



EXECUTIVE ORDER NO. 81-9

AMENDING EXECUTIVE ORDER NO. 79-23
(CREATING TEN GOVERNOR'S COMMITTEES ON
JUDICIAL NOMINATIONS); PROVIDING FOR THE
ESTABLISHMENT OF A GOVERNOR'S COMMITTEE
ON SUPREME COURT NOMINATIONS

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

WHEREAS, Executive Order No. 79-23, creating ten Governor's Committees on Judicial Nominations and establishing new rules and procedures for their operation, was issued on May 10, 1979; and

WHEREAS, the Governor's Committees on Judicial Nominations have succeeded in seeking out and recommending to the Governor extremely well-qualified persons for appointment to vacancies occurring in the trial courts of Minnesota; and

WHEREAS, it is desirable that the concept of merit selection of judges through the use of a judicial nominating committee

be extended to assist the Governor in filling vacancies which occur on the Minnesota Supreme Court; and

WHEREAS, it is necessary to amend Executive Order No. 79-23 to amend and revise the rules and procedures for Governor's Committees on Judicial Nominations and the Governor's Committee on Supreme Court Nominations;

NOW, THEREFORE, I order:

That Executive Order No. 79-23 be amended to read as follows:

I. Establishment of the Governor's Committee on Supreme Court Nominations.

There is hereby created a Governor's Committee on Supreme Court Nominations. It shall be the duty of this Committee to seek out, evaluate, and recommend to the Governor outstanding persons who are learned in the law to fill vacancies which may occur on the Minnesota Supreme Court.

This Committee shall be composed of eight members, including the following:

- A. Four members appointed by the Governor.
- B. The President of the Minnesota District Judges Association, or a district judge designated by the President.
- C. The President of the Minnesota County Court Judges Association, or a county or municipal court judge designated by the President.
- D. Two attorneys selected by the Board of Governors of the Minnesota State Bar Association.

The Governor's Committee on Supreme Court Nominations shall be constituted by the Governor each time a vacancy on the Minnesota Supreme Court occurs or will occur at a definite future date. The Governor shall designate the chairman of the Supreme Court Committee from among its members. The chairman shall be responsible for calling such meetings of the Committee as are necessary to carry out its functions. The Committee shall conduct its business in accordance with the procedures established in Sections V and VI of this Order.

When a vacancy occurs in the Office of Chief Justice of the Minnesota Supreme Court, the Governor may appoint an Associate Justice of the Court to the position of Chief Justice without constituting the Governor's Committee on Supreme Court Nominations.

II. Establishment of Committees on Judicial Nominations.

There are hereby created ten Governor's Committees on Judicial Nominations, one in each of the ten 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, municipal or probate court benches in their districts.

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

- A. Two 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 permanent members shall be attorneys who reside in or have their principal place of business in the district. They shall be elected by the members of the bar associations in the district for terms of four years and shall be elected in alternate odd-numbered years.
- C. Two permanent members shall be residents of the district elected by the district, county, municipal and probate court judges in the district for terms of four years, who shall be elected in alternate odd-numbered years.
- D. Two special members shall be residents of the county in which a county or 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.

Members shall attend Committee meetings 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.

III. Committee Officers

The Governor shall designate the Chairman of each Committee on Judicial Nominations from among the members of

-3-

the Committee. 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.

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.

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

Within ten days after a judicial vacancy occurs in the district, county, municipal or probate court in the judicial districts, the Governor shall notify the Chairman of the Committee on Judicial Nominations in that district of that vacancy. The Governor shall advise the Chairman of the names of the two 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 15 days nor more than 20 days after notification of the vacancy by the Governor.

When it is known that a future vacancy will occur on a definite 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 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 45 days before the vacancy is to occur nor less than 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 follow these procedures:

- 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 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 Chairman shall immediately distribute the 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 attorneys wish to apply for consideration by the Committee.

- C. The Chairman, Secretary and members of the Committee shall provide application forms to all interested persons and shall accept completed application forms on behalf of the Committee. Three 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.

V. Committee Procedures.

The Chairman of the Committee on Judicial Nominations or the Committee on Supreme Court Nominations 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.

A quorum for Committee meetings shall be six 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 the Committee. 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 or fewer than three candidates for each vacancy, unless there are fewer than three candidates available, in which case the Committee shall transmit those names to the Governor in the manner described in Article VII herein. The Committee shall not rank the candidates submitted to the Governor. The recommendations of the Committee to the Governor shall be advisory.

VI. 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.

VII. Transmittal of Nominees to Governor.

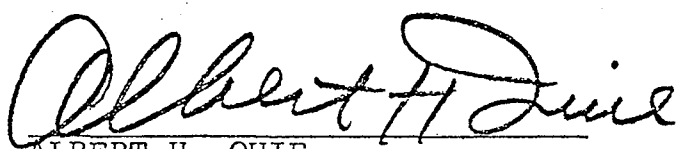
Within 30 days after the Governor has notified the Chairman of the Committee on Judicial Nominations or the Committee on Supreme Court Nominations that a vacancy has occurred or when the Committee has completed its work before a future vacancy is to occur, the Secretary shall transmit to the Governor 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 Committee. 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 any other information gathered by the Committee during its deliberations.

If a vacancy occurs in the office of judge within six months after the Governor has made an appointment to the same court from among nominees certified to him by the appropriate


Committee on Judicial Nominations or Committee on Supreme Court Nominations, the Governor may appoint a person from the list of nominees presented to him by the Committee for the earlier vacancy without following the procedures set forth in this Executive Order.

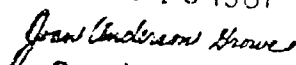
Pursuant to Minnesota Statutes 1980, Section 4.035, this Order shall be effective 15 days after its publication in the State Register and filing with the Secretary of State and shall remain in effect until it is superseded or rescinded by proper authority or it expires in accordance with Minnesota Statutes 1980, Section 4.035.

IN TESTIMONY WHEREOF, I hereunto set my hand this 12th day of August, 1981.


ALBERT H. QUIE
GOVERNOR

Filed According to Law:


Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 19 1981

Secretary of State