



# APPLICANT EVALUATION AND NOMINATION COMMITTEE

180 HOWARD STREET, 6<sup>TH</sup> FLOOR, SAN FRANCISCO, CALIFORNIA 94105-1639

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## STATE BAR COURT PRESIDING AND HEARING JUDGE FACT SHEET

The California Supreme Court's Applicant Evaluation and Nomination Committee is seeking qualified candidates to serve as State Bar Court Judges, effective November 1, 2012.

The State Bar Court is the independent, adjudicative entity acting as an administrative arm of the California Supreme Court to hear and decide attorney disciplinary and regulatory proceedings and to make recommendations to the Supreme Court regarding those matters. The State Bar Court consists of a three-member Review Department, one of which acts as the Presiding Judge and a Hearing Department composed of five full-time hearing judges in Los Angeles and San Francisco. The Review Department is the appellate level of the State Bar Court. The Hearing Department is the trial level of the State Bar Court.

The Presiding Judge and two Hearing Judge positions will be filled. Appointment of the Presiding Judge and the San Francisco Hearing Judge will be made by the Supreme Court. Appointment of the Hearing Judge in Los Angeles will be made by the Governor.

The salary for the Presiding Judge is the same as judges of the Superior Court (currently \$178,789 annually). The Presiding Judge may be located in either the San Francisco or Los Angeles venues of the court. The appointment will be a six-year term.

The salary of a State Bar Court Hearing Judge is currently \$163,274 per year. One of the Hearing Judge positions will be located in the Los Angeles venue of the State Bar Court; the other Hearing Judge position will be located in the San Francisco venue. The appointments will be six-year terms.

### **Qualifications**

A State Bar Court Judge:

- Shall have been a member of the State Bar of California for at least five years;
- Shall not have any record of the imposition of discipline as an attorney in California or any other jurisdiction; and

- Shall meet the requirements established by rule 9.11 of the California Rules of Court and Government Code section 12011.5.

## **Job Description**

**Presiding Judge:** The primary responsibilities of the Presiding Judge of the State Bar Court include (1) acting as a member of the three-judge Review Department to review decisions and orders of State Bar Court hearing judges on a *de novo* basis upon the request of one or both parties to the proceeding; (2) providing for overall supervision of calendar management and assignment of judges for all matters within the jurisdiction of the State Bar Court; (3) acting as primary spokesperson for the State Bar Court; (4) presiding at meetings of the State Bar Court Executive Committee, at meetings of the combined Review and Hearing Department judges and at all meetings of the Review Department; and (5) taking reasonable measures to assure the prompt disposition of matters before the judges of the State Bar Court and the proper performance of the judges' other adjudicatory responsibilities.

In addition, the Presiding Judge acts as part of the three-member Review Department. The Review Department acts upon requests for emergency or interlocutory relief in pending attorney disciplinary and regulatory proceedings and in acting upon matters delegated to the State Bar Court pursuant to rule 9.10 of the California Rules of Court. The duties of the Presiding Judge and other review judges include: reviewing and analyzing the record of proceedings for the State Bar Court Hearing Department; participating in periodic Review Department conferences and in oral argument; and writing both published and unpublished opinions detailing all material findings of fact, conclusions of law and a decision or recommendation for discipline or other appropriate disposition of the proceeding. A review judge must also manage the preparation and decision of the individual cases to which he or she is primarily assigned on an expeditious and efficient basis and must cooperate with the other judges of the Review Department in the consideration and disposition of the Review Department's caseload.

**Hearing Judge:** The responsibilities of a State Bar Court Hearing Judge are to hear and decide attorney disciplinary and other State Bar regulatory cases, to make written recommendations to the Supreme Court regarding the imposition of discipline or other appropriate disposition in those matters which require Supreme Court action and to perform related judicial duties. A State Bar Court Hearing Judge is expected to be able to work independently, with limited staff support and to be able to handle multiple tasks in a timely and efficient manner in order to successfully manage a caseload and comply with deadlines. The duties of a hearing judge include: scheduling and holding status, settlement and pretrial conferences; hearing motions; scheduling and holding trials; writing decisions and orders detailing all material findings of fact and conclusions of law; and issuing other orders as necessary. Each hearing judge must manage his or her caseload expeditiously and efficiently.

In carrying out his or her duties, each State Bar Court judge is subject to the administrative direction of the Presiding Judge of the State Bar Court and must cooperate with other judges and court officials in the administration of court business, including preparing administrative reports and attending periodic judicial conferences.

### **Appointment and Term**

The State Bar Court Presiding Judge will be appointed by the Supreme Court to a term that will commence upon appointment and that will end on October 31, 2018. The position will be located in either San Francisco or Los Angeles.

The State Bar Court Hearing Judge currently being sought for San Francisco will be appointed by the Supreme Court to a term that will commence upon appointment and that will end on October 31, 2018. The Los Angeles Hearing Judge will be appointed by the Governor to a term that will commence upon appointment and that will end on October 31, 2018.

State Bar Court Judges have the same immunity which attaches to judges of California courts of record and are subject, during their terms, to admonition, censure, removal or retirement upon the same grounds as provided for judges of courts of record.

### **Review and Rating of Applicants for Appointment**

Pursuant to rule 9.11 of the California Rules of Court, the Supreme Court has created the Applicant Evaluation and Nomination Committee to solicit, receive, screen and evaluate all applications for appointment or reappointment to any appointive position of judge of the State Bar Court.

An extensive professional and personal history, references and background investigation, and personal interview may be required. Early applications are highly encouraged. **THE DEADLINE FOR RECEIPT OF APPLICATIONS IS 5:00 P.M. ON FRIDAY, MARCH 16, 2012.**

Application forms are available on the State Bar's website at [www.calbar.ca.gov](http://www.calbar.ca.gov). For further information or to request an application packet by mail, please write or call:

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