

CIVIC Concern

Is the Integrity of Florida's Judicial Nominating Process in Question?

Over the last month, the drama played out over the most recent nomination to the Florida Supreme Court has sparked sharp criticism of the judicial nominating process.

Florida's judicial nominating process requires judicial nominating commissions (JNCs) to review applications, interview applicants and submit a list of names to the Governor from which the Governor must choose an appointee. In an unprecedented move last month, Governor Charlie Crist responded to a list of potential Supreme Court appointees by requesting that the JNC reconvene and add additional names, specifically citing his concerns over the list's lack of diversity.

While legal analysts questioned whether the Governor was permitted to take such an action, the JNC held a contentious meeting, voted to suspend its own rules, held a private meeting, then voted to add a single name to their list, Frank Jimenez, a politically connected, highly ideological lawyer who previously served in former Governor Jeb Bush's administration. In the end, Governor Crist appointed Jorge LaBarga, a Cuban-American Palm Beach County judge whose name was on the original list submitted by the JNC.

The episode has raised serious concerns about the politicization and partisanship of the current structure of Florida's judicial nominating process, and respected commentators, including former Governor and U.S. Senator Bob Graham, have questioned the integrity of the system.

Prior to 2001, each JNC was composed of nine members: three nominated by the Governor, three nominated by the Florida Bar, and three chosen by the original six appointees. This structure worked for three decades to ensure a non-partisan system in which the most meritorious candidates were appointed. In 2001, however, at the behest of then-Governor Bush, the legislature changed the law to allow the governor to appoint five members of each JNC -- an effective majority -- and to approve the Florida Bar's picks for the other four members.

The original system, in place from 1971 to 2001, gave Florida a nationally respected judiciary. The current process, as dramatically demonstrated by the events of the last month, has caused many to lose confidence in our judicial nominating system and call for immediate reforms to remove partisanship and restore integrity to the process.

Learn More About Proposed Reforms:

Dec 30, 2008 [Talbot D'Alemberte and Bob Graham: We must ensure integrity in judicial-selection process](#)

Former U.S. Senator and Governor Bob Graham and former American Bar Association president and FSU president Sandy D'Alemberte offer a proposed two-step solution to quickly reform Florida's judicial nominating process. [More](#)

Jan 30, 2009 [Judicial appointments: Courts should reflect the people](#)

In an editorial in the Florida Times-Union, Sen. Tony Hill (D-Jacksonville) urges the Supreme Court Judicial Nominating Commission to choose candidates who reflect Florida's diversity. The SCJNC meets today in Jacksonville. [More](#)

Jan 5, 2009 [We think: Florida should return to a less political way of selecting judges](#)

The Orlando Sentinel urges Gov. Crist to follow the advice of Sen. Graham and Sandy D'Alemberte and return to the previous system of appointing JNCs. [More](#)

Dec 27, 2008 [We think: The Supreme Court justice nomination mess isn't the governor's alone](#)

The Orlando Sentinel urges the judicial nominating commissions to provide more diverse lists of qualified candidates and urges the governor to respect the process. [More](#)

Dec 28, 2009 [Reform judicial nominations](#)

The Palm Beach Post editorial board criticizes the excessive control the governor maintains over the judicial nominating process and urges a return to the pre-2001 system in which the judicial nominating commissions were not appointed solely by the governor. [More](#)

What You Can Do:

If you agree that reforms are needed, [sign up](#) for email updates, and we'll let you know as soon as there is useful action you can take. Visit the CIVIC site for the simplest way to email your elected officials, write letters to your local newspaper, and join with other concerned citizens in making your voice heard. Stay tuned for more information on reform efforts soon.