

Office Memorandum

DEPARTMENT OF ADMINISTRATION

TO : The Honorable Albert H. Quie
Governor

DATE: May 10, 1979

FROM : James J. Hiniker, Jr.
Commissioner

PHONE: 296-3862

SUBJECT: Executive Order No. 79-23

Enclosed is a copy of Executive Order No. 79-23 which relates to the creation of Governor's Committees on Judicial Nominations.

This order has been filed with the Secretary of State and notice transmitted to the State Register.

JJH:lan

Enclosure

cc: Commissioner, Finance
R. Thorke, Personnel
W. Dorigan, State Planning
Legislative Reference Library ✓
Jean King, Governor's Office
CAPSULE, Governor's Office
Sheila Higby, Senate Counsel
Hennepin County Law Library
State & Federal Associates, Inc.
Administration - Wm. Siemers, Contracts Mgmt.
- K. Hovland, Materials Mgmt.
- E. Kilmer, Office Equipment Mgmt.
- State Register - 2
- Executive Order File



EXECUTIVE ORDER NO. 79-23

CREATING TEN GOVERNOR'S COMMITTEES
ON JUDICIAL NOMINATIONS AND
ESTABLISHING RULE AND PROCEDURES
FOR THEIR OPERATION

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, according to the Constitution and applicable laws of the State of Minnesota, it is the responsibility of the Governor of the State to select and appoint qualified persons to fill judicial vacancies when they occur; and

WHEREAS, it is desirable that, when such vacancies occur, the Governor have the means to seek out and select the finest available persons learned in the law to serve the people of Minnesota as their trial court judges;

NOW, THEREFORE, I order:

I. Creation and Composition of Committees on Judicial Nominations

There are hereby created ten (10) Governor's Committees on Judicial Nominations, one in each of the ten (10) judicial districts of the State. It shall be the duty of these Committees to seek out, evaluate, and recommend to the Governor outstanding persons learned in the law to fill vacancies which may, from time-to-time, occur on the district, county, and county municipal court benches in their districts.

Each Committee shall be composed of six (6) permanent members and two (2) special members, who shall be selected in the following manner:

A. Two (2) permanent members shall be residents of the district appointed by the Governor for terms which shall be concurrent with the term of the Governor.

B. Two (2) permanent members shall be attorneys who are residents of the district elected by the members of the bar associations in the district for terms of four (4) years, who shall be elected in alternate odd-numbered years. Of the two members initially elected, one shall be elected for a two (2) year term and one shall be elected for a four (4) year term. Thereafter, each member elected in accordance with this paragraph shall be elected for a four (4) year term.

C. Two (2) permanent members shall be residents of the district elected by the district, county, and county municipal court judges in the district for terms of four (4) years, who shall be elected in alternate odd-numbered years. Of the two members initially elected, one shall be elected for a two (2) year term and one

shall be elected for a four (4) year term. Thereafter, each member elected in accordance with this paragraph shall be elected for a four (4) year term.

D. Two (2) special members shall be residents of the county in which a county or county municipal court vacancy occurs or residents of the district in which a district court vacancy occurs and shall be appointed by the Governor each time a judicial vacancy occurs, but shall serve only until that vacancy is filled.

Vacancies on a Committee shall be filled in the manner prescribed in Minnesota Statutes 1978, Section 15.059, Subdivision 4.

Committee members shall attend meetings of their Committee and consider each candidate for a judicial vacancy in an impartial and objective manner. They shall actively seek out and encourage qualified individuals to apply for judicial office. Committee members shall not be entitled to payment of per diem or expenses.

II. Committee Officers

The Governor shall designate the Chairman of each Committee from among the members of the Committee. The Chairman's term shall be for two (2) years. The Chairman shall be responsible for calling such meetings of the Committee as are necessary to carry out its functions and shall preside at those meetings.

Each Committee shall select from among its own members a Secretary who shall prepare the minutes of all meetings of the Committee, keep a record of its official actions and maintain a list of names considered for each vacancy. The Secretary's term shall be for two (2) years.

Each Committee shall also select from among its members who are attorneys a Candidate Solicitor who shall be primarily responsible for actively seeking out candidates for vacancies as they occur. The Candidate Solicitor's term shall be for two (2) years.

III. Procedures When Vacancies Occur or Will Occur in the Future

Within ten (10) days after a judicial vacancy occurs, the Governor shall notify the Chairman of the Committee on Judicial Nominations in the judicial district in which the vacancy occurs of such vacancy. The Governor shall advise the Chairman of the names of the two (2) persons appointed to serve as special members of the Committee on Judicial Nominations for the purpose of considering candidates to fill that vacancy. The Chairman shall notify the members of the Committee that a vacancy has occurred and shall call a meeting of the Committee to consider the candidates for the vacancy to be held not less than fifteen (15) days nor more than twenty (20) days after notification of the vacancy by the Governor.

When it is known that a vacancy will occur at a definite future date, the Governor shall so notify the Chairman of the Committee on Judicial Nominations in the judicial district in which the vacancy is to occur. The Governor shall advise the Chairman of the names of the two (2) persons appointed to serve as special members of the Committee on Judicial Nominations for the purpose of considering candidates to fill that vacancy. The Chairman shall call a meeting of the Committee to consider candidates for the vacancy to be held not more than forty-five (45) days before the vacancy is to occur nor less than fifteen (15) days after he takes the actions described in Section A herein.

Upon receiving notice from the Governor that a judicial vacancy has occurred or will occur at a definite future date, the officers of the Committee on Judicial Nominations shall perform the following functions:

- A. The Chairman shall immediately issue a news release stating that a judicial vacancy has occurred or will occur; that applications from qualified persons are being accepted by the Committee; that application forms may be obtained from the Secretary of the Committee at a specified address or by calling a specified telephone number; that application forms must be returned to the Secretary of the Committee by a specified date (which shall be three (3) days before the first meeting of the Committee called by the Chairman to consider candidates for nomination); and that any names submitted will be kept in strict confidence by the Committee until the names of nominees are transmitted to the Governor;
- B. The Candidate Solicitor shall immediately distribute the Chairman's news release to all media serving the county or judicial district in which the vacancy has occurred or will occur, and shall transmit copies of the news release to the presidents of the bar associations in the county or judicial district. The Candidate Solicitor shall encourage the local bar associations, where practical, to directly contact their members and advise them of the procedures to be followed if they wish to apply for consideration by the Committee.
- C. The Secretary of the Committee shall provide application forms to all interested persons and shall accept completed application forms on behalf of the Committee. Three (3) days before the first

meeting of the Committee called by the Chairman to consider candidates for nomination, the Secretary shall transmit to each member of the Committee copies of all completed application forms received.

IV. Committee Procedures

The Chairman of the Committee shall convene and preside over all meetings of the Committee. The Chairman shall designate a member of the Committee to preside at meetings if the Chairman is absent. In the Secretary's absence, the Chairman shall designate a member of the Committee to be the Acting Secretary.

A quorum for Committee meetings shall be six (6) members.

Each person to be considered by the Committee must complete the application supplied by the Committee. Should the Committee require any further information in addition to that supplied by the application in order to evaluate candidates, it may take whatever steps it deems appropriate to obtain it.

Each Committee may establish its own rules and procedures for evaluating candidates. The Committee may conduct preliminary screening on the basis of data contained in the applications and such other information as may be brought to the attention of the Committee. The Committee need not interview all candidates. However, personal interviews with the most serious candidates should be conducted and no candidate should be nominated for appointment by the Governor without a personal interview conducted by a quorum of the Committee members. The Committee may, in its discretion, continue to accept applications for candidates until its nominees are selected and transmitted to the Governor.

The Committee shall recommend to the Governor no more than five (5) nor fewer than three (3) candidates for each vacancy, unless there are fewer than three (3) candidates available, in which case the Committee shall transmit those names to the Governor in the manner described in Article VI herein. The Committee shall not rank the candidates submitted to the Governor. The recommendations of the Committee to the Governor shall be advisory.

V. Standards for Evaluation of Candidates

In evaluating candidates, the Committee shall give consideration to the following factors, as well as such other factors as the Committee members deem important:

- A. Integrity and moral courage;
- B. Legal education and training;
- C. Legal and trial experience;
- D. Patience and courtesy;
- E. Common sense and sound, mature judgment;
- F. Ability to be objective and impartial;
- G. Capacity for work;
- H. Mental and physical health as they would affect the candidate's ability to perform judicial duties;
- I. Good personal habits compatible with judicial dignity and deportment;

J. Knowledge and understanding of human nature; and

K. Cooperativeness and ability to work with others.

VI. Transmittal of Nominees to Governor

Within thirty (30) days after the Governor has notified the Chairman of the Committee on Judicial Nominations that a vacancy has occurred, or within forty-five (45) days after the Governor has notified the Chairman of the Committee on Judicial Nominations that a vacancy is about to occur, the Secretary shall transmit to the Governor the names of nominees for the vacancy selected by the Committee. The names of the nominees shall be listed in alphabetical order. The Secretary shall transmit to the Governor all of the applications submitted to the Commission. No other information shall be transmitted to the Governor, except that the members of the Committee may consult with the Governor at his request and may provide him with such other information gathered by the Committee during its deliberations.

Pursuant to Minnesota Statutes 1978, Section 4.035, this order shall be effective 15 days after its publication in the State Register and filing with the Secretary of State and shall remain in effect until it is superseded or rescinded by proper authority or it expires in accordance with Minnesota Statutes 1978, Sections 4.035 or 15.0593.

IN TESTIMONY WHEREOF, I hereunto set my hand this 10 day of
May 1979.

Albert H. Quie

Albert H. Quie, Governor

Filed according to Law:

Joan Anderson Growe
Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 10 1979

Joan Anderson Growe
Secretary of State