



COMMISSION ON JUDICIAL NOMINEES EVALUATION

THE STATE BAR OF CALIFORNIA

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December 7, 2018

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Hon. Xavier Becerra
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Commission on Judicial Appointments

Hon. J. Anthony Kline, Presiding Justice
Court of Appeal, First Appellate District, Division Two
350 McAllister Street
San Francisco, CA 94102

Re: Commission on Judicial Nominee Evaluations Letter Report to the Commission on Judicial Appointments on the Nomination of Joshua Paul Groban to the Office of Associate Justice, California Supreme Court

Dear Chief Justice and members of the Commission on Judicial Appointments:

I am honored to present this report on behalf of the Commission on Judicial Nominees Evaluation to summarize the basis of the JNE Commission's rating of the Joshua Paul Groban for the Office of Associate Justice of the California Supreme Court.

The JNE Commission conducted its evaluation of Mr. Groban on Nov 27, 2018, finding him Exceptionally Well Qualified. According to commission rules, the rating reflects the Commission's determination that Mr. Groban possesses qualities and attributes of remarkable or extraordinary superiority that enable him to perform the appellate judicial function with distinction.

Mr. Groban received his B.A. degree with Honors and Distinction in Modern Thought and Literature from Stanford University in 1995. While at Stanford, his work was published in Harper Collins' annual compendium, "A Reader for Writers," and he was chosen to assist the staff of the Stanford Law Review in evaluating and editing articles for submission. He received his J.D. degree from Harvard Law School in 1998. He was a member of the Harvard Civil Rights-Civil Liberties Law Review and was an award-winning teaching fellow for his class, "History of the Warren Court." While at Harvard, Mr. Groban assisted Professor Charles Ogletree with preparation of death penalty appeals and cases arising out of the Independent Counsel Statute. Following law school, he clerked for the Hon. William C. Conner, United States District Judge for the Southern District of New York and then joined Paul, Weiss, Rifkind, Wharton & Garrison, LLP in

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New York City as a litigation associate. While at Paul Weiss, he handled a wide range of commercial litigation, including but not limited to antitrust, internal and regulatory investigations, and was lead counsel on the firm's largest pro bono case at the time. The case, brought under the Americans with Disabilities Act, sought relief for over 5,000 people with mental illness who had been "warehoused" in sub-standard adult homes throughout the city. He was awarded the Scales of Justice Award from MFY Legal Services in New York for his work on this case. In 2005, he joined Munger, Tolles & Olson, LLP in Los Angeles as a senior associate handling complex commercial litigation. At Munger, his high-profile matters included a billion-dollar contract dispute for a defense contractor that culminated in a lengthy trial.

In 2010, Mr. Groban began his journey of public service, joining the then-fledgling campaign of our current Governor as general counsel. In this capacity and with a skeletal staff, he served as chief legal advisor on all policy issues, including criminal justice, immigration, corrections, and environmental issues. He also served as principal advisor for all internal legal issues, including contract negotiations, campaign finance issues, and First Amendment (libel and defamation) issues. Since 2011, Mr. Groban has worked as Senior Advisor to Governor Brown. In this capacity, he advises the Governor on high-profile litigation pending at the trial and appellate level and provides legal and policy advice to the Governor on issues related to criminal justice, the courts, regulatory reform, consumer protection, constitutional law, and corrections.

Mr. Groban also serves as the advisor for all judicial appointments in California, and cites his work in connection with this responsibility as the professional accomplishment of which he is most proud. At the conclusion of the current administration, he will have assisted in the appointment of nearly 600 judges—about one-third of the state's judiciary—comprising the most diverse group of appointees in the history of the state, not only in terms of race, ethnicity, gender and sexual orientation, but also in terms of practice background. He has received an Appreciation Award from the Multicultural Bar Alliance, the CJA Scales of Justice Award, and the Legendary Champions of Justice Award from the California Black Lawyers Association in recognition for his contribution to the courts, and, in particular, his work to promote judicial diversity.

Mr. Groban has been an active community volunteer. From 2009 to 2011, he served on the board of Watts House Project, an organization that sought to develop community-based art installations in Watts. He presently serves on the board of the Larchmont Charter School, a school in Los Angeles devoted to serving a diverse and under-served student population in Los Angeles. He has participated, for the last two years, in a program sponsored by the Los Angeles County Bar Association entitled "Dialogues on Freedom" in which he and other participants speak in under-privileged high schools on various constitutional issues. He has spoken throughout the state on issues related to the judiciary, and has provided guidance regarding the judicial appointment process to the membership of numerous bar associations and legal organizations, including California Women Lawyers, the John M. Langston Bar Association, the Mexican

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American Bar Association, the South Asian Bar Association of Southern California, and the Asian Pacific American Bar Association.

Mr. Groban has not only served the Governor in the role of a traditional Judicial Appointments Secretary, but has routinely been called upon to construct and advance legal arguments, negotiate with the legislative branch on a host of complex issues including those involving juvenile justice and the death penalty, and ultimately work closely with the Governor as bills are fine-tuned and become California law. Raters uniformly support his appointment to the Court and describe him as having a sharp mind, keen powers of observation, effective listening skills, and an uncommon ability to communicate. He has remained academically engaged teaching State Appellate Practice at UCLA Law School since 2015 and supervising student externships at the Second District Court of Appeal.

Mr. Groban has an outstanding scholastic background and significant legal experience in civil practice with major law firms on both coasts. As an executive branch attorney, he has hands-on experience advising the Governor on a broad range of substantive and high-profile matters involving education, criminal justice and immigration. He has worked assiduously to help the Governor carry out his pledge to further diversity on the bench, a contribution borne out not only by available data, but by the comments of laudatory raters, and his awards therefor. His intellectual capacity and understanding of the law and appellate practice are extraordinary. He is both empathetic and kindly in demeanor, even-tempered, and maintains a sense of humor. Judges throughout the state, from the trial courts to the highest appellate levels, praise his exemplary skills. His broad range of legal experience, his love of learning and of the law, and his affirmative desire to hear diverse viewpoints, suit him ideally for consideration of the wide array of cases that come before our Supreme Court.

I will be honored to appear on behalf of the JNE Commission at the December 21, 2018, 11:15 a.m. hearing for Joshua Paul Groban at the Supreme Court for the State of California, 350 McAllister Street, San Francisco, California.

Very truly yours,



David W. Fermino
2018-2019 Chair
Commission on Judicial Nominees Evaluation

c: Sarah L. Cohen