

Overview of Judicial Nominating Process

I. Application Process

- **Applications:** Applications may be filed only for vacancies listed on the Apply for Open Vacancies page. Deadlines and instructions for application must be followed in order for an application to be reviewed. Applicants must complete Parts I and II of the posted application and include a resume and writing sample.
- **Staff Preliminary Review:** The JNC staff screens all applications for compliance with the threshold qualifications as set out in Executive Order No. 588, Section 2.0, and sends written acknowledgments to all applicants.
- **Initial Review by the JNC:** After completion of its preliminary review the JNC staff shall electronically distribute copies of Part II of the applications to the Commissioners. Part II of the application does not disclose the applicant's name and is the only part of the application seen by the JNC during its initial review. For applicants who have applied previously to vacancies during this Administration, their names and prior application materials are disclosed.
- **Interview:** Following discussion, the Commissioners vote to determine which applicants will be invited for a JNC interview (1/3 votes required to advance). Applicants advanced to interviews are notified by the JNC staff by email of the date, time, and location of the interview. In general, interviews are approximately 20 minutes in length and are conducted by the JNC as a whole or by a subcommittee of the JNC.

Prior to the interview, applicants are given the opportunity to submit up to 10 letters of recommendation, which are distributed by JNC staff to Commissioners for review. Quality over quantity of letters of recommendation is emphasized. Those applicants not selected for interviews are notified by a letter from the Executive Director. The JNC staff distributes Part I of the application to the JNC after an applicant has been advanced to an interview.

- **Due Diligence:** The Commissioners review the qualifications of applicants including: the interview, Parts I and II of the application, and letters of recommendation. Following that discussion, the Commissioners vote on advancing applicants to the due diligence stage of the process (50% votes required to advance). Those applicants selected for diligence are notified by the JNC staff. Those applicants not selected for due diligence are notified by letter from the Executive Director.

The Executive Director assigns Commissioners to conduct due diligence. The due diligence work consists of seeking comments from judges, attorneys, and others to assess the applicant's personal and professional qualifications for judicial appointments. Commissioners are not limited to calling references listed on an applicant's application.

- **Vote and Recommendations to the Governor:** Commissioners present their diligence findings to the Commission with recommendations. The JNC reviews the applicant and

all relevant materials and votes on recommending the applicants to the Governor (2/3 votes required for recommendation). Those applicants recommended to the Governor by the JNC are notified by the JNC staff by telephone and/ or email. Those applicants not recommended by the JNC are notified by letter from the Executive Director.

II. Nomination Process

- **Legal Counsel Review:** The Chief Legal Counsel interviews all recommended applicants, requests detailed background checks by the State Police Investigations Unit and filing information from the United States Internal Revenue Service and the Department of Revenue and may conduct additional due diligence. The Chief Legal Counsel recommends and approves a slate of applicants for review by the Joint Bar Committee. The Joint Bar Committee has 21 days to report back to the Chief Legal Counsel. The Chief Legal Counsel may recommend applicants to the Governor and Lieutenant Governor for specific vacancies. An interview with the Governor and Lieutenant Governor are the final steps prior to a determination on nomination.
- **Governor's Nomination:** The Governor may consider applicants for judicial nomination for a period of 18 months after the date of the JNC recommendation. The Governor may nominate applicants recommended by the JNC to any judicial vacancy (not only the vacancy for which the applicants were recommended). The Governor may decline to make a nomination for a particular vacancy that has been posted, seek further recommendations for the Commission for a particular vacancy, or decide to repost a vacancy to encourage additional applications. A nomination is public once the nomination letter is delivered to the Governor's Council, and a press release is issued at that time.

III. Confirmation Process

- **Governor's Council:** All judicial nominations must be confirmed by the Governor's Council, which consists of eight elected councillors from across the Commonwealth. The Governor's Council requires each nominee to complete a questionnaire, provide a witness list and to appear before the Council. The Governor's Council then votes publicly on whether or not to give its advice and consent to the nomination.
- **Appointment:** The date of the confirmation vote by the Governor's Council is the official appointment date. All appointees must take the official oath of office prior to commencing service, and that oath must be administered within 90 days of the confirmation vote.