

# Rules of Procedure for Eighth Judicial District Nominating Commission

Adopted: May 8, 2001

These rules are adopted by the Judicial Nominating Commission for the Eighth Judicial District of the State of Colorado to provide guidelines in carrying out the provisions of Article VI, Sections 20 and 24 of the Constitution of Colorado.

## **I. Notification and Proposals of Names.**

- A. When a judicial vacancy occurs, the Commission Chair shall notify each commission member of the vacancy and shall call a meeting of the Commission. Nothing herein shall prevent the Chair and Commission from meeting on organizational matters before the actual occurrence of a vacancy where there is a known impending vacancy.
- B. Without delay after a vacancy has occurred, the Chair shall issue a press release as to how and when names may be submitted for consideration. The Chair or the Commission or both shall publicize the press release by such means as the Chair and Commission determine will be reasonably calculated to bring the vacancy to the attention of persons qualified to apply for appointment to fill the vacancy and that an application will be accorded confidentiality. Prior to interviews, each commission member shall receive a file with a copy of each application and any letters or written information received about an applicant.

## **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. In the selection of nominees, the Commission must act by a majority of all voting members who have participated in the interviews, whether or not they are personally present to vote.
- C. Every proposed nominee shall receive and submit an Application for Colorado State Court Judgeship substantially in the form prescribed by the Colorado Supreme Court.
- D. The Commission may conduct investigations of the background and fitness of a nominee, which include the personal and professional qualifications of an applicant.
- E. Personal Interviews. Because of a large number of applicants, when the Chair and the Commission decide it is appropriate to do so, the Commission may limit the number of personal interviews. The objective, however, is to have personal interviews of all applicants. The nominees whose names are sent to the Governor shall be personally interviewed.
- F. The Chair and secretary shall keep a record of the Commission's official actions. The record shall show when and where meetings were held and persons present at each meeting.

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 II F above. The Clerk shall maintain these materials as a confidential record, to be opened only upon order of the Judicial District Nominating Commission with approval of a majority of the voting members, unless otherwise required by the Colorado Supreme Court. 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 should consider the following factors and questions, among others:

1. Integrity and moral courage.
2. Legal ability and experience.
3. Intelligence and wisdom.
4. Will the applicant be deliberate and fair minded in reaching decisions?
5. Will the applicant be industrious and prompt in performing the applicant's duties as a judge?
6. Are the applicant's personal habits and outside activities compatible with judicial office?
7. Will the applicant be courteous and considerate on the bench?
8. The extent of current and past community, bar association, and other professional organization involvement of the applicant.

H. In order to encourage as many qualified persons as possible to apply for judicial positions and candid discussions, all Commission discussions, records, proceedings and business, including the names of applicants, except for the names of the nominees forwarded to the Governor, shall be confidential and shall not be discussed outside Commission meetings except among Commission members as to conduct and investigation of applicants. All communications, within or without the Commission, shall be marked "Confidential" and persons contacted by letter or orally shall be requested to treat the inquiry as confidential.

### **III. Transmittal to the Governor.**

- A. At the time nominees for any vacancy are selected by the Commission, it shall also determine whether any preference will be expressed to the Governor. Any lack of unanimity shall be shown by stating only that there was not a consensus and the numerical vote only. Copies of the application, references, and written information about an applicant shall be included with the submission. Any response by a Commission member to a subsequent inquiry about a nominee or nominees from or for the Governor's office may be answered by a Commission member so long as the member clearly states the Commission member does not speak for the Commission and the Commission member does not reveal any discussion of the Commission or comments of any member.
- B. The names of nominees forwarded to the Governor may be released publicly after the presiding Justice has submitted the certification document to the Governor.

### **IV. Miscellaneous.**

- A. The Chair is encouraged to promptly notify those selected as nominees for the Governor and to consider promptly contacting those applicants who were not selected and express appreciation for the time and effort in making the application.