

State of California

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Memorandum

To Honorable Tani G. Cantil-Sakauye, Chair
Commission on Judicial Appointments
Chief Justice, Supreme Court of California

Honorable Rob Bonta
Attorney General of California

Honorable Manuel Ramirez
Senior Presiding Justice
Court of Appeal, Fourth Appellate District

From Karen R. Denvir
Supervising Deputy Attorney General

Subject **Nomination of Judge Kelli Evans to the Office of Associate Justice,
California Supreme Court**

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On August 10, 2022, Governor Gavin Newsom nominated the Honorable Kelli Evans to the office of Associate Justice of the California Supreme Court. The hearing on this nomination before the Commission on Judicial Appointments is scheduled for November 10, 2022, beginning at 10:00 a.m. in the California Supreme Court, 350 McAllister Street in San Francisco, California. If confirmed, Judge Evans will fill the vacancy created by the elevation of Associate Justice Patricia Guerrero to Chief Justice of the California Supreme Court.

This memorandum reviews Judge Evans' qualifications to serve as an Associate Justice on the California Supreme Court. It is based on information gathered from the attached materials as well as information submitted by Judge Evans, media reports, online research, and information provided during interviews with judicial officers, lawyers, and others familiar with Judge Evans.¹

I. BACKGROUND AND QUALIFICATIONS

Judge Evans was born in Aurora, Colorado. In 1991, she received a degree in Public Policy from Stanford University, while working all four years for the Stanford Department of Public Safety as a Public Safety Aide. Judge Evans then attended the University of California, Davis, School of Law, where she was awarded the Martin Luther King, Jr. Award for Public Service (awarded to one third-year law student for exceptional public service). During her time in law school, she

¹ Deputy Attorneys General Laura E. Robbins, Shannon Brubaker, Dan Helfat, Alice Su, Supervising Deputy Attorney General Chad Stegeman, Student Assistant Yazmin Carpio and Legal Analyst Barbara Fife, assisted with the preparation of this report.

earned a Public Interest Law Certificate, was the President of the King Hall Legal Foundation and Secretary of the Black Law Students Association, worked in the Immigration Law Clinic and the Prison Law Clinic, and was elected Class Commencement Speaker. She obtained her Juris Doctorate and was admitted to the California Bar in 1994.

Judge Evans began her legal career as a Ruth Chance Litigation Fellow from September 1994 to August 1995 at Equal Rights Advocates, a nonprofit organization that fights for gender justice in workplaces and schools across the country. During her one-year fellowship, Judge Evans assisted with litigation in workers' rights cases involving employment discrimination, sexual harassment, and pay disparities, as well as educated and lobbied legislators regarding equal employment opportunities.

In September 1995, Judge Evans began working as an Assistant Public Defender for Sacramento County, during which time she represented juveniles charged with misdemeanor and felony offenses. Judge Evans left this position in October 1995, to work with the American Civil Liberties Union (ACLU) of Northern California.

From October 1995 to July 1998, Judge Evans worked as a Staff Attorney for the ACLU of Northern California, where she worked to protect and expand civil rights and civil liberties through litigation in state and federal courts, legislative advocacy, and public education. Judge Evans' areas of expertise included juvenile and adult criminal issues, race discrimination, and LGBTQ rights.

In September 1998, Judge Evans and her family relocated to Washington D.C., where she worked for the U.S. Department of Justice as a Senior Trial Attorney in the Civil Rights Division. In this position she investigated, negotiated, and litigated institutional conditions cases and cases involving police misconduct in jurisdictions nationwide, including the New Jersey State Police, the Washington D.C. Police Department, the New York City Police Department, the Tulsa Police Department, the Wyoming state prison system, the U.S. Virgin Island prison system and juvenile correctional facilities in Puerto Rico. Her work resulted in a Medal of Achievement from the Washington D.C. Police Department. Judge Evans left this position in June 2001, after a change in administration.

From July 2001 to October 2004, Judge Evans worked as an associate at Relmen & Associates, where she represented clients in civil rights litigation. She also provided advice to companies regarding measures to prevent, identify, and address workplace and public accommodations discrimination and harassment. During this time, she was also named Harvard Law School Wasserstein Fellow for her outstanding contributions to public interest law.

In July 2003, Judge Evans was appointed as a Federal Court Monitor for the U.S. District Court, Northern District of California, a position she held until February of 2010. She was appointed to monitor the Oakland Police Department's compliance with a consent decree requiring broad reforms in police practices, and advised the Court and the parties regarding a range of constitutional and criminal law and procedure issues. Judge Evans mediated disagreements and

audited and reviewed hundreds of misconduct complaint investigations and police officer training classes and curricula.

Judge Evans founded and managed the consulting firm Independent Assessment & Monitoring, LLP, from January 2006 to February 2010, where she was a partner. She specialized in civil and constitutional rights and risk management issues, and conducted independent reviews of fatal police shootings and made recommendations for improvements in police officer training, supervision, policies, and accountability systems.

Judge Evans returned to the ACLU of Northern California in February 2010 as the Associate Director, and she held that position until February 2013. Her role was to supervise and manage wide-reaching, interdisciplinary civil liberties and civil rights policy and program work of the largest ACLU affiliate in the nation. Programs and projects supervised included: Racial Justice, Organizing and Community Engagement, Educational Equity, Criminal Justice and Drug Policy, Reproductive Justice, Death Penalty, and Technology and Civil Liberties.

From February 2013 to January 2014, Judge Evans worked as a consultant, providing advice and recommendations to organizations on a range of topics, including organizational development, strategic planning, public policy, law enforcement accountability, and advocacy campaigns.

Judge Evans worked for the State Bar of California from January 2014 to February 2017 as Senior Director, Administration of Justice. She planned, directed, and administered Access to Justice activities of the State Bar, including the Office of Legal Services. For her significant contributions to funding legal services for low-income Californians, she received the President's Award from the State Bar of California in 2016, and in 2017, she was awarded the Access to Justice Award by the California Commission on Access to Justice for her significant contributions to Access to Justice.

From October 2015 to April 2017, Judge Evans worked as a member of the Cleveland Police Monitoring Team. In this position, she served as a member of the court-appointed Monitoring Team for a consent decree between the United States and the City of Cleveland addressing the Cleveland Division of Police. The consent decree required implementation of a range of reforms to promote effective, constitutional law enforcement practices.

In April 2017, Judge Evans accepted a position with the Attorney General's Office as a Special Assistant Attorney General. She managed civil rights and criminal justice reform, policy, and legal strategy for the California Department of Justice in appellate and trial courts and in administrative and legislative proceedings. Her focus included work in a variety of areas including bail reform, police accountability, prosecutorial integrity, discrimination and bias, LGBTQ rights, hate crimes, and gun violence.

Judge Evans joined the Office of the Governor in January 2019, as Chief Deputy Legal Affairs Secretary. She served as lead attorney to the Governor on a wide range of law enforcement, public safety, and criminal justice and civil rights-related law, policy, and litigation issues. Judge Evans' responsibilities including supervising the legal work of deputies and directing legal

strategy of executive agencies on myriad issues in administrative proceedings and in state and federal trial and appellate courts. As part of her duties, she oversaw the Governor's Parole and Clemency team, which included reviewing parole and clemency recommendations and presenting them to the Governor.

On October 4, 2021, nominated by Governor Newsom, Judge Evans took the bench as an Alameda County Superior Court judge. She has presided over civil and criminal trial court matters in Alameda County, and her assigned calendars have included small claims trials, civil harassment matters, felony and misdemeanor competency proceedings, early intervention court, re-entry court, informal behavioral court, mental health diversion court, domestic violence court, clean slate court, military diversion court, and veterans' treatment court. Additional responsibilities include reviewing and granting/denying warrant applications and applications for emergency protective orders.

Judge Evans has been active in service to many committees in the legal community. She was a member and served on the Board of Bay Area Lawyers for Individual Freedom, a LGBTQ bar association. Judge Evans was a member and served on the Board of DOJ Pride, the LGBTQ employee association of the U.S. Department of Justice. She has also been a member of the American Bar Association (ABA) and served as Vice Chair of the ABA Section on Individual Rights and Responsibilities. Judge Evans has been a member of the Alameda County Bar Association, the California Judges Association, the International Association of LGBTQ Judges, and the California Association of Black Lawyers.

Judge Evans has also been active in community affairs. She has served on the Board of the National Center for Lesbian Rights, the ACLU, Equal Rights Advocates, and Active Bystandership for Law Enforcement. Judge Evans was appointed by the Senate Pro Tem to serve on California's Racial & Identity Profiling Board, where she was selected by the other board members to serve as co-chair. In addition, she was a member and served on the Board of the Fund for Nonviolence, where she also served as the Finance Officer.

II. JNE Commission Comments

The Commission on Judicial Nominees Evaluation (JNE) conducted its evaluation of Judge Evans, finding her well qualified to serve as an Associate Justice of the California Supreme Court. The JNE Commission determined she possesses "qualities and attributes indicative of a superior fitness to perform the appellate judicial function with a high degree of skill, effectiveness, and distinction." The JNE Commission found, in relevant part:

Judge Evans' 28-year legal career in both criminal and civil law has been marked by excellence and a demonstrated commitment to ensuring that all individuals receive due process and equal protection under the law.

* * *

Throughout her career, Judge Evans has been widely recognized for her intellectual curiosity, diligence, work ethic, humility, and integrity. She has published articles on a wide range of public-policy issues and earned several

awards for her devotion to public service. Her colleagues on the Alameda County bench also laud her clear and specific written decisions and her collegial willingness to help in areas outside her assignments. From all this, the commission concluded that Judge Evans will make an outstanding Associate Justice and found her to be well qualified for the California Supreme Court.

JNE Commission Chair Adam Hofmann will appear on behalf of the JNE Commission at the confirmation hearing.

III. COMMISSION ON JUDICIAL PERFORMANCE COMMENTS

The confidential and privileged letter, dated October 14, 2022, from the Commission on Judicial Performance is provided in this report to the members of the Commission on Judicial Appointments.²

IV. SUMMARY OF PERSONAL CONTACTS

Two judges and seven attorneys were contacted on a confidential basis and asked about Judge Evans' abilities, character, demeanor, and performance as a judge and attorney, as well as her readiness to become an Associate Justice. The comments from each were received on a confidential basis. Each was advised that the information received would be disclosed, without attribution, to the Commission Members, the public, and to Judge Evans.

Contact No. 1

This contact has been a judge for approximately 20 years and has known Judge Evans professionally for at least 8 years. The contact described Judge Evans' intelligence, analytical skills, and communication skills as outstanding. The contact stated that Judge Evans is thoughtful, insightful, and grasps concepts very easily. "She's a very bright person." The contact added that they have never seen Judge Evans rattled and they have watched Judge Evans deliver uncomfortable news to a room full of people with grace. As far as Judge Evans' professional reputation, the contact states that everyone they know who knows Judge Evans has tremendous respect for her. "She is honest and straight-forward" and her "integrity is without question." In this contact's opinion, Judge Evans is a remarkably well-rounded person who is uniquely suited to serve on the Supreme Court. They predict Judge Evans will be an outstanding addition to the Supreme Court and cannot say enough positive things about her.

Contact No. 2

This contact has known Judge Evans for more than ten years and has worked closely with her. The contact described Judge Evans' intellect as excellent and her analytical skills as "really strong." The contact praised Judge Evans' "iron clad understanding and commitment to the

² The privileged and confidential nature of the letter requires that it not appear in the version of this report released to the public. Treatment of the letter in this manner does not suggest that the letter contains information adverse to Judge Evans.

principles” of the rule of law and separation of powers, stating that Judge Evans would “always show her respect for and understanding of the rule of law and due process, the role of different government entities, the proper role of each entity,” and understood that the “judiciary is not the legislature.” With respect to the effectiveness of Judge Evans’ communication skills, the contact said, “she is just so good as a communicator in all settings,” whether it is one-on-one, a small group, or speaking publicly. In the contact’s opinion, Judge Evans is “incredibly fair, a great listener.” The contact described Judge Evans as very decisive and very confident in her decisions, but also really shows respect for the knowledge that other people bring to a process; “she has the perfect balance of confidence and decisiveness, but having the humility” to “do the work to make a proper decision.” Judge Evans’ reputation for professional ethics, honesty, and integrity is “the highest, rock solid.”

Contact No. 3

This contact worked closely with Judge Evans while she was at the Governor’s office. The contact described Judge Evans as an “unparalleled, extraordinary lawyer and extraordinarily gifted legal thinker.” The contact said Judge Evans is rigid in her respect for the rule of law, coming from her deep belief in the power of law and the need for equal application of justice. She “is peerless in her belief in and love of the law.” The contact further stated Judge Evans is a “truly beautiful” and “incredibly effective” writer “who never loses sight of the people impacted,” and is “thoughtful about the limits of the law and how much one could and should expect.” In addition to praising her written communication skills, the contact noted Judge Evans is a very effective oral communicator with terrific people skills, and “no one leaves a conversation unclear about where she stands.” The contact said Judge Evans exhibits a kindness to people that is “lovely to witness,” and helps people perform to their highest and best ability. Her reputation for professional ethics, honesty, and integrity is “absolutely sterling.” The contact predicts Judge Evans will be an extraordinary Supreme Court Justice, and they cannot wait to read her decisions and benefit from the justice she will deliver.

Contact No. 4

This contact worked with Judge Evans in the early 2000s. The contact described her as “brilliant” and someone who showed a tremendous amount of leadership with excellent judgment. The contact said that they trusted her enormously with work and any decisions she made. The contact described her as someone who always had confidence and was committed and devoted to clients. The contact said Judge Evans was a person of integrity who was forthright, clear, honest, candid, excellent, and very direct. The contact said Judge Evans’ writing skills were excellent and that she had a “clear and convincing” writing style with “lucid thinking and legal analysis.” The contact also said Judge Evans is the perfect person for this position and “the finest of the finest” and they have nothing but great respect for her. The contact added that Judge Evans was always committed to doing the right thing and that she has always had a “superb judicial temperament.” The contact further stated Judge Evans would be an “exemplary and wonderful addition to the court.”

Contact No. 5

This contact knew Judge Evans professionally. The contact described her as extremely brilliant, innovative, and smart with strong analytical skills. The contact stated that Judge Evans has “excellent oral and written communication skills” with a “solid work ethic.” The contact concluded by stating that Judge Evans was “measured and reasoned” in her approaches and will be a very persuasive justice.

Contact No. 6

This contact has known Judge Evans for over 20 years and has worked with her in different settings, including early in her career. Even as a new attorney, this contact said Judge Evans stood out from the other lawyers and law students and was easily one of the best young lawyers this contact has ever worked with. With respect to her communication skills, the contact said Judge Evans “is very calm. She manages to project calm and communicate with people very well, including people on the other side. She gets her points across and listens.” The contact referenced Judge Evans’ role as a federal court-appointed monitor of the Oakland Police Department’s compliance with a consent decree as an example of her skillfulness at communication and dispute resolution. It was a difficult, sensitive job, and Judge Evans was able to communicate effectively with the judge, the civil rights community, and the police department, and was always spoken of very highly. The contact described Judge Evans’ demeanor as “absolutely perfect for a judge,” and predicted her performance as a California Supreme Court Justice will be “legendary.”

Contact No. 7

The contact has known Judge Evans for approximately ten years in a professional capacity. The contact related that while working at the State Bar of California, Judge Evans “worked through difficult problems with a keen approach.” The contact praised Judge Evans’ analytical skills as “excellent, as demonstrated by her work on access to justice issues.” The contact also observed that Judge Evans’ respect for the rule of law and separation of powers is “unquestioned.” The contact noted that Judge Evans’ communication skills are “excellent” and Judge Evans “speaks clearly and concisely.” The contact gave high marks to Judge Evans’ decisiveness and confidence. The contact had “great respect for Judge Evans and her work ethic.” The contact gave Judge Evans a grade of “‘A’ across the board” for her professional ethics, honesty, and integrity. The contact felt that Judge Evans’ overall strengths are: “Honesty, intellectual ability, understanding skills, and great sense of justice.” The only potential overall weakness Judge Evans may have was noted by the contact to be a relative lack of judicial experience in terms of length of service. The contact opined that as a California Supreme Justice, Judge Evans “will be productive, collegial, and render decisions that promote justice.”

Contact No. 8

The contact has known Judge Evans for approximately fifteen years in a professional capacity. The contact describe Judge Evans’ analytical skills as “very methodical, insightful and intelligent. The contact rated as “very high” Judge Evans’ respect for the rule of law and separation of powers. The contact observed that Judge Evans was “a very effective communicator” and she was “the best listener.” The contact praised Judge Evans’ dispute

resolution skills as: “Always adept and helping to work through disputes. She is a very credible mediator; she turns hostile positions into agreement.” The contact also noted Judge Evans’ “very strong work ethic,” noting that Judge Evans is “very methodical very prepared, reads and considers material before making a decision.” The contact also related that Judge Evans “is very well-respected and well-liked.” The contact also said that Judge Evans “puts people at ease.” As for Judge Evans’ temperament and demeanor, the contact observed that Judge Evans “is very well-suited for the judicial role with a high degree of integrity.” The contact summarized Judge Evans’ overall strengths as: “Demeanor, well-developed professional judgment, and committed to fairness.” The contact predicted that Judge Evans “will do an incredible job” as a California Supreme Court justice, and that “California is lucky to have her in that role.”

Contact No. 9

The contact has known Judge Evans in a professional capacity for approximately thirty-five years. The contact praised Judge Evans as “highly intelligent, with a strong analytical mind.” The contact also noted that Judge Evans “is a terrific writer who gets the big picture and knows the details.” The contact praised Judge Evans’ legal writing relating that these skills “were very high, she was able to take complicated issues and present them clearly and precisely.” The contact “very highly” rated Judge Evans’ decisiveness explaining that, “She was careful not to reach a decision prematurely but was confident in the decisions reached.” The contact also stated that Judge Evans was “a really hard worker, had many difficult assignments, and did them well.” The contact said that Judge Evans was “highly regarded as an attorney and well-liked as a person.” The contact reported that Judge Evans had a great demeanor and “was very calm and focused.” The contact felt that Judge Evans’ overall strengths are “a strong intellect, strong writing skills, a good listener, careful and thoughtful in her deliberations.” The contact feels that Judge Evans will be “absolutely terrific” as a California Supreme Court justice.