UNIFORM RULES OF PROCEDURE

FOR

DCA JUDICIAL NOMINATING

COMMISSIONS

AS AMENDED JUNE 25, 2003
Section I. Initial Procedure; Investigative Sources; Notice

Whenever a vacancy occurs in a judicial office within the jurisdiction of a judicial nominating commission, the appropriate commission shall actively seek, receive, and review the approved background statements submitted by those who voluntarily request consideration, and by those who otherwise consent in writing to such consideration by the commission. Each such background statement shall be in substantial compliance with the form provided for this purpose, and shall include a waiver of confidentiality of all material necessary to adequately investigate each applicant, including but not limited to, disciplinary records of The Florida Bar, records of the Florida Board of Bar Examiners, credit records, records maintained by any law enforcement agency, and records of the Florida Judicial Qualifications Commission. The commission shall notify The Florida Bar, the county or local bar associations (including minority and women's bar associations) within the jurisdiction where the vacancy exists, newspapers of general circulation in such area, and the electronic media, to the extent reasonably possible, of the existence of the vacancy and the deadline for applications. The commissions may seek and shall receive information from interested persons and groups.

Section II. Initial Screening

The commission shall require completion of the application for judicial nomination prescribed by the commission. The commission shall meet within a reasonable time after the deadline for applications to evaluate, classify, and list applicants as "most
qualified" for further investigation and consideration. The list may be limited in number if agreed upon by 2/3 of the commissioner's voting. No person shall be classified as "most qualified" until the commission affirmatively determines that the applicant meets all legal requirements for that judicial office and that the applicant appears from the materials then available to the commission to possess the personal qualities and attributes of character, experience, judicial temperament, and professional competence essential to that judicial office.

Section III. Electronic Media and Still Photography Coverage of Judicial Nominating Commission Proceedings

(a) Subject at all times to the authority of the chairperson of the commission to: (i) control the conduct of proceedings before the commission; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of the open commission proceedings shall be allowed in accordance with Judicial Administration Rule 2.170.

Section IV. Further Investigation; Interviews

After selection of the "most qualified" list of applicants, the commission shall further investigate the fitness and qualifications of each applicant, utilizing all sources reasonably available within the time permitted by the Florida Constitution. In addition, the commission may invite each "most qualified" applicant to appear before a quorum of the commission sitting as a whole to respond to questions deemed pertinent to each applicant's fitness and qualifications to hold the judicial office. All applications, and
other information received from or concerning applicants, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public to the extent required by the Florida Constitution.

The application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees, to the JNC Coordinator at the Governor's Office.

At a point in the investigative and interview process deemed appropriate by the commission, the commission shall:

(a) Inquire as to an applicant’s past and present affiliation with or membership in legal and nonlegal organizations and clubs that practice or have policy that restricts or has restricted during the time of the applicant's affiliation or membership on the basis of race, religion, national origin, or sex. If affiliation with or membership in a restrictive or discriminatory club or organization is disclosed, inquiry shall be made as to whether the applicant intends to continue such affiliation or membership if selected to serve on the bench.

(b) Inquire as to an applicant's medical status to determine whether he or she is physically capable of performing judicial duties. Such inquiry shall include questions regarding past and present history of drug or alcohol dependency and, if relevant, participation in treatment and rehabilitative programs.

(c) Require complete financial disclosure from the
Section V. Standards and Qualifications; Criteria

No nominee shall be recommended to the governor for appointment unless the commission finds that the nominee meets all constitutional and statutory requirements and is fit for appointment to the particular judicial office after full and careful consideration which consideration shall include but not necessarily limited to the following criteria:

(a) Personal attributes
   (1) Personal integrity
   (2) Standing in community
   (3) Sobriety
   (4) Moral conduct
   (5) Ethics
   (6) Commitment to equal justice under law

(b) Competency and experience
   (1) General health, mental and physical
   (2) Intelligence
   (3) Knowledge of the law
   (4) Professional reputation
   (5) Knowledge of and experience in the court involved

(c) Judicial capabilities
   (1) Patience
(2) Decisiveness
(3) Impartiality
(4) Courtesy
(5) Civility
(6) Industry and promptness
(7) Administrative ability
(8) Possible reaction to judicial power
(9) Temperament
(10) Independence

Section VI. Final Selection of Nominees

Upon conclusion of all investigation obtained by the commission, and after the "most qualified" applicants have been afforded the opportunity of a personal interview by the commission, the commission shall meet to evaluate the "most qualified" applicants. By majority vote, the commission shall select from the list of "most qualified" applicants who meet all legal requirements for the judicial office (no fewer than three and no more than six nominees for each vacancy in the judicial office). The names of such nominees selected by the commission shall be certified to the governor in alphabetical order, and a copy of all investigative information and documents relating to each such nominee shall be forwarded to the governor in a sealed container so that it is received no later than thirty days from the occurrence of a vacancy, unless the period is extended by the governor.
Section VII. Publication of Names of Nominees

The chair of the commission shall make public the names of all persons recommended for gubernatorial appointment, without indicating any preference of the commission.

Section VIII. Ethical Responsibilities

Judicial nominating commissioners hold positions of public trust. A commissioner’s conduct should not reflect discredit upon the judicial selection process or disclose partisanship or partiality in the consideration of applicants. Consideration of applicants shall be made impartially and objectively.

A commissioner shall disclose to all other commissioners present all personal and business relationships with an applicant. If a substantial conflict of interest is apparent, that commissioner shall not vote on further consideration of any affected applicants. All balloting by the commission shall be by secret ballot and the chair shall be entitled to vote in all instances. Upon certification of a list of nominees to the governor, no commissioner shall contact the governor or any member of his office or staff, for the purpose of further influencing the governor's ultimate decision. However, if contacted by the governor, or his office or staff, a commissioner shall be entitled to answer questions about each nominee. No attempt should be made to rank such nominees or to otherwise disclose a preference of the commission.
Section IX. Misconduct

Each commissioner shall be accountable to the Governor, and the chair of their commission for compliance with these rules and the proper performance of their duties as a member of a judicial nominating commission. Each commissioner affirms that under these rules the Governor, and/or the chair of their commission may dispose of any written complaint alleging the misconduct of one or more commissioners or commissions, limited only by Article IV, Section 7 of the Constitution of the State of Florida. Each commissioner further acknowledges that pursuant to Article IV, Section 7 the Governor may suspend from office any commission member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform their official duties, or commission of a felony.
A complaint alleging the misconduct of one or more commissioners (other than the chair) within a single judicial nominating commission shall be reported in writing to the chair of the affected commission for action. Upon the chair’s receipt of any such charges, the subject commissioner(s) and the Governor shall be immediately notified thereof and thereafter kept continuously apprised of their status through final disposition. The chair shall investigate any complaint if the allegations are in writing, signed by the complainant, and deemed sufficient. A complaint is sufficient if the chair determines that it contains allegations which if proven would be a violation of these rules or reflects discredit on the judicial selection process. Prior to determining sufficiency the chair may require supporting information or documentation as necessary for that determination. Upon determination of sufficiency each charge may be disposed of by the chair solely, or may be referred by the chair for disposition by the Governor, exclusively or with the concurrence of the chair, but in consultation with all other members of the affected JNC who are not otherwise involved in the disposition. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

A complaint alleging the sole misconduct of a judicial nominating commission chair shall be reported in writing to the Governor for action. Upon the Governor’s receipt of any such charges, the subject chair shall be immediately notified thereof and thereafter kept continuously apprised of their status through final disposition. The Governor shall investigate any complaint if the allegations are in writing, signed by the
complainant, and deemed sufficient. A complaint is sufficient if the Governor determines that it contains allegations which if proven would be a violation of these rules or reflects discredit upon the judicial selection process. Prior to determining sufficiency the Governor may require supporting information or documentation as necessary for that determination. Upon determination of sufficiency, each charge shall be disposed of by the Governor in consultation with all other members of the affected JNC who are not otherwise involved in the disposition. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

A complaint alleging the misconduct of a judicial nominating commission chair and one or more commissioners of a judicial nominating commission shall be reported in writing to the Governor for action. Upon the Governor's receipt of any such charges, the subject chair and commissioner(s) shall be immediately notified thereof and thereafter kept continuously apprised of their status through final disposition. The Governor shall investigate any complaint if the allegations are in writing, signed by the complainant, and deemed sufficient. A complaint is sufficient if the Governor determines that it contains allegations which if proven would be a violation of these rules or reflects discredit on the judicial selection process. Prior to determining sufficiency the Governor may require supporting information or documentation as necessary for that determination. Upon determination of sufficiency each charge may be disposed of by the Governor solely, but in consultation with all other members of the
affected JNC who are not otherwise involved in the disposition or the subjects of the alleged misconduct. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

Section X. Annual Meeting; Selection of Chair; Local Rules;

Safeguarding of Records

Annually, after July 1st, the commission shall meet to elect by a majority vote a chair. His or her term shall end on July 1 of the next succeeding year. The chair's term shall not exceed one year. After July 1st and the appointment of all commission vacancies by the Governor, the new commission shall meet to elect by majority vote a vice chair who shall have at least two years remaining in his or her term. Each commission shall certify the chair's name to the Governor. The vice chair shall automatically be nominated for chair at the next annual election held. Additional nominations of qualified persons for chair are allowed.

The chair shall keep a permanent written record of all policies and procedures adopted by the commission during his or her term.

Each commission may adopt such additional operating rules, forms and notices as it may from time to time deem necessary, so long as they are not inconsistent with these rules. Each commission shall maintain continuous records of its proceedings. In order that such records may be safeguarded, the commission after completing its deliberations and submitting its recommendations to the Governor, shall place all
remaining applications, questionnaires and other investigative data in a file. The files
will be available on a continuous basis to the commission upon request, but the files
may be destroyed on a yearly basis.

At the conclusion of his or her term, the outgoing chair shall turn over to the
newly elected chair all written records of adopted policies and procedures.

Within the first twelve months of appointment, each JNC appointee must
complete an educational course designed to familiarize members with JNC rules and
procedures. Training shall include segments regarding interviewing techniques and
diversity sensitivity.

Section XI. Amendments

These rules may be amended by majority vote of the DCA Judicial Nominating
Commissions voting by an authorized representative.

Upon written request of 25% of all DCA judicial nominating commissions, a
meeting shall be convened within 90 days for the purpose of considering amendments
to these rules.

Note: These rules were promulgated by representatives from each of the District Courts
of Appeal Judicial Nominating Commissions, meeting in open session on January 24,
1985 in Miami. The rules were amended in open session on January 11, 1989 in
Orlando; April 3, 1992 in Tampa; January 29, 1993 in Tampa; December 7, 1994 in
Tampa; January 22, 1997 in Miami; and March 30, 2000 in Tampa; and June 25, 2003
in Orlando.

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