



Laboring Results

A Monthly Dispute Resolution E-zine
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PERSONAL INSIGHTS TO THE CALIFORNIA JUDICIAL EVALUATION PROCESS: IS IT AS RIGOROUS AS BECOMING A SUPREME COURT JUSTICE?

The process of nominating, evaluating, and confirming any Judicial appointment, as well as a Supreme Court justice or a California Judge or Justice is to promote a judiciary of quality and integrity. However this can be a tiresome, rigorous and tedious process.

With the recent confirmation hearings of Samuel Alito you wonder whether the rigorous evaluation process was worth the ultimate confirmation. The nomination and evaluation process involves a unique interplay of legal, political and personal considerations. Your background is picked, probed and dissected. The Committees try to find hidden messages in your past opinions and try to foretell your future judicial decisions by analyzing and studying your beliefs and life history. If you are denied appointment, it is based upon a variety of reasons including the perception of personal or professional incompetence, inexperience, philosophical positions out of the mainstream of the public or allegations of impropriety.

Many have asked me, 'Is the process to become a trial court judge in California just as rigorous?' Well having just gone through the process, it does not rise to the scrutiny level of becoming a Supreme Court Justice, but on a smaller scale, it is just as tedious and rigorous.

It all started a few days before the Holidays. I received separate letters from the Los Angeles County Bar Judicial Appointments Committee and the State Bar of California's Commission on Judicial Nominees Evaluation ("JNE") informing me that the Governor had submitted my name to the respective committees for evaluation. The committees indicated they would send out evaluation questionnaires to at least 75 professional contacts, based upon the names that I provided to them. The tediousness for me came not with providing a list of more than

300 professional contacts, but confirming that the contact information was current. If you do not keep a historical data base of counsel you dealt with in the past, you are sunk. Thank goodness for a really fast DSL line and the State Bar website to confirm current contact information on members. I discovered that most of the attorneys I previously litigated with, who had been with large firms, have left their firms and have become sole practitioners, in house counsel, or retired. It was rare to see attorneys with the same law firm.

Were the interviews nerve racking? A lot of questions were asked about your background and experience. However, you realized that you could not change the history of your professional experience to comply with what 'you thought' would make you qualified as a judge. However, you had a little more flexibility to voice your perception of the judiciary and changes that should be made. In a way it was similar to delivering a closing argument at trial, summing up your factual background and applying those facts to the reason why you should be appointed to become a Superior Court judge.

So what happens, now that the evaluation process is completed? The respective commissions submit their recommendations to the Governor. As to what happens after this information is received in the governor's office, only time will tell. . .

In the meantime, I still have to make a living. A reminder that I am available to serve as a mediator or arbitrator.

A Special Thank You To All Who Took the Time to Complete a Judicial Evaluation Form.

To ask a question, to request more information on dispute resolution services send an e-mail to emoreno@eampc.com or log on to www.eampc.com. To unsubscribe please send an e-mail to emoreno@eampc.com and type remove in the subject line. If you know anyone who is interested in Laboring Results, do not hesitate to pass it along.

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