

1 ~~Rule 3-101. Judicial nominating commissions.~~

2 Intent:

3 ~~To identify the Council's responsibility for establishing procedures which govern the~~
4 ~~activities of judicial nominating commissions.~~

5 ~~To establish minimum procedural guidelines for commission activities.~~

6 Applicability:

7 ~~This rule shall apply to the judiciary, judicial nominating commissions and judicial~~
8 ~~applicants.~~

9 Statement of the rule:

10 ~~(1) The Council shall develop and adopt a manual of procedures to govern the~~
11 ~~activities of the judicial nominating commissions.~~

12 ~~(2) The manual shall, at a minimum, comply with Title 20A, Chapter 11, Selection~~
13 ~~and Election of Judges, and provide for the following:~~

14 ~~(2)(A) A minimum recruitment period of 30 days and a procedure to extend that~~
15 ~~period for an additional 30 days, if fewer than nine applications are received for a~~
16 ~~judicial vacancy.~~

17 ~~(2)(B) Standards for maintaining the confidentiality of the records of the names of~~
18 ~~applicants, applications and related documents.~~

19 ~~(2)(C) Standards for destroying the records of the names of applicants, applications~~
20 ~~and related documents upon completion of the nominating process.~~

21 ~~(2)(D) An opportunity for public comment concerning the nominating process,~~
22 ~~qualifications for judicial office, and individual applicants.~~

23 ~~(2)(E) Evaluation criteria for the selection of judicial nominees.~~

24 ~~(2)(F) A voting procedure for screening applicants and selecting nominees.~~

25 ~~(2)(G) A procedure for taking summary minutes at Commission meetings.~~

26 ~~(2)(H) A procedure for simultaneously forwarding the names of the nominees to the~~
27 ~~Governor, the president of the Senate and the Office of Legislative Research and~~
28 ~~General Counsel.~~

29 ~~(2)(I) A procedure for conducting investigations of judicial applicants as the~~
30 ~~Commission considers advisable.~~

31 ~~(2)(J) Standards governing the disability and disqualification of commissioners.~~

32 ~~(3) The Administrative Office shall serve as secretariat to the nominating~~
33 ~~commissions.~~

34 ~~(4) Prior to final adoption by the Council, the procedure manual shall be distributed~~
35 ~~to the Governor's Office, the Utah State Bar Commission, and the Senate for a 45-day~~
36 ~~comment period.~~

37 ~~(5) Upon final adoption and publication, the Administrative Office shall distribute~~
38 ~~copies of the procedure manual to the Governor's Office, the Senate, the Utah State Bar~~
39 ~~Commission, members of the judicial nominating commission and judicial applicants~~
40 ~~upon request.~~

41 ~~(6) After a nominee has been appointed by the Governor and confirmed by the~~
42 ~~Senate, the Administrative Office shall request that each applicant provide~~
43 ~~recommendations for improving the judicial selection process. The Council shall~~
44 ~~consider the recommendations received, and may forward appropriate~~
45 ~~recommendations to the nominating commission(s).~~

46