

Rules of Procedure for First Judicial District Nominating Commission

Adopted April 11, 1967
(Amended August, 2004)

Scope Note: These rules are intended to state simple, minimum guides for the Nominating Commission.

I. Notification and Proposals of Names.

- A. The Chairman shall issue a press release containing the following information:
 - 1. That a vacancy has occurred or is imminent.
 - 2. That persons may submit to any member of the Commission their own names or the names of others by letter filed by a given date (and that the nominations will be kept confidential).
 - 3. The applicant must submit the names of not fewer than three nor more than five individuals from whom a reference letter is requested. Letters of reference shall be strictly confidential and sent directly to the Ex-Officio Chair of the Commission. Those writing such letters shall be instructed not to provide a copy of such letters to the respective applicants.

II. Commission Procedures.

- A. The Commission shall elect one of its members as Secretary. The Secretary's term shall be for one year or until a successor is elected.
- B. A quorum for the commission shall be four voting members. The commission may act by majority vote of voting members present except in the selection of nominees, when it must act by a majority of all voting members, and in interviewing, when it may act through subcommittees of two or more.
- C. Every proposed nominee shall receive and submit a questionnaire substantially in the form prescribed by the Commission.
- D. The Commission may conduct investigations of the personal and professional qualifications of the proposed nominees. The Commission may make the names of interviewees public with the express permission of interviewee. Oral or written communications, and the contents thereof, which are received by the First Judicial District Nominating Commission shall not be disclosed by the Commission except to its members and as part of information provided to the Governor about the three nominees sent to the Governor. Specifically, and not by way of limitation, copies of written communications or evaluations shall not be provided to the applicants.
- E. The secretary shall keep a record of the Commission's official actions and shall maintain a list of names considered for each vacancy. The record shall show when and where meetings were held and persons present at each meeting.
- F. After nominations to fill a vacancy are presented to the Governor, the secretary shall seal and forward to the Clerk of the Supreme Court the record required by Paragraph "E" above. The Clerk shall maintain these materials as a confidential record, to be opened only upon order of the First Judicial District Nominating Commission, and then only after approval of a majority of the voting members. Five years after the Governor's appointment to fill a vacancy, the record of proceedings for that vacancy may be destroyed.

- G. When selecting nominees, the commission shall give consideration to the following factors and questions, among others, with respect to each proposed nominee:
 - 1. His/her integrity and moral courage.
 - 2. His/her legal ability and experience.
 - 3. His/her intelligence and wisdom.
 - 4. Will he/she be deliberate and fair-minded in reaching decisions?
 - 5. Will he/she be industrious and prompt in performing his/her duties as a judge?
 - 6. Are his/her personal habits and outside activities compatible with judicial office?
 - 7. Will he/she be courteous and considerate on the bench?
- H. All Commission records, proceedings and business, including the names of all proposed nominees and the names of nominees forwarded to the Governor, shall be confidential and may not be discussed outside Commission meetings except among commission members, or as made necessary by II (D) above, II(I) below, or as provided in III (c) below.
- I. The names of the nominees, listed in alphabetical order shall be made public.

III. Transmittal to the Governor.

- A. Within thirty days after a vacancy occurs, the Commission shall submit to the Governor the names of nominees for such vacancy in the number required by the Constitution.
- B. The names of the nominees, listed in alphabetical order, shall be hand delivered to the Governor or sent to him by registered or certified mail.
- C. No other information shall be forwarded to the Governor, except that the Commission through a majority of its voting members may be consulted about any nominee by the Governor at his request, and the Commission may furnish to the Governor, at his request, copies of the nominees' questionnaires and other information gathered by the Commission during its investigations.