



## CORNERSTONES OF STATE JUDICIAL SELECTION

LAYING THE FOUNDATION FOR QUALITY COURT SYSTEMS AND JUDGES

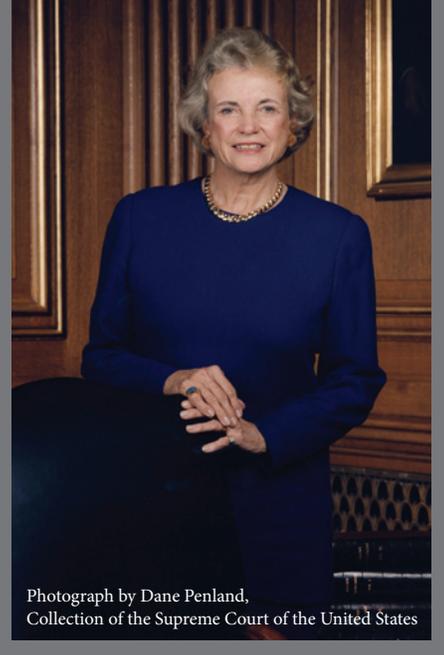




Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR (RET.)

June 2012



Photograph by Dane Penland,  
Collection of the Supreme Court of the United States

Dear Reader,

How we, as Americans, choose our judges in the end determines what kind of judges we have: whether they are tied to a particular constituency or impartial; whether they are dependent upon favor from voters or elected officials, or accountable only to the rule of law.

I believe that most Americans agree upon the kinds of court systems we want to have, and the kinds of judges whom we respect. Where we tend to disagree is on the question of how to get there.

This publication begins with the areas of agreement. IAALS—the Institute for the Advancement of the American Legal System at the University of Denver—gathered a diverse group of individuals who debated, discussed, and ultimately agreed upon the attributes of good court systems and the attributes of good judges.

From that common foundation, IAALS then distilled the hallmarks of a process that would yield the desired attributes and crystallized them into principles for selecting state judges. These principles can be applied across various kinds of selection systems and provide opportunities for incremental, positive change.

We all have a stake in selection systems that are truly impartial, and it is increasingly urgent that we join together to find ways to improve our systems to achieve that goal.

Sincerely,

A handwritten signature in black ink that reads "Sandra O'Connor". The signature is fluid and cursive.

Sandra Day O'Connor



## INTRODUCTION

How judges should be selected at the state level has been the subject of debate for more than two hundred years. This issue has taken on greater significance in recent years as proponents of particular judicial selection methods point to the increased politicization of alternative processes, either because of the amount of money involved, the participation of special interests, or the lack of transparency. The debate is typically framed in terms of whether judges should be chosen directly by voters in contested elections or appointed by officials in the other two branches. From one perspective, elections embody the democratic process, while appointive systems are elitist; from the other perspective, elections pose a serious threat to judicial impartiality, while appointing judges preserves their independence in deciding cases. The debate is often polarizing.

Through its *Quality Judges Initiative*, IAALS—the Institute for the Advancement of the American Legal System at the University of Denver—is committed to promoting judicial selection processes that preserve the impartiality of the judiciary, while still providing accountability. IAALS hopes to reframe the discussion of state judicial selection, focusing at the outset not on who selects judges, but rather on what kind of court systems and judges court users expect and need. From this starting point, we can then identify features of judicial selection processes that will best enable them to produce these court systems and judges.

To this end, IAALS has developed *Cornerstones of State Judicial Selection*. Section I lays the groundwork for these Cornerstones by setting out desired attributes of individual judges and court systems. IAALS identified these attributes in collaboration with a diverse group of stakeholders convened as part of a Roundtable on Judicial Selection in February 2012. Roundtable participants included representatives of the plaintiff and defense bars, citizens involved in judicial nominating and evaluating processes, representatives from the legislative, executive, and judicial branches, members of the business community, and non-profit leaders.

The desired attributes discussed in Section I are drawn from the conversation among Roundtable participants and IAALS. From this common ground, IAALS has gone on to identify features of various selection systems that are most likely to produce judges and court systems with the attributes described in Section I. These features are presented as Cornerstones of State Judicial Selection in Section II. In developing these Cornerstones, we take the range of judicial selection systems as we find them, whether appointive or elective, and we articulate principles that may be incorporated into the various selection systems to achieve the desired attributes of court systems and of individual judges.

# DESIRED ATTRIBUTES OF INDIVIDUAL JUDGES AND COURT SYSTEMS

Maintaining public trust and confidence in the judiciary requires that our nation's state court systems and judges possess certain essential attributes. Some attributes are desirable in judges themselves; other attributes better describe the processes or systems within which judges operate. We have broken them out accordingly.

## ATTRIBUTES OF INDIVIDUAL JUDGES

### CORE OF RELEVANT LEGAL KNOWLEDGE AND EXPERIENCE, AND DESIRE TO REMAIN UP-TO-DATE ON THE LAW

As a minimum qualification, judges should be well-versed in the subject matter of, and rules of procedure for, the types of cases that come into their courtrooms. Judges who are unfamiliar with an important aspect of law or procedure before taking the bench must be willing to educate themselves as necessary. Judges should also remain current on developments in the law.

### INTELLIGENCE AND WISDOM

Judges should represent the best and brightest of the legal profession and bring a substantive depth to the bench based on both their intelligence and their professional experience. Intellectual depth must be matched by an appreciation for the role of the courts and their importance to society as a whole.

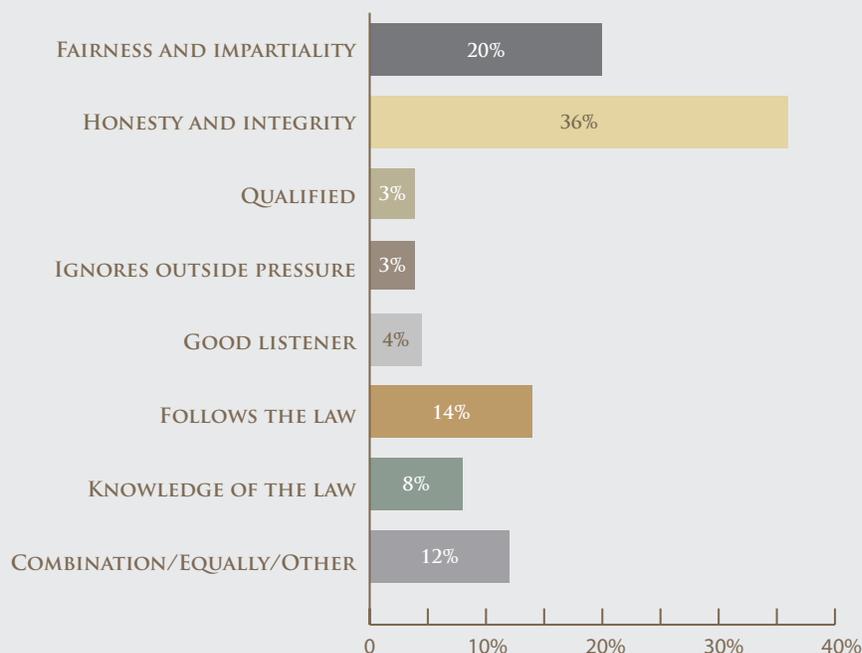


“COURAGE” IS THE MOST IMPORTANT QUALITY OF ANY JUDGE: A JUDGE MUST BE COURAGEOUS ENOUGH TO DO THE RIGHT THING REGARDLESS OF THE POLITICAL OR PERSONAL CONSEQUENCES.

- Hon. Sue Bell Cobb (Ret.),  
Supreme Court of Alabama

WHICH ONE CHARACTERISTIC WOULD YOU MOST WANT TO SEE IN A JUDGE IF YOU HAD TO GO BEFORE A COURT?

- Minnesota Statewide Poll (2012); *Justice at Stake*, American Judicature Society, Committee for Economic Development, IAALS





“ IT IS ”  
CRITICALLY  
IMPORTANT THAT  
JUDGES BE DEDI-  
CATED TO THE  
PRESERVATION AND  
ENHANCEMENT OF  
THE JURY SYSTEM BY  
TREATING JURORS  
WITH THE UTMOST  
RESPECT FOR THEIR  
SERVICE AND  
GRATITUDE FOR  
THEIR SACRIFICES.

- Richard H. Middleton, Jr.,  
Past President, American  
Association for Justice

## FAIRNESS AND IMPARTIALITY

Judges must be fundamentally fair and impartial in their treatment of parties, witnesses, and all others who enter their courtrooms and must give all participants an opportunity to be heard. Judges must do all within their power to avoid actual bias and the appearance of bias.

## OPEN-MINDEDNESS

Judges should approach each case with an open mind, taking special care not to pre-judge cases or particular issues and remaining open to new information that may be presented by the parties and their counsel. Judges should also be willing to critically assess their own performance and to reconsider any errors they may make.

## CLARITY AND STRONG COMMUNICATION SKILLS

When judges issue a decision or order, instruct a jury, or request information from a party or her counsel, the communication should be clear and straightforward. Every litigant and attorney should readily understand what the next steps are in the case, what is expected of them, and (if applicable) what reasoning led the judge to her decision.

## THOUGHTFULNESS AND HUMILITY

Judges should approach each case with an awareness of the fact that their decisions may affect a party's personal liberty, relationships, finances, and/or reputation.

## PATIENCE, COURTESY, AND RESPECT FOR OTHERS

For many people, appearing in court raises feelings of nervousness and apprehension. Judges should strive to make the courtroom a comfortable place for those who enter it, while maintaining appropriate decorum and order. At all times, judges should be respectful of counsel, all parties, witnesses, and others in their courtroom.

## ETHICS AND INTEGRITY

Judges must comply with applicable codes of judicial conduct and professionalism and must act with integrity both on and off the bench, always mindful of the fact that they are the courts' representatives in the community.

## COURAGE

At times, judges may be required to make difficult and unpopular decisions. In light of increasing attention paid to the outcomes of particular cases, especially at the appellate court level, it is imperative that judges be courageous in deciding cases in accordance with their understanding of the law.

## PRODUCTIVITY AND EFFICIENCY

Delay in both civil and criminal cases leaves parties' financial and emotional situations, and sometimes their personal liberty, unresolved. Judges should resolve the issues brought before them as quickly as is feasible. In particular, judges should embrace caseload management procedures that have been shown to limit time between events and increase efficiency in the process.

## RESPECT FOR JURORS AND RESPECT FOR, AND PROMOTION OF, THE JURY SYSTEM

Jury trials are a hallmark of our justice system, and a vital component of our federal and state constitutions. Judges should exhibit a respect for and commitment to individual jurors, juries, and the jury system. Judges should also take care to avoid giving parties and attorneys the impression that jury trials take too much time or limit their ability to effectively manage their caseload.

## ADHERENCE TO THE MISSION OF THE COURTS

The judiciary's function is to provide an accessible, fair, and efficient adjudicative process. Judges must conduct themselves, both on and off the bench, in furtherance of this mission.

## FAITHFULNESS TO THE RULE OF LAW

Faithfulness to the rule of law is one of the single most important attributes of a judge. This concept does not relate to the outcomes of individual cases, but rather to an overarching commitment to the rule of law on which our legal system is based.

## HARD-WORKING

Intellectual depth, commitment to the mission of the court, faithfulness to the rule of law, and the other attributes identified here must be coupled with conscientiousness about one's judicial responsibilities and a commitment to working hard.

## COMMUNITY INVOLVEMENT

Judges should be contributing members of their communities and should take an active role in promoting the values and goals of the judicial system. Judges should promote public understanding of the legal system and public confidence in the judicial branch through appropriate communications and participation in community events.

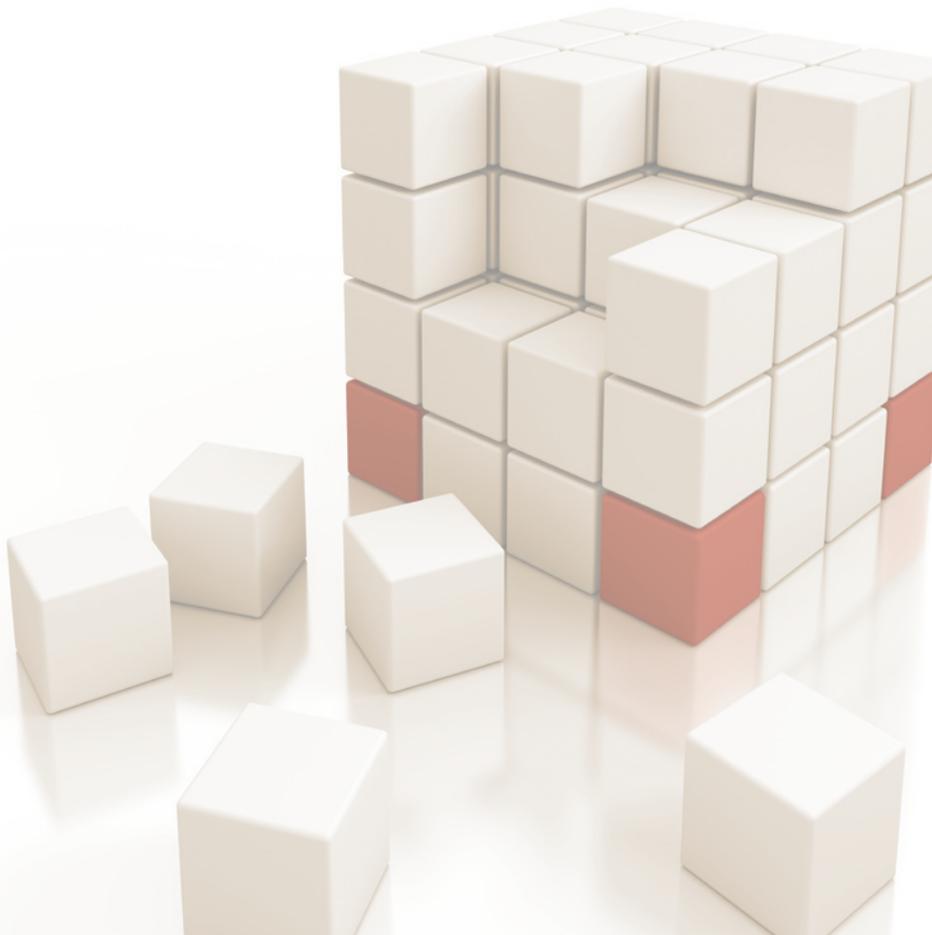
## ADMINISTRATIVE CAPACITY

The "behind-the-scenes" administrative aspects of a judge's responsibilities are important as well. Diligence in performing administrative duties benefits the parties by reducing the time, costs, and stress associated with being in the justice system (whether civil or criminal), benefits fellow judges by reducing docket backlog, and benefits the court system as a whole by bolstering public trust and confidence in the system.



“ BECAUSE ”  
THEY ARE THE  
CORNERSTONE OF  
OUR JUDICIAL  
SYSTEM, JUDGES  
MUST BE LEADERS IN  
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LAWYERS AND SERVE  
AS THE COMPASS  
FOR OUR  
JUDICIAL SYSTEM.

- Gary M. Jackson, Former  
Member, Judicial Performance  
Commission of the 18th Judicial  
District of Colorado, Judicial  
Nominating Commission of the  
2nd Judicial District of Colorado





## ATTRIBUTES OF COURT SYSTEMS

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### IMPARTIALITY

Court systems must be impartial in their treatment of court users, avoiding at all costs actual bias and the appearance of bias.

### ACCOUNTABILITY

Courts should commit to continuous improvement in their service to the public and should hold themselves accountable to the public. If certain aspects of the process are considered unfair, inefficient, or too costly by a substantial portion of the public, or the public has otherwise lost trust in the system, courts should work to remedy the problem.

### TRANSPARENCY

Consistent with the public role of courts, judges and court staff should make opinions, orders, and court statistics publicly available and accessible except where the circumstances of individual cases warrant confidentiality. Additionally, judicial performance evaluations should be accessible to the public as a means of educating citizens about the role of the courts and judges, providing citizens with a basis for assessing the work of courts and judges, and communicating the expectations that courts and judges have for their own performance.

### TIMELINESS AND EFFICIENCY

Delay in both civil and criminal cases leaves parties' financial and emotional situations, and sometimes their personal liberty, unresolved. Judges should explore the use of streamlined pretrial procedures and caseflow management techniques that may better ensure both timeliness and efficiency. Just as judges should prioritize the resolution of issues brought before them, court staff and administrators should ensure that parties and cases proceed through the system in an efficient manner. Courts should establish goals for case processing and adopt mechanisms to measure whether those goals are being achieved.

### FAIR AND PREDICTABLE PROCESS

Courts must be as committed to the fairness and predictability of procedures as they are to the fairness and predictability of outcomes. Regardless of the outcome of a case or motion, every litigant should believe he had the opportunity to be heard before the decision or ruling was made. Procedures used by individual judges should not be so different from those of other judges that they create an impression of inconsistency or encourage "judge shopping."

### ACCESSIBILITY

Courts should be accessible to all who need them, and each party who desires a day in court should have that opportunity. Neither individual litigants, nor the public as a whole, should perceive that courthouses are unavailable to potential litigants. With the sharp increase in the number of self-represented litigants over the last decade, courts should also ensure that court forms, as well as other relevant information, are readily accessible.

### TRUSTWORTHINESS

Public trust and confidence in the court system is essential. If the public does not trust that the courts are capable of operating in an efficient and effective manner, the perceived legitimacy of judicial decisions is in jeopardy. Accordingly, courts should regularly assess and take into account public opinion about the fairness and overall quality of their work.

### RESPECT FOR JURORS AND RESPECT FOR, AND PROMOTION OF, THE JURY SYSTEM

Just as individual judges should exhibit respect for and commitment to jurors, juries, and the jury system, so too should court systems. Court staff should be respectful of individual jurors, and courts should do their best to ensure adequate compensation for jurors.

“FUNCTIONING”  
COURT SYSTEMS  
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TO THAT END, IT  
IS ESSENTIAL THAT  
COURT SYSTEMS  
EDUCATE THE PUB-  
LIC ABOUT HOW  
COURTS OPERATE,  
HOW JUDGES ARE  
SELECTED, AND—  
IMPORTANTLY—  
HOW OUR JUDGES  
AND COURT  
SYSTEMS ARE TO  
BE CHERISHED,  
NOT VILIFIED.

- R. Matthew Cairns,  
Past President, DRI

## RESPONSIVENESS TO USER NEEDS

Courts and court systems should take responsibility for meeting the needs of court users. Part of this responsibility involves communicating with the public and being responsive to what the public needs to know and how they can best be informed. They should also provide services that are targeted toward and designed to meet the needs of the communities they serve (e.g., court interpreters, bilingual staff, court information in languages other than English).

## ADEQUATELY FUNDED

The efficient and effective administration of justice depends to a great extent upon adequate funding for the judiciary. State legislatures should ensure that courts have the funding needed to provide an open, accessible, and effective system that meets the needs of the public.

## WILLINGNESS TO INNOVATE

In a “less must be more” fiscal environment, court systems must be willing to innovate in the use of technology and other techniques that ensure court users have access, even in the absence of full court funding.

## PROACTIVE COMMITMENT TO EDUCATING THE PUBLIC ABOUT THE COURTS

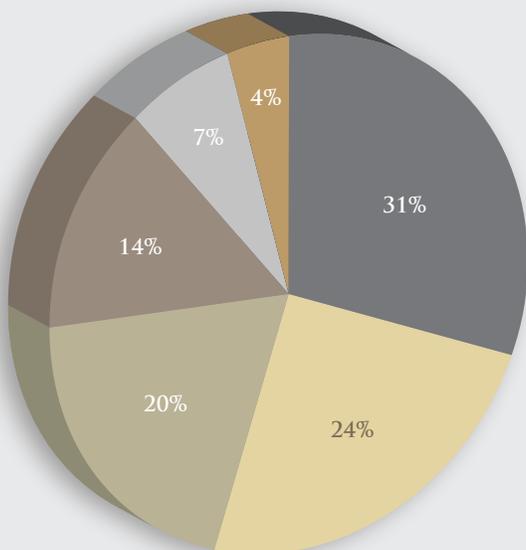
Public confidence in the courts depends at least in part on public understanding of the role and function of courts and judges. Courts should ensure that educational information about their work is easily accessible to the general public and, as appropriate, representatives from court systems should engage in educational outreach efforts to broad and diverse audiences.

## COMMITMENT TO PUBLIC SERVICE

Judges and court staff are public servants. The official actions of judges and court staff should be guided by consideration of the best interests of court users.

WHICH ONE OF THE FOLLOWING IS THE MOST IMPORTANT QUALITY FOR [THE] COURT SYSTEM TO BE?

– Missouri Statewide Poll (2007); *Justice at Stake*, Missouri Institute for Justice, and *Missourians for Fair and Impartial Courts*



FAIR AND IMPARTIAL

GUARDIANS OF CONSTITUTIONAL RIGHTS

ACCOUNTABLE FOR THEIR DECISIONS

INDEPENDENT FROM PARTISAN POLITICS

RESPONSIVE TO SOCIETY'S CONCERNS

DON'T KNOW/REFUSED

“THE STRENGTH OF THE COURTS RELIES ON A PUBLIC WHO BELIEVES IN THEIR FAIRNESS AND ACCESSIBILITY, THUS REQUIRING A PUBLIC WHO IS KNOWLEDGEABLE ABOUT THEIR PROCESSES AND INTEGRITY. THIS IS A CRITICAL BALANCE THAT MUST BE NURTURED FROM ONE GENERATION TO THE NEXT.

- Maureen E. Schafer, Member, O'Connor Advisory Committee to the IAALS Quality Judges Initiative



# CORNERSTONES OF STATE JUDICIAL SELECTION

The following Cornerstones represent the hallmarks of judicial selection systems that IAALS suggests are most likely to produce judges and court systems that embody the attributes discussed above. The Cornerstones relate both to the selection process as a whole and to the various participants involved in the process.

## THE PROCESS

### IN SELECTING AND RETAINING JUDGES GENERALLY:

- Selection methods should be established in the constitution so that they may not be easily altered by shifting partisan majorities.
- Initial term lengths should allow judges sufficient time to acclimate to their judicial roles and responsibilities before being subject to reselection.
- Judicial terms should be lengthy enough to protect impartiality.
- Judicial terms should be lengthy enough that being subject to reselection is not a significant distraction from the performance of judicial duties.
- Judicial discipline processes should effectively provide for the suspension or removal of judges who fail to perform their duties impartially, competently, and diligently.

### WHERE JUDGES ARE APPOINTED BY THE EXECUTIVE, THE LEGISLATURE, OR ANOTHER ENTITY:

- The process should be open and transparent, with meaningful opportunities for public input.

### WHERE JUDGES ARE CHOSEN IN CONTESTED ELECTIONS:

- Campaign finance laws should be in place that limit contributions and timeframes within which judges may fundraise, encourage judicial candidates to observe voluntary expenditure limits, and require campaign financing disclosure.
- State codes of judicial conduct should require judicial disqualification/recusal when appropriate.
- States should establish campaign oversight committees to advise and educate judicial candidates and to monitor and comment on campaign conduct.
- Voters should have access to broad-based and objective information about the qualifications of the candidates.

“TRANSPARENCY”  
 IN THE JUDICIAL  
 SELECTION PRO-  
 CESS IS KEY TO  
 ASSURING PUBLIC  
 CONFIDENCE IN  
 THE WHOLE  
 JUDICIAL SYSTEM.  
 WHEN THEY SEE  
 EXACTLY HOW  
 THEIR JUDGES  
 ARE SELECTED,  
 CITIZENS CAN BE  
 MORE CONFIDENT  
 THAT THEY ARE  
 GETTING THE FAIR  
 AND COMPETENT  
 JUDICIARY THEY  
 EXPECT AND  
 DESERVE.

- Mary G. Wilson,  
 Past President, League  
 of Women Voters of the  
 United States

## WHERE JUDGES STAND FOR YES/NO RETENTION VOTES:

- If judges are permitted to campaign, they should do so only within established parameters.
- There should be robust judicial performance evaluation systems and wide public dissemination of evaluation information so that voters are informed about judges on their ballots.

## WHERE A JUDICIAL PERFORMANCE EVALUATION PROCESS IS IN PLACE, IT SHOULD:

- Focus on procedural fairness rather than on case outcomes.
- Elicit information from a broad range of individuals familiar with the judge's performance on the bench.
- Educate the public about the appropriate role of a judge.
- Provide constructive feedback to the judge to foster self-improvement and growth.
- Be widely disseminated in order to enhance public confidence in the judiciary.



“ TO AVOID ”  
CHOOSING JUDGES  
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- Hon. Wallace Jefferson,  
Supreme Court of Texas



“ JUDICIAL PERFORMANCE EVALUATION  
PROVIDES JUDGES WITH ESSENTIAL  
FEEDBACK FOR SELF-IMPROVEMENT,  
PROVIDES VOTERS WITH OBJECTIVE  
AND APOLITICAL INFORMATION ON  
WHICH TO BASE THEIR RETENTION  
ELECTION DECISIONS, AND  
ULTIMATELY ENHANCES PUBLIC  
CONFIDENCE IN THE JUDICIARY.

- Rebecca Love Kourlis, Executive Director, IAALS



“IN ORDER TO GENERATE AND SUSTAIN PUBLIC CONFIDENCE IN JUDICIAL SELECTION, THE PROCESS MUST BE ABOUT MERIT, NOT POLITICS. TO THAT END, IT IS ESSENTIAL TO KEEP THE PROCESS BALANCED AND FREE OF SPECIAL INTERESTS, INCLUDING ANY FORMAL ROLE BY THE STATE BAR.

– Clint Bolick,  
Vice President for Litigation,  
Goldwater Institute

## PARTICIPANTS’ ROLES & RESPONSIBILITIES

### GOVERNORS (RE: BOTH FULL-TERM AND VACANCY APPOINTMENTS):

- Governors should appoint from recommendations made by balanced, broad-based nominating commissions.
- Governors should make appointments within a reasonable and finite period of time.
- In making appointments, governors should take into account the diversity—broadly defined—of the jurisdiction in which judges will serve.
- For further guidance, the IAALS Goals and Principles for Judicial Nominating Commissions are provided in the Appendix.

### LEGISLATURES:

- Where legislatures have sole responsibility for selecting judges, and where legislative confirmation of judicial appointments is required, selection or confirmation should occur within a reasonable and finite period of time.
- Legislatures should consider establishing a judicial performance evaluation program where one is not already in place, irrespective of the selection method(s) used in their states.

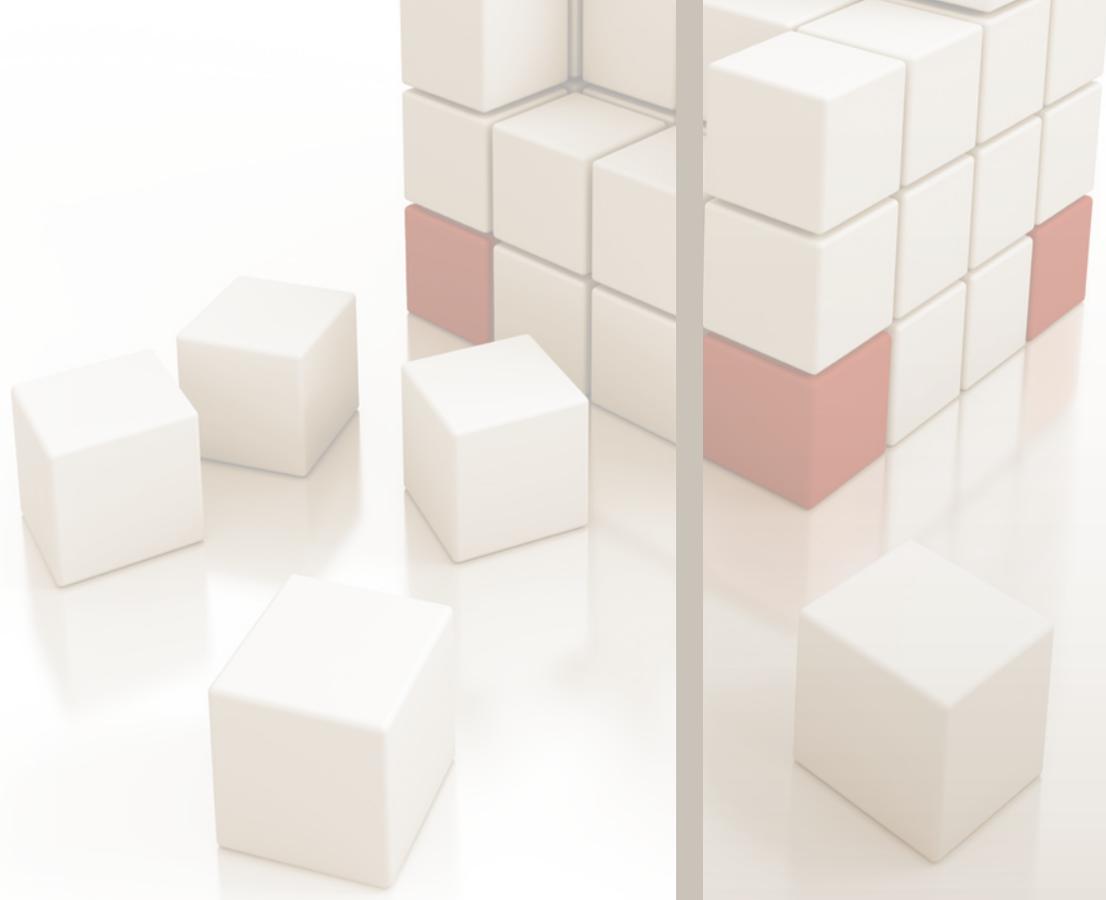
### VOTERS OR OTHER DECISION-MAKERS:

- Those responsible for deciding whether a judge should take the bench or remain on the bench should have objective, broad-based information about that individual’s judicial potential or actual performance on the bench.
- Those responsible for deciding whether a judge should take the bench or remain on the bench should be encouraged to value impartiality and fairness in a judge, rather than a particular ideology.



“GOVERNORS WHO RECOGNIZE THE IMPORTANCE OF APPOINTING HIGHLY QUALIFIED PERSONS TO THE BENCH, BOTH TO BENEFIT THEIR CONSTITUENTS AND TO SAFEGUARD THEIR LEGACIES, SHOULD WELCOME THE ASSISTANCE OF A BALANCED, IMPARTIAL NOMINATING COMMISSION THAT RECOMMENDS ONLY THE BEST QUALIFIED APPLICANTS FOR APPOINTMENT.

– Hon. Ruth V. McGregor (Ret.), Supreme Court of Arizona



## CONCLUSION

The IAALS *Cornerstones of State Judicial Selection* are designed to increase the likelihood that, whatever the particular judicial selection method in place, the selection process will produce judges and court systems that foster and deserve public trust and confidence. With respect to individual judges, the Cornerstones focus on quality, professionalism, and a commitment to the mission and values of the courts. With respect to the court system as a whole, the Cornerstones focus on impartiality, productivity, and a balance between judicial independence and accountability.

With respect to the particular roles and responsibilities of various actors in the selection and retention process, the Cornerstones call for an active public role in states where judges are appointed. This active public role applies both in the initial appointment process, when citizens should serve on nominating commissions or offer input on judicial applicants, and in the retention stage, when voters and others responsible for reselecting judges should be armed with objective, broad-based information about judges' performance on the bench. Where the public plays a more direct role, i.e., choosing judges in contested elections, the Cornerstones are directed at tempering the negative effects that money and politics can have on the perceived impartiality and productivity of courts and judges. Across roles, the Cornerstones envision (1) a timely selection process in which politics and partisanship play little to no role, (2) a retention process in which decisions are made on the basis of objective performance information, and (3) term lengths that balance accountability with judicial impartiality and productivity.

IAALS seeks to build consensus around our aspirations for the court system, and to encourage states to assess their selection methods from that perspective. Fundamentally, the conversation on state judicial selection is centered on advancing individual judges and court systems that inspire and maintain public trust and confidence in the judiciary.



## APPENDIX

### GOALS AND PRINCIPLES FOR JUDICIAL NOMINATING COMMISSIONS

#### GOALS:

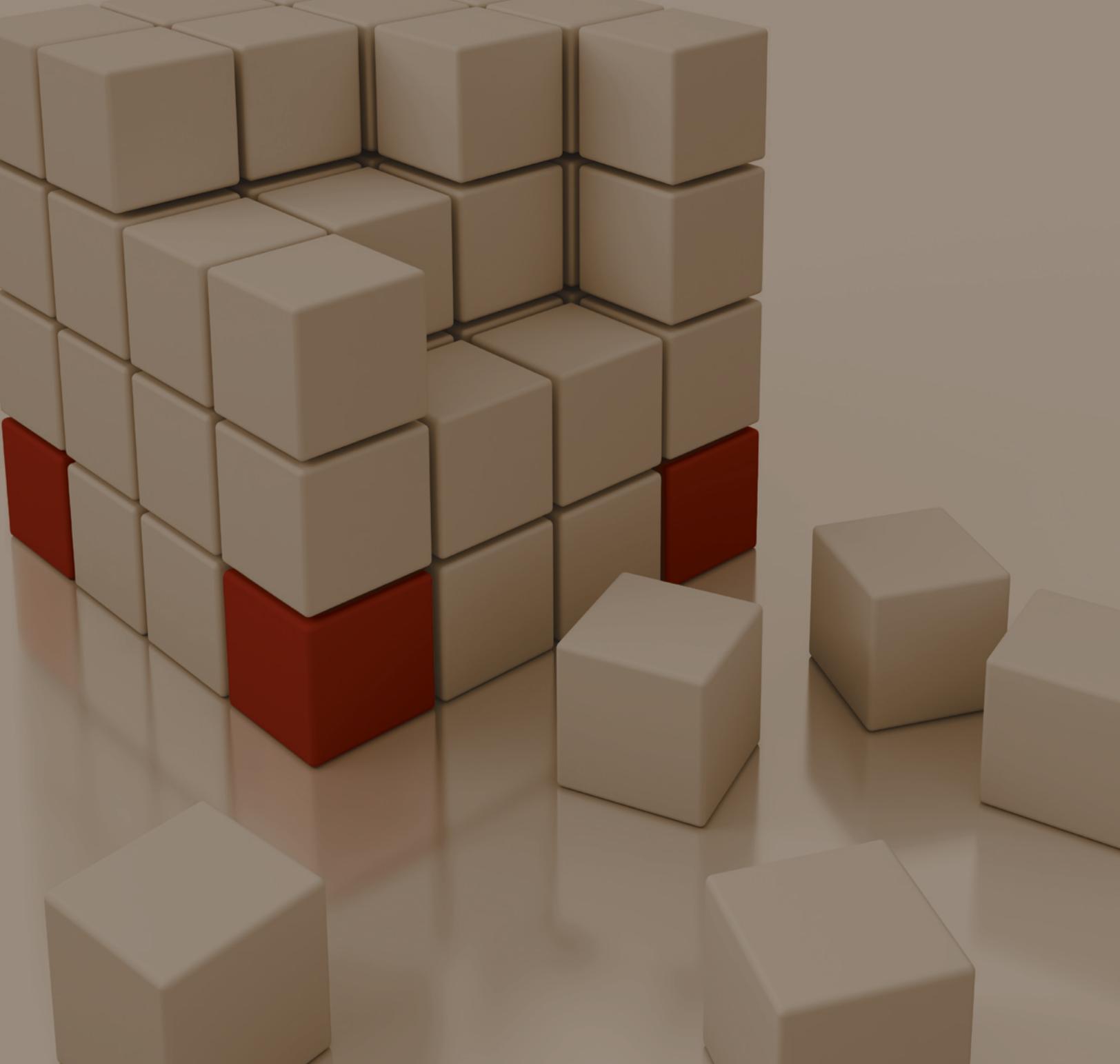
- Creating a climate that encourages highly qualified applicants to apply.
- Providing the appointing authority with a pool of highly qualified applicants.
- Assuring that highly qualified individuals are appointed to the bench.
- Fostering public confidence in the nominating process and in the judiciary.
- Securing support for the nominating process and the judiciary from the other two branches.

#### PRINCIPLES:

- The nominating commission should be constitutionally based.
- The commission should be balanced—politically, ideologically, and demographically. Racial/ethnic, gender, and geographic diversity among commission members should be encouraged, if not required.
- Commission members should be selected by multiple appointing authorities, and the process of applying to serve on the commission should be open to the public.
  - With multiple appointing authorities, it is less likely that a majority of commission members will be appointed by a single entity, thus further enhancing the public's confidence in the commission's independence.
- Judges should not have an unduly influential role on the commission.
  - Because of the relevance of their experience, judges can make an invaluable contribution to the commission's work. At the same time, it is important that the commission be viewed as independent of other entities, including the judiciary, in performing its role. If sitting judges serve on the commission ex officio, they should serve as non-voting chairs, except in the event of a tie vote.
- Lay members should constitute a substantial portion, or even a majority, of the commission.
- If lawyer members constitute a majority on the commission, they should not be selected exclusively by the organized bar.



- After the initial selection of commission members, members' terms should be staggered.
  - This offers three advantages: preventing complete turnover in the commission's membership; providing new members with the benefit of existing members' experience; and ensuring rotation among appointing authorities.
- Governors should be required to make judicial appointments within a reasonable period of time. Legislative votes on confirmation, if required, should also occur within a reasonable period of time.
  - Potential appointees need to know in a timely fashion whether they will be appointed. One of the reasons that qualified candidates may not apply is because of the uncertainty it can introduce into their legal practice and its impact on their commitment to their clients. That uncertainty is amplified by open-ended timeframes.
- Commission meetings, including interviews, deliberations, and voting, should be open to the public.
  - The commission should have the option of meeting in executive session to discuss confidential information regarding applicants upon a super-majority vote of commission members.
- Commission members should be required to disclose their potential conflicts of interest with respect to judicial applicants.
- The names of those who apply and who are ultimately nominated should be made public, and public comment should be encouraged.



INSTITUTE *for the* ADVANCEMENT  
*of the* AMERICAN LEGAL SYSTEM



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