

### Sheppard Mullin Partner, Robert S. Gerber, Appointed to Rate Judicial Candidates

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Sheppard, Mullin, Richter & Hampton LLP is pleased to announce that Robert S. Gerber was appointed as member of the Judicial Nominees Evaluation Commission ("JNE Commission") by the Board of Governors of the State Bar of California. He is the only appointee in private practice from District 9, which covers San Diego County.

The JNE Commission is the State Bar agency that evaluates all candidates who are under consideration for a judicial appointment by the Governor. It is made up of attorneys and public members who represent a broad cross-section of California's diverse legal profession and general population. Appointed after application by the State Bar's Board of Governors, the commission thoroughly investigates California's judicial candidates while maintaining a code of strict confidentiality.

Gerber, whose two-year term is effective February 1, 2004, said, "I am proud to serve the State Bar of California and our judiciary, and I am honored to have been selected."

Government Code Section 12011.5 requires the Governor to submit the names of all judicial candidates to the JNE Commission for review. The JNE Commission has 90 days, operating independently of the bar's board, to complete its evaluation. To gauge a candidate's judicial qualifications, the JNE Commission considers: the candidate's professional ability and experience, industry, judicial temperament, intellectual capacity, judgment, honesty, objectivity, community respect, integrity, commitment to equal justice, moral turpitude, communication skills, work-related health (physical or mental condition), and freedom from bias.

Two commissioners (at least one of whom is an attorney) are assigned to investigate each candidate for a trial court appointment, while four commissioners, one of whom is a public member, investigate each candidate under consideration for an appellate or Supreme Court appointment. The goal is to obtain information from those reasonably likely to have knowledge about the candidate's qualifications.

Criteria for JNE Commission membership consist of a multitude of factors, including but not limited to: length of time in the practice of law or; accomplishments of note; proven commitment to volunteer work or strong indication of capacity and desire for making the expected time commitment; personal recommendations for the appointment; and educational background.

Gerber practices within the Intellectual Property and Business Trial Practice Groups at Sheppard Mullin. His practice includes a variety of commercial litigation in both state and federal courts, with special emphasis on intellectual property and technology litigation.

As chair of the firm's Pro Bono Committee, Gerber contributes a significant amount of time to pro bono representation of indigent clients through the San Diego Volunteer Lawyer Program. Sheppard Mullin's San Diego office received the 2002, 2000, 1995, 1991, and 1990 Pro Bono Law Firm of the Year from the San Diego Volunteer Lawyer Program. The Firm also received the 2002 San Diego County Bar Association Law Firm Public Service Award, as well as the 2002 Legal Aid Society of San Diego Outstanding Service Award. In 1991, 1993, 1995, 1997, 1998, 2000, and 2001, Gerber was a recipient of the Wiley M. Manuel Award for provision of pro bono legal services, awarded by the State Bar of California.

Gerber also received national media recognition for his successful pro bono representation of Geovanni Hernandez-Montiel. In the landmark immigration case, a federal appeals court for the first time established persecution based on sexual identity as grounds for asylum. Gerber's work earned him the Tom Homann Law Association's President's Award for the year 2000.

Among many other professional activities, Gerber is an advisor to, and a former Chair of, the Litigation Section of the State Bar of California, the largest voluntary State Bar organization with nearly 10,000 members, and Chair of the San Diego County Bar Association's Legal Ethics Committee.

Sheppard Mullin has more than 380 attorneys among its eight offices in San Diego, Del Mar Heights, Orange County, Los Angeles, West Los Angeles, Santa Barbara, San Francisco, and Washington, D.C. The full-service firm provides counsel in Antitrust and Trade Regulation; Business Litigation; Construction, Environmental, Real Estate and Land Use Litigation; Corporate; Entertainment and Media; Finance and Bankruptcy; Financial Institutions; Government Contracts and Regulated Industries; Healthcare; Intellectual Property; International; Labor and Employment; Real Estate, Land Use, Natural Resources and Environment; Tax, Employee Benefits, Trusts and Estates; and White Collar and Civil Fraud Defense. The Firm celebrated its 75th anniversary in 2002.

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