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O'CONNOR JUDICIAL SELECTION PLAN NOW MODELS CODE OF CONDUCT

IAALS Issues Recommendations to Inspire Public Trust in the Judicial Nominating Process

DENVER— Millions of cases pass through state courts every year, which is why it is imperative that the judges handling them are objective and accountable. While many judges are selected through political contests that threaten these important values, others are chosen through merit selection processes that strengthen these goals and our courts. Yet even this method can be improved upon. To help ensure that merit selection procedures are open, fair, and inspire public trust, the Institute for the Advancement of the American Legal System today announced the release of its Model Code of Conduct for Judicial Nominating Commissioners. It contains ethical guidelines for the conduct of nominating commissioners: the ones who choose the nominees for the governor.

“Judicial selection cannot be conducted in smoke-filled rooms where cronies choose their buddies, or even where there might be an appearance that is happening,” said IAALS Executive Director and former Colorado Supreme Court Justice Rebecca Love Kourlis. “Rather, the process must be merit-based, politically diverse, and above board, which is precisely why we created these *Model Code of Conduct* recommendations.”

In 33 states and the District of Columbia, the attorneys and members of the public who serve on judicial nominating commissions screen applicants to fill court vacancies. Their task is to recommend the best-qualified candidates for the governor to appoint. If implemented, the *Model Code of Conduct for Judicial Nominating Commissioners* can guide the behavior of those who perform this critical role, as called for in the O'Connor Judicial Selection Plan. Specifically, these comprehensive recommendations address commissioner responsibilities, commissioner impartiality and conflicts of interest, confidentiality, and communications.

This report furthers the work of IAALS' Quality Judges Initiative and U.S. Supreme Court Justice Sandra Day O'Connor. The O'Connor Judicial Selection Plan consists of four elements: nomination by a judicial nominating commission, gubernatorial appointment, judicial performance evaluation, and judicial retention elections. A recent Committee for Economic Development report called for states to replace judicial elections with elements of the O'Connor Judicial Selection Plan.

This spring, the U.S. Chamber Institute for Legal Reform will release companion recommendations aimed at adopting merit selection processes of the highest quality.

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