

BILL NUMBER: AB 2095
VETOED DATE: 09/30/2008

To the Members of the California State Assembly:

I am returning Assembly Bill 2095 without my signature.

Having a diverse and qualified judiciary that can effectively serve all Californians is a goal I continue to work towards. Our hard work is reflected in the increased number of diverse judicial applicants.

My appointments, of which over 23% to date are ethnic minorities, exceeds the percentages of ethnic minority applicants. The diversity of my appointments surpass that of previous governors who served eight-year terms and will continue to grow as more qualified diverse applicants seek appointment to the bench, judges retire and the Legislature authorizes appointments to correspond with the increasing demand for judges in counties within the state.

I receive information from a myriad of sources, and the only mandatory gateway to be appointed to the bench is the evaluation process done by the State Bar's Commission on Judicial Nominees Evaluation. Potential candidates are put forward by many organizations or individuals and are thoroughly vetted before receiving an appointment. My Judicial Appointments Secretary corresponds directly with bar associations, other organizations and individuals when being apprised of a potentially outstanding candidate. The people this bill seeks to identify perform an advisory role only and a final decision about who advances in the process is exercised exclusively by the Judicial Appointments Secretary, acting on my behalf. Therefore, any contrary characterization does a disservice to the public.

The California Constitution requires me to appoint individuals to the bench who are equal to the great task of serving this state. It is a duty I take very seriously and is why receiving independent, thoughtful and honest information from numerous sources is crucial in determining an applicant's ability to perform this role. Assembly Bill 2095 would impair the availability of impartial information about prospective judicial candidates, have a chilling effect upon people willing to provide candid information, and would subject individuals to political lobbying from various sources. Ultimately, this bill would hinder my ability to most effectively carry out my constitutionally-mandated duty.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger