

FINAL REPORT OF THE

JUDICIAL ELECTIONS EVALUATION COMMITTEE

OF THE

LOS ANGELES COUNTY BAR ASSOCIATION

Issued May 15th, 2006

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This is the final report of the Judicial Elections Evaluation Committee of the Los Angeles County Bar Association (“Association”) for the June, 2006 primary election.

The committee was appointed by the President of the Association during the administrative year, 2005-2006. It currently numbers 45 members who represent, by race, gender, and ethnicity, a cross section of the legal community, including lawyers from the private and public sectors, corporate counsel, sole practitioners and members of small, medium and large law firms. Most of the members have broad courtroom experience, and all have a firm understanding of the qualifications required for judicial office.

The Board of Trustees has approved the Rules of the Judicial Elections Evaluation Committee of the Los Angeles County Bar Association. A copy of the Judicial Elections Evaluation Committee Handbook, which incorporates the Rules, is available from W. Clark Brown at the Los Angeles County Bar Association (213-833-6703). Further voter information is available from the County Bar Web page at <http://www.lacba.org/judiciaevaluation>.

Before commencement of the committee's work this year, a training session was held for new committee members to acquaint them with the handbook and the rules and procedures to be used in their work on the committee. The committee then began its evaluation of candidates for the contested judicial offices in Los Angeles County for the primary election scheduled for June 6th, 2006. During this election, twenty-eight candidates sought eight contested offices.

After the number of contested offices became known, the committee was divided into three subcommittees. Subcommittee assignments were made by the committee chair in consultation with the vice chairs. These assignments were designed to provide, to the extent possible, each subcommittee with members of diverse personal and professional backgrounds. Each subcommittee had approximately ten to fifteen members. The vice chairs and the subcommittee chairs organized the subcommittees and performed other functions to assist in the preparation of the subcommittees' reports to the full committee.

The entire committee met to review subcommittee reports and to make tentative evaluations on April 25th, April 27th, May 2nd, May 4th and May 9th, 2006. In addition, the entire

committee met on May 9th and May 11th, 2006 to interview those candidates who appealed their tentative evaluations and requested a re-evaluation.

All candidates given a tentative evaluation of "Well Qualified," "Qualified" or "Not Qualified" were invited to meet with the full committee to discuss their tentative evaluations. Thirteen candidates filed such appeals and appeared before the full committee.

Evaluation Standards

In accordance with the Rules, the committee evaluated the candidates as "Exceptionally Well Qualified," "Well Qualified," "Qualified," or "Not Qualified." These standards are described in the committee's Rules as follows:

To be "Exceptionally Well Qualified," the candidate must possess qualities and attributes considered to be of remarkable or extraordinary superiority so that, without real doubt, the candidate is deemed fit to perform the judicial function with distinction.

To be "Well Qualified," the candidate must possess qualities and attributes considered to be worthy of special note as indicative of a superior fitness to perform the judicial function with a high degree of skill and effectiveness.

To be "Qualified," the candidate must possess qualities and attributes considered sufficient to perform the judicial function adequately and satisfactorily.

To be "Not Qualified," the candidate must possess less than the minimum qualities and attributes considered necessary to perform the judicial function adequately and satisfactorily.

These standards necessarily contemplate a quantitative and qualitative evaluation. They are, therefore, very different from the eligibility provisions of the California Constitution, which merely require membership in the State Bar or service on a court of record for ten years for Superior Court.

Evaluation Procedure and Investigation

In discharging its responsibility, the committee complied with its Rules as follows:

1. A meeting was held by the vice chairs and the committee chair to discuss assignments, procedures, and techniques. Vice chairs then organized their subcommittees. Assignments were made to avoid potential conflict situations. The attempts by judicial candidates' political consultants to politicize the evaluation process were also discussed.

2. A letter describing the committee's work was sent to each candidate along with a Personal Data Questionnaire, a roster of committee members, notice of the candidate's right to seek disqualification of any committee member based upon conflict of interest, and a copy of the Judicial Elections Evaluation Committee Handbook and Rules. Each candidate was asked to complete and return the Personal Data Questionnaire, and to review the roster for members who might have a possible conflict of interest. The committee chair then dealt with any conflicts claims. Candidates were also asked to supply the names and current addresses on mailing labels of 75 lawyers and judges who could evaluate the candidate's legal skills and knowledge, including all counsel and judges listed in the responses to the Personal Data Questionnaire.

3. The subcommittees reviewed the Personal Data Questionnaires and analyzed additional information concerning the candidates' qualifications for judicial office. Among other things, they mailed questionnaires to the persons shown on the mailing labels submitted by the candidates and, in some instances, to other persons considered to be knowledgeable about the candidate's qualifications (*e.g.*, members of local bar associations representing communities where the candidate practices or sits as a judge). The questionnaires were patterned after questionnaires used by the State Bar Commission on Judicial Nominees Evaluation in rating persons being considered for judicial appointment by the Governor.

Upon receipt of completed questionnaires, the subcommittees followed up with telephone or other communications with judges, lawyers, and other persons who know the candidates. In particular, reports of negative qualities were followed up to determine the extent to which the reports had any substance and reflected broadly held opinions as opposed to isolated instances or personal reactions peculiar to the person responding.

In their investigations, subcommittee members specifically inquired, among other things, into the following attributes of the candidates:

- (1) Integrity and character
- (2) Judgment and intellectual capacity
- (3) Fairness
- (4) Experience
- (5) Industry and diligence
- (6) Judicial temperament, including whether the candidate would be courteous and considerate of counsel, parties, witnesses and jurors, and whether the candidate is even-tempered
- (7) Professional ability and knowledge of the law
- (8) Health problems that affect the ability to serve as a judge
- (9) General reputation in the community
- (10) Civic and community activities
- (11) Other relevant matters of concern.

4. Committee members supplemented the investigations of the subcommittees by exchanging information with the full committee in order to take advantage of the broad base of knowledge, background and experience of the entire membership.

5. All candidates were personally interviewed by the subcommittees assigned to them.

6. After the subcommittees completed their investigations and interviewed the candidates, the subcommittees reported to the entire committee and recommended tentative evaluations. During the meetings of the full committee, the subcommittees' reports and recommendations were fully discussed, and a tentative evaluation of each candidate was determined by the full committee. In accordance with the Rules, a vote of over fifty percent of the quorum present is required for a rating of "Qualified," over sixty percent for a "Well Qualified," and a vote of over seventy-five percent of the quorum present is required for the rating of "Exceptionally Well Qualified." Each candidate receiving a tentative evaluation other than "Exceptionally Well Qualified" was advised in writing of the basis for the tentative evaluation and invited to appear individually before the full committee to discuss the evaluation. Immediately before the candidates appeared, the reasons for the tentative evaluation were reviewed by the committee. When the candidates appeared, they were given the opportunity to

address the reasons given for the tentative evaluation, to present relevant facts, letters from third persons and other documents, and to answer questions from committee members. After each candidate's discussion with the committee and his or her departure, the committee again discussed the information it had, reviewed the tentative evaluation, and reached a final evaluation. Final evaluations were then sent to each candidate.

Confidentiality

In accordance with the Rules, all investigations and proceedings of the committee and its subcommittees were treated as confidential. The need for confidentiality was stressed from the beginning of the committee's work, with each member signing an agreement by which the member agreed to be bound by the Rules and, among other things, to not disclose to the public or to any person information regarding the work of the committee, except as set forth in the Judicial Elections Evaluation Committee Handbook and the Rules.

Candidates were, however, free to disclose the contents of the confidential letters directed to them from the chair advising them of the committee's tentative and final evaluations, as well as to disclose other information they received from the committee, *e.g.*, during interviews with subcommittees and the full committee.

Evaluations

The committee stresses that its evaluation does not reflect upon and is not an evaluation of a candidate's qualifications, as a practicing attorney, or in any other endeavor.

SUPERIOR COURT EVALUATIONS

Having completed its investigations and deliberations, the Judicial Elections Evaluation Committee reports its final evaluations for the candidates for the following Superior Court offices:

SUPERIOR COURT OFFICE NO. 8

Deborah L. Sanchez—Well Qualified
Bob Henry—Qualified
Alan H. Friedenthal—Well Qualified

SUPERIOR COURT OFFICE NO. 18

Daviann L. Mitchell—Qualified
Richard H. Loomis—Well Qualified
David Crawford, III—Not Qualified
Richard A. Nixon—Not Qualified
John C. Gutierrez—Qualified
Stephen M. Feldman—Not Qualified

SUPERIOR COURT OFFICE NO. 28

Judith L. Meyer*—Exceptionally Well Qualified
S. Paul Bruguera—Qualified
Douglas W. Weitzman—Not Qualified

SUPERIOR COURT OFFICE NO. 95

Richard Kraft—Well Qualified
Susan L. Lopez-Giss—Well Qualified

SUPERIOR COURT OFFICE NO. 102

C. Edward Mack—Qualified
Hayden Zacky—Well Qualified
George C. Montgomery—Not Qualified

SUPERIOR COURT OFFICE NO. 120

Dzintra I. Janavs—Exceptionally Well Qualified
Lynn Diane Olson—Not Qualified

* This candidate was a member of the Judicial Elections Evaluation Committee in 2002.

SUPERIOR COURT OFFICE NO. 122

Daniel J. Lowenthal—Qualified
Robert Davenport—Not Qualified

SUPERIOR COURT OFFICE NO. 144

Edward J. Nison—Qualified
Stephen H. Beecher—Not Qualified
Janis Levart Barquist—Well Qualified
David W. Stuart—Well Qualified
Larry H. Layton—Not Qualified
Maria Rivas Hamar—Qualified
Randolph Martin Hammock—Well Qualified

EVALUATION OF NOT QUALIFIED CANDIDATES - SUPERIOR COURT

The committee rated the following nine candidates as “Not Qualified”: Stephen Beecher, David Crawford III, Robert Davenport, Stephen M. Feldman, Larry H. Layton, George C. Montgomery, Richard A. Nixon, Lynn Diane Olson and Douglas W. Weitzman. That evaluation reflects the committee's opinion that these candidates do not adequately possess one or more of the following attributes necessary to perform the judicial function satisfactorily:

- Integrity and character
- Judgment and intellectual capacity
- Fairness
- Experience
- Industry and diligence
- Judicial temperament, including whether the candidate would be courteous and considerate of counsel, parties, witnesses and jurors, and whether the candidate is even-tempered
- Professional ability and knowledge of the law
- Absence of health problems that affect the ability to serve as a judge
- Positive professional reputation in the community.

CONCLUSION

The Judicial Elections Evaluation Committee of the Los Angeles County Bar Association 2005-2006 respectfully submits this report hoping it will be a source of information for the voters of Los Angeles County and will assist them in selecting qualified and able judicial officers in the forthcoming election. The report collectively represents innumerable hours of work by the committee during a four-month period. This enormous time investment was made to ensure a quality evaluation and represents a sincere commitment by the committee to the administration of justice.

Dated: Issued May 15th, 2006

Members of the Committee:

Brent A. Braun, Chair
Richard J. Burdge, Jr., Vice Chair
Gigi Gordon, Vice Chair
Gregory J. Weingart, Vice Chair

Jerrold E. Abeles
Anya C. Artan
Jerry C. Baik
Stephanie M. Bedi
Nicole C. Bershon
Raymond P. Boucher
Adam H. Braun
Laura J. Butler
Christopher C. Chaney
Nicholas P. Connon
Paul N. Crane
Charles D. Ferrari
Russell Glazer
Robert L. Grace

Laura Green
Daniel Grunfeld
Christa M. Hohmann
Beong-Soo Kim
Laura L. Laesecke
Maya S. Lee
Jonathan A. Loeb
Michael L. Many
Jill P. McDonell
Christopher C. Melcher
Norman Felix Montrose
James "Duff" Murphy
Eugene P. Ramirez
James R. Robie

Rickard Santwier
John W. Sheller
Alan J. Skobin
Lorin D. Snyder
Andrew M. Stein
Alan K. Steinbrecher
Robert H. Stellwagen
Cress Templeton
Bruce Wessel
R. Bruce Tepper, Jr.
Trenier A. Wright
Roberta M. Yang
Deborah E. Yim



Brent A. Braun, Chair
Los Angeles County Bar Association
Judicial Elections Evaluation Committee