

**STATE BAR OF CALIFORNIA
RULES AND PROCEDURES OF THE
COMMISSION ON JUDICIAL NOMINEES EVALUATION**
(Amended by the Board of Governors February 5, 2000)

**RULE II
PROCEDURES TO BE FOLLOWED BY THE COMMISSION**

SECTION 11. The report of the commission to the Governor constitutes the opinion of the commission. An opinion of not qualified may be rescinded as herein provided upon written request of the candidate made within sixty (60) days of the candidate's being notified of such opinion. Upon request of the Governor, the chair of the commission, or in the discretion of the chair, the staff director shall, within ten days of sending to the Governor an opinion of not qualified, notify the candidate in writing of the not qualified rating and the review rights available under this section. A three-member committee consisting of one member of the Board of Governors who serves as liaison to the commission and two past members of the commission, shall be appointed by the Board of Governors to review requests for reconsideration. The committee may in its absolute discretion rescind the opinion of the commission upon its good cause belief that any of the following has occurred:

- (a) violation of the rules or procedures of the commission materially affecting the processing of the evaluation;
- (b) conflict of interest or bias in the processing of the evaluation;
- (c) inadequate or biased mailing list used in the evaluation; or
- (d) new evidence is available that the candidate had no reasonable opportunity to present, which evidence if presented, could have changed the result.

In the event the opinion of the commission is rescinded and, upon written request of the candidate made within thirty (30) days of the candidate's being notified of such rescission, the chair may institute a new investigation with new investigators. (Amended July 19, 1986)

**RULE III
CONFIDENTIALITY**

SECTION 1. Except as otherwise provided in Government Code section 12011.5 or in these rules and regulations, this rule prohibits disclosure of any information of any nature to anyone.

SECTION 2. All phases of the commission's activity, i.e., the results of interviews with any respondents, the vote or comments of any individual commissioner or the vote of the commission as a whole, as well as any other matters connected with the investigation are absolutely confidential and shall not be disclosed to anyone other than another commissioner, a member of the Board of Governors or designees of the Board of Governors appointed pursuant to rule II or section 6044 the Business and Professions Code to review certain matters affecting

or relating to the Commission on Judicial Nominees Evaluation, or an appropriate staff member of the State Bar or, subject to the provisions of rule II, section 8, an authorized representative of the Governor's office. No copy or duplicate of writings connected with the activities of the commission shall be distributed to the Board of Governors, except a copy of the letter received from the Governor containing the names of persons to be evaluated. Except as provided in rule III, section 3a, nothing herein is intended to preclude members of the Board of Governors from reviewing the files of the commission at the offices of the State Bar.

The foregoing shall not be deemed to preclude any of the following:

a. Reports being made to the Commission on Judicial Appointments presenting the commission's views concerning appellate Court nominees or appointees in accordance with subdivision (h) of Government Code section 12011.5.

b. When the Governor has appointed a person to a trial court who has been found not qualified by the commission, the Board of Governors may in accordance with subdivision (g) of Government Code section 12011.5 make public this fact after due notice to the appointee of its intention to do so.

c. Any communication made in the discretion of the Governor to the candidate in furtherance of the purposes of Government Code section 12011.5, including the report of the commission; and as provided in subdivisions (f), (g) and (h) of Government Code section 12011.5, no such communication, disclosure or notice shall constitute a waiver or privilege or breach of confidentiality with respect to communications of or to the State Bar in furtherance of Government Code section 12011.5 or concerning the qualifications of nominees or appointees.

d. Communication to candidates of a not qualified rating pursuant to Rule II section 11. As provided in subdivision (f) of Government Code section 12011.5, no such communication, disclosure or notice shall constitute a waiver of privilege or breach of confidentiality.