

GOALS AND PRINCIPLES FOR JUDICIAL NOMINATING COMMISSIONS





Goals and Principles for Judicial Nominating Commissions

Goals:

- Creating a climate that encourages highly qualified applicants to apply.
- Providing the appointing authority with a pool of highly qualified applicants.
- Assuring that highly qualified individuals are appointed to the bench.
- Fostering public confidence in the nominating process and in the judiciary.
- Securing support for the nominating process and the judiciary from the other two branches.

Principles:

- The nominating commission should be constitutionally based.
- The commission should be balanced—politically, ideologically, and demographically. Racial/ethnic, gender, and geographic diversity among commission members should be encouraged, if not required.
- Commission members should be selected by multiple appointing authorities, and the process of applying to serve on the commission should be open to the public.
 - With multiple appointing authorities, it is less likely that a majority of commission members will be appointed by a single entity, thus further enhancing the public's confidence in the commission's independence.
- Judges should not have an unduly influential role on the commission.
 - Because of the relevance of their experience, judges can make an invaluable contribution to the commission's work. At the same time, it is important that the commission be viewed as independent of other entities, including the judiciary, in



performing its role. If sitting judges serve on the commission ex officio, they should serve as non-voting chairs, except in the event of a tie vote.

- Lay members should comprise a substantial portion, or even a majority, of the commission.
- If lawyer members comprise a majority on the commission, they should not be selected exclusively by the organized bar.
- After the initial selection of commission members, members' terms should be staggered.
 - This offers three advantages: preventing complete turnover in the commission's membership; providing new members with the benefit of existing members' experience; and ensuring rotation among appointing authorities.
- Governors should be required to make judicial appointments within a reasonable period of time. Legislative votes on confirmation, if required, should also occur within a reasonable period of time.
 - Potential appointees need to know in a timely fashion whether they will be appointed. One of the reasons that qualified candidates may not apply is because of the uncertainty it can introduce into their legal practice and its impact on their commitment to their clients. That uncertainty is amplified by open-ended timeframes.
- Commission meetings, including interviews, deliberations, and voting, should be open to the public.
 - The commission should have the option of meeting in executive session to discuss confidential information regarding applicants upon a super-majority vote of commission members.
- Commission members should be required to disclose potential conflicts of interest with respect to judicial applicants.
- The names of those who apply and who are ultimately nominated should be made public, and public comment should be encouraged.

