

**FINAL REPORT OF THE 2016**

**JUDICIAL ELECTIONS EVALUATION COMMITTEE**

**OF THE**

**LOS ANGELES COUNTY BAR ASSOCIATION**

**Issued April 25, 2016**

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This is the final report of the Judicial Elections Evaluation Committee (“Committee”) of the Los Angeles County Bar Association (“LACBA”) for the June 2016 primary election.

The Committee was appointed by the President of LACBA during the administrative year 2015-2016. All members of the Committee, numbering 29 persons, participated in this election’s evaluation process. The members of the Committee represent by race, gender, and ethnicity, a cross section of the legal community, including lawyers from the private and public sectors, sole practitioners and members of small, medium and large law firms, prosecutors and criminal defense attorneys, as well as members of the plaintiff and defense bars. Committee members have extensive courtroom and trial experience and a firm understanding of the qualifications necessary to be an effective judicial officer.

The Board of Trustees adopted the Rules of Procedure of the Committee on May 27, 2015. A copy of the Judicial Elections Evaluation Committee Handbook, which incorporates the Rules, is available from W. Clark Brown, LACBA General Counsel and Chief Administrative Officer, at (213) 833-6703. In addition, the Handbook is available to the candidates and Committee online on LACBA’s website, [www.lacba.org](http://www.lacba.org).

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 7, 2016. In this election, 23 candidates seek seven contested offices: three offices are open seats, and four offices are currently held by judicial officers. One of the judicial officers was originally appointed by the Governor. Another judicial officer decided not to run for candidacy.

After the number of contested offices and candidates became known, the Committee was divided into three subcommittees. Subcommittee assignments were made by the Committee Chair in consultation with the three Vice Chairs responsible for the subcommittees. These assignments were designed to provide, to the extent

possible, each subcommittee with members of diverse personal and professional backgrounds. Each subcommittee had approximately nine to eleven members. The Vice Chairs organized the subcommittees and performed other functions to assist in the preparation of each subcommittee's reports to the full Committee. As it relates to each candidate, the functions of the subcommittee, with the assistance of LACBA staff, included among other things, public database inquiries, the distribution of Confidential Questionnaires and the analysis of the completed questionnaires returned to the Committee, telephonic inquiries to references and other individuals identified by the candidates and persons not identified by candidates, including opposing counsel and judges before whom they appear, on-site monitoring of sitting bench officers in the courtroom where applicable, and subcommittee interviews with those candidates who participated in the process.<sup>1</sup>

Each candidate was given due and timely notice of the document submission deadline on multiple occasions using a variety of notice vehicles such as email, telephone calls, and personal contact.

The universe of information to consider, validate, and analyze as to each candidate is much larger for those who timely provide such documentation than for those who do not. As a result, the Committee has in the past determined to deny subcommittee interviews to those who failed to timely provide information. In this election cycle, those candidates who participated in the process provided information in a reasonably timely manner and all who participated were afforded an interview with a subcommittee. The Committee takes a candidate's decision not to participate in the evaluation process into consideration as one of several factors impacting the candidate's judgment, character, work ethic and temperament.

The Committee met to review subcommittee reports and to make tentative evaluations on April 4, 5, 12 and 14, 2016. In addition, the Committee met on April 18 and 21, 2016 to conduct interviews with those candidates who appealed their tentative evaluations, requesting re-evaluation.

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<sup>1</sup> Two candidates declined for various reasons to participate in the Committee's evaluation by failing to complete a Personal Data Questionnaire, failing to provide a list of references, and/or refusing to participate in an interview with a subcommittee. The candidates who elected not to participate in the evaluation process were also informed of their tentative ratings and both appealed. Notwithstanding the fact that the candidates declined to participate, the Committee nevertheless conducted as thorough a review of the candidates as possible, and the Committee evaluated and rated the candidates based on the available information.

All candidates who were given a tentative evaluation of "Qualified" or "Not Qualified" were afforded the opportunity to meet with the Committee to appeal their tentative evaluations. Six candidates filed such appeals and five appeared before the Committee.

### **Evaluation Standards**

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 professional ability, experience, competence, integrity and temperament indicative of superior fitness to perform the judicial function with a high degree of skill and effectiveness.

To be "Qualified," the candidate must possess professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

To be "Not Qualified," the candidate lacks one or more of the qualities of professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

These standards necessarily contemplate a quantitative and qualitative evaluation. The standards are, therefore, very different from the eligibility provisions for Superior Court judicial officers set forth in the California Constitution, which merely require that the individual be a member of the State Bar or have served on a court for ten years.

## **Evaluation Procedure and Investigation**

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

1. A telephonic meeting was held by the Vice Chairs and the Committee Chair to discuss assignments, procedures, and techniques. The Vice Chairs then organized their respective subcommittees. Assignments were made to avoid potential conflict situations, and for the most part to ensure that candidates for the same office were not evaluated by the same subcommittee.

2. A letter describing the Committee's work was sent to each candidate along with a roster of committee members, notice of the candidate's right to seek disqualification of any committee member based upon any perceived conflict of interest, and links and instructions to access the Personal Data Questionnaire, Judicial Elections Evaluation Committee Handbook and Rules of Procedure. 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 conflict claims. Candidates were also asked to supply the names and current email addresses of 75 lawyers and/or judges who could evaluate the candidate's legal skills, knowledge, temperament, and other qualifications to be a judicial officer. Ideally, these individuals also included all counsel and judges listed in the candidate's responses to the Personal Data Questionnaire.

An orientation meeting was held on February 18, 2016, at the LACBA offices to acquaint each candidate with the evaluation process, time frames and to answer any questions the candidates had regarding the process. Forty-eight (48) percent of the candidates attended the meeting.

Appropriate steps were taken to protect against even the appearance of a conflict of interest.

3. The subcommittees reviewed the Personal Data Questionnaires and analyzed all additional information concerning the candidates' qualifications for judicial office. Among other things, the subcommittees emailed and hard mailed questionnaires to each individual identified on the candidates reference list 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, members of the subcommittees followed up telephonically or in person with judges, lawyers, and other persons who had knowledge of the candidates. Negative reports regarding a candidate were followed up to determine the extent to which the report had any substance or reflected broadly held opinions as opposed to an isolated instance or personal reaction peculiar to the individual 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 might affect the candidate's ability to serve as a judge
- (9) General reputation in the community
- (10) Civic and community activities
- (11) Candor in preparing the Personal Data Questionnaire and list of references, and responding to inquiries by Committee members
- (12) Other relevant matters of concern including any issues relating to potential bias.

4. Committee members supplemented the investigations of the subcommittees by providing information to the Committee so as to take advantage of the broad base of knowledge, background, and experience of the entire Committee.

5. The candidates who participated in the process 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 Committee and recommended tentative ratings. During the meetings of the full Committee, the subcommittees' reports and recommendations were fully discussed, and a tentative evaluation of each candidate was made by the full Committee. In accordance with the rules, a vote of over 50 percent of the Committee quorum present is required for a rating of "Qualified," over 60 percent for a rating of "Well Qualified," and over 75 percent is required for the rating of "Exceptionally Well Qualified."

7. Each candidate receiving a tentative evaluation of "Not Qualified" was advised in writing of the basis for the tentative evaluation and advised of their right to appear individually before the full Committee to discuss the evaluation. Prior to the appearance of any candidate appealing his or her evaluation, the Committee reviewed the reasons for the tentative evaluation. When the candidates appeared, they were each given the opportunity to address the reasons given for the tentative evaluation, to present relevant facts, letters from third persons and/or other documents, and to answer questions from the Committee members. Candidates receiving a tentative evaluation of "Qualified" were also advised of an opportunity to appeal that evaluation by appearing before the full Committee. Following each candidate's discussion with the Committee, the Committee reviewed and discussed the information received, including any information or comments made during the appeal hearing, 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 and are treated as confidential. The need for confidentiality was emphasized from the beginning of the Committee's work, with each member and staff person signing an agreement by which the member agreed to be bound by the Rules. Those Rules mandate that the Committee members are, among other things, not to disclose to any person, information regarding the work of the Committee, except as set forth in the Judicial Elections Evaluation Committee Handbook and the Rules.

## **Evaluations**

The Committee emphasizes that its evaluations do not reflect upon and are not an evaluation of the 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 Los Angeles Superior Court offices:

**SUPERIOR COURT OFFICE NO. 11**

Debra R. Archuleta ..... Qualified  
Paul Kim ..... Qualified  
Jonathan Alexan Malek..... Not Qualified  
Steven Schreiner..... Well Qualified

**SUPERIOR COURT OFFICE NO. 42**

E. Matthew Aceves..... Well Qualified  
Alicia Molina..... Not Qualified  
Michael P. Ribons ..... Well Qualified  
Comm. Cyndy Zuzga..... Well Qualified

**SUPERIOR COURT OFFICE NO. 60**

Stepan W. Baghdassarian ..... Not Qualified  
Hon. James A. Kaddo ..... Qualified

**SUPERIOR COURT OFFICE NO. 84**

Javier Perez ..... Qualified  
Susan Jung Townsend ..... Qualified  
Aaron J. Weissman..... Qualified  
Hubert S. Yun..... Qualified

**SUPERIOR COURT OFFICE NO. 120**

Eric O. Ibsi..... Qualified  
Hon. Ray Santana ..... Well Qualified

**SUPERIOR COURT OFFICE NO. 158**

David A. Berger ..... Not Qualified  
Onica Valle Cole..... Qualified  
Naser "Nas" Khoury..... Qualified  
Fred Mesropi..... Well Qualified  
Kim L. Nguyen ..... Well Qualified

SUPERIOR COURT OFFICE NO. 165

Hon. Kathryn Ann Solorzano..... Well Qualified  
Tami L. Warren ..... Qualified

EVALUATION OF NOT QUALIFIED CANDIDATES - SUPERIOR COURT

The committee rated the following four (4) candidates as “Not Qualified:”

Stepan W. Baghdassarian, David A. Berger, Jonathan A. Malek, and Alicia Molina. 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
- Sufficient recent and relevant legal 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 2016 Judicial Elections Evaluation Committee of the Los Angeles County Bar Association respectfully submits this report with the consideration in mind that 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 over nearly three months. This enormous time investment was made to ensure a quality evaluation and represents a sincere commitment by the Committee to the administration of justice.

In addition, the Committee with the assistance of LACBA staff has provided additional information that we believe will be helpful to the voters. This information

includes enhanced LACBA Internet website placement and information, photographs and contact information about each candidate for every contested election and a website "landing page" that provides brief information on each candidate. The website also provides links to the following websites: League of Women Voter's "Smart Voter" website; individual websites for those candidates who have them; the *Metropolitan News Enterprise* legal newspaper's website; and the *Los Angeles Times* Judicial Evaluations page. These are designed to increase the public awareness of the JEEC evaluation process, promote public understanding of those qualities that make for excellence on the bench, and to educate the public on the candidates.

The Committee with the assistance of LACBA staff will embark on a multiple facet public information campaign to publicize the judicial elections and the JEEC's candidate evaluations prior to the June 7, 2016 Primary Election and again prior to the November 2016 General Elections for those candidates in a run-off election.

Date Issued: April 25, 2016

Officers of the Committee:

Jerrold Abeles, Chair  
Nicholas P. Connon, Vice Chair  
Kristin S. Escalante, Vice Chair  
Jonathan A. Loeb, Vice Chair

Members of the Committee

P. Patrick Ashouri	Brock T. Hammond	David A. Shapiro
John L. Barber	Christa M. Hohmann	Lorin D. Snyder
Stephanie M. Bedi	Barbara Y. Johnson (res. 3/15/16)	David J. Staub
Adam S. Cherenky	Shawn J. McCann	Curt L. Surls
Howard W. Cohen	Sean K. McDonald	Michael H. Swartz (res. 4/12/16)
Paul N. Crane	Christopher C. Melcher	R. Bruce Tepper, Jr. (res. 4/5/16)
Grant A. Davis-Denny	Duff Murphy	Ellisen S. Turner
Donna J. Ford	Jeffrey Rosenfeld	Lucy Varpetian
Sherry E. Grant	Susan Schwartz	Miji J. Vellakkattel

Respectfully submitted,



Jerrold Abeles, Chair  
Los Angeles County Bar Association  
Judicial Elections Evaluation Committee