- Presenting evidence
- Eliciting testimony from witnesses
- Analyzing and evaluating proposed laws and regulations

Academic Setting – Law Professors and Lecturers:

Attorneys who have experience as professors or lecturers often have highly developed skills such as:

- Ability to motivate and inspire
- Effective public speaking
- Effective listening and mediating
- Strong legal research and analysis capabilities
- Ability to break down complex concepts in a way that makes them understandable
- Persuasive writing, including authoring articles and books
- Expertise in complex areas including ethics
- Proven ability to work with people of diverse cultural and economic backgrounds
- Effective planning and implementation capacity
- Professional demeanor
- Ability to understand trends in the law and the role of precedent, as well as the interaction between the legislative, executive, and judicial branches
- Ability to undertake sustained analysis on discrete legal issues with the goal of achieving the proper result

Legal Aid, Pro Bono, Diversity and Community Activities:

Attorneys with legal aid or pro bono experience or who participate in diversity pipeline programs frequently demonstrate:

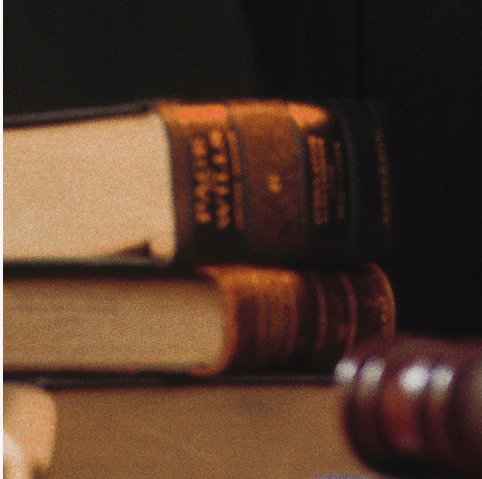
- An understanding of the ethical responsibility to improve access to the legal system and to make it more responsive to the needs of the underprivileged and the communities served
- An ability to communicate and work with populations from diverse cultural and socio-economic backgrounds
- An understanding of the need to provide crucial legal services to the traditionally underserved such as the impoverished, defenseless and those in rural communities who cannot afford traditional legal representation
- A recognition that diversity in the profession is important to enhance the administration of justice, as well as being good for the profession, good for business, good for our communities and critical for enhancing the public's confidence in the legal profession and judicial system
- An ability to work collaboratively with individuals and groups to organize, lead, teach, motivate and inspire individuals from underrepresented groups to enter or advance in the legal profession
- Legal skills including drafting pleadings, interviewing, and presenting oral argument; leadership ability; lead counsel experience; consensus and coalition building skills; ability to develop successful client relations; good interpersonal skills; and ability to operate within a bureaucracy

APPENDIX 14
AOC's Judicial Diversity Toolkit,
Pathways to Achieving Judicial Diversity in the California Courts:
Cover Page, Table of Contents, and
Link to Complete Copy of AOC's Judicial Diversity Toolkit
<http://www.courts.ca.gov/documents/Judicial-Diversity-Toolkit.pdf>



Pathways to Achieving Judicial Diversity in the California Courts

A TOOLKIT OF PROGRAMS
DESIGNED TO INCREASE THE
DIVERSITY OF APPLICANTS
FOR JUDICIAL APPOINTMENT
IN CALIFORNIA



Pathways to Achieving Judicial Diversity in the California Courts

A TOOLKIT OF PROGRAMS DESIGNED TO
INCREASE THE DIVERSITY OF APPLICANTS FOR
JUDICIAL APPOINTMENT IN CALIFORNIA

DECEMBER 2010



ADMINISTRATIVE OFFICE
OF THE COURTS

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