

1 Division 7. State Bar Trustees

2
3 Rule 9.90. Nominations and appointments of State Bar trustees

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5 (a) State Bar Trustees Nominating Committee

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7 (1) The Supreme Court appoints five attorneys to the State Bar Board of
8 Trustees, each for a three-year term. The court may reappoint an attorney for
9 one additional term. The court may also fill any vacancy in the term of, and
10 make any reappointment of, any appointed attorney member. Each appointee
11 must be an active member of the State Bar and have his or her principal
12 office in California.
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14 (2) In order to ensure that individuals appointed by the Supreme Court to the
15 State Bar Board of Trustees have been evaluated objectively, the court has
16 established an independent “State Bar Trustees Nominating Committee” to
17 receive applications and screen and evaluate prospective appointees. The role
18 of the committee is to determine whether applicants possess not only the
19 statutorily enumerated qualifications, but also any other qualifications that
20 may be required to carry out the duties of the Board of Trustees.
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22 (3) The committee serves at the pleasure of the court. The committee will consist
23 of seven members appointed by the court of whom five must be active
24 members of the State Bar in good standing, and two must be active or retired
25 judicial officers. A committee chair and vice-chair are designated by the
26 court. The court will seek to create a broadly representative body to assist it
27 in its considerations.

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29 Except as provided below, all full terms are for three years. Members may
30 not serve more than two consecutive full terms. Members will continue to
31 serve until a successor is appointed. Appointments to fill a vacancy will be
32 for the balance of the term vacated. Members who are appointed to fill a
33 vacancy for the balance of a term are eligible to serve two full terms in
34 addition to the remainder of the term for which they were appointed.

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36 To create staggered terms among the members of the committee, the
37 Supreme Court will appoint initial members of the committee as follows:

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39 (A) Four members each to serve a term of three years. The court may
40 reappoint these members to one full term.
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42 (B) Three members each to serve a term of two years. The court may
43 reappoint these members to one full term.

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(4) The committee must adopt, and implement upon approval by the Supreme Court, procedures for:

- (A) Receipt of applications and initial screening of applicants for appointments to fill the vacant positions, including adoption of a comprehensive application form;
- (B) Receipt of evaluations concerning selected applicants;
- (C) Evaluation and rating of applicants; and
- (D) Transmittal of the materials specified in (b) of this rule to the Supreme Court.

The procedures adopted by the committee must include provisions to ensure the confidentiality of its evaluations.

(5) In recommending candidates, in order to provide for the appointment of trustees who bring to the board a variety of experiences, the committee should consider:

- (A) Legal services attorneys, solo practitioners, attorneys with small firms, and attorneys with governmental entities;
- (B) Historically underrepresented groups, such as those underrepresented because of race, ethnicity, gender, and sexual orientation;
- (C) Legal academics;
- (D) Geographic distribution;
- (E) Years of practice;
- (F) Attorneys who are in their first five years of practice;
- (G) Participation in voluntary local or state bar activities;
- (H) Participation in activities to benefit the public; and
- (I) Other factors demonstrating a background that will help inform the work of the board.

1 (6) The State Bar must provide the support the committee requires to discharge
2 its obligations under this rule.

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4 **(b) Evaluations**

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6 (1) The committee must evaluate the qualifications of and rate all applicants and
7 must submit to the court the nominations of at least three qualified candidates
8 for each vacancy. Candidates are to be rated as “not recommended,”
9 “recommended,” and “highly recommended.” A rating of “not
10 recommended” relates only to the position under consideration and does not
11 indicate any lack of ability or expertise of the applicant generally. The
12 committee must report in confidence to the Supreme Court its evaluation,
13 rating, and recommendation for applicants for appointment and the reasons
14 therefore, including a succinct summary of their qualifications, at a time to be
15 designated by the Supreme Court. The report must include written comments
16 regarding the nominees received by the committee, which must be
17 transmitted to the Supreme Court together with the nominations.

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19 (2) In determining the qualifications of an applicant for appointment or
20 reappointment the committee should, in addition to the factors cited in
21 subsection (a)(5), consider the following: focus on the public interest, public
22 service, commitment to the administration of justice, objectivity, community
23 respect, integrity, ability to work collaboratively, and balanced temperament.

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25 *Rule 9.90 adopted effective January 23, 2013.*