

JUDICIAL NOMINATING COMMISSION
FOURTH DISTRICT COURT OF APPEAL

LOCAL RULES

April 10, 2007

AMENDMENTS TO RULES III AND V

August 29, 2007

**FOURTH DISTRICT COURT OF APPEAL
JUDICIAL NOMINATING COMMISSION**

LOCAL RULE I. DEROGATORY INFORMATION

All negative information concerning an applicant for judicial office shall be brought to the Commission before the applicant's interview or no such negative information will be considered by the Commission.

Once such negative information is made known to the Commission, the Chair will assign a member of the Commission, other than the member who initially presented the negative information to the Commission, to gather additional information to assess the validity and credibility of the negative information before the applicant's interview.

All information, negative and rebuttal, regarding the applicant will be discussed by the entire Commission before the applicant's interview.

The Commission will then decide how to proceed with the information during the applicant's interview. If the Commission intends to consider such negative information in the deliberation process, it is the Commission's policy to advise the applicant in advance of the interview and provide the applicant with an opportunity to respond.

Adopted: April 10, 2007

Source: First District Court of Appeal, Judicial Nominating Commission, Rule II.

**FOURTH DISTRICT COURT OF APPEAL
JUDICIAL NOMINATING COMMISSION**

LOCAL RULE II. DISCLOSURE OF CONFLICT OF INTEREST

Section VIII (Ethical Responsibilities) of the Uniform Rules of Procedure for DCA Judicial Nominating Commissions provides, in part, "A commissioner shall disclose to all other commissioners present all personal and business relationships with an applicant."

The disclosure called for under Section VIII of the Uniform Rules of Procedure for DCA Judicial Nominating Commissions shall be made on the record and in public before any applicants are interviewed.

Adopted: April 10, 2007

**FOURTH DISTRICT COURT OF APPEAL
JUDICIAL NOMINATING COMMISSION**

AMENDED LOCAL RULE III. EXTENDING THE APPLICATION DEADLINE

TIMELINESS OF FILING APPLICATIONS

No judicial application will be accepted for consideration by the Commission unless all required copies and parts of such application are received by the deadline published in the notice of judicial vacancy.

Exceptions for extraordinary circumstances may be granted by the Commission with a concurrence of a majority of its members.

Source: Judicial Nominating Commission, Fourth Judicial Circuit Local Rule re Timeliness of Filing Application, *revised*.

Amended Local Rule III Adopted: August 29, 2007

**FOURTH DISTRICT COURT OF APPEAL
JUDICIAL NOMINATING COMMISSION**

LOCAL RULE IV. COMMUNICATION WITH COMMISSIONERS

During the pendency of a judicial vacancy, commissioners should use their best efforts to avoid direct contact with applicants or prospective applicants about the candidate's pending or proposed application. If a Commissioner is contacted by an applicant (or prospective applicant) during the pendency of a judicial vacancy the Commissioner may either respond to the applicant's question or refer the applicant to the Chairperson of the Commission. The applicant shall be referred to the Chairperson of the Commission for any future questions.

Source: Judicial Nominating Commission, Fourth Judicial Circuit Local Rule re Communication with Commissioners.

Adopted: April 10, 2007

**FOURTH DISTRICT COURT OF APPEAL
JUDICIAL NOMINATING COMMISSION**

**AMENDED LOCAL RULE V. ADOPTION OF FLORIDA SUPREME COURT JUDICIAL
NOMINATING COMMITTEE'S VOTING PROCEDURES**

This Commission hereby adopts and incorporates by reference in its local rules Section VII of the Supreme Court Judicial Nominating Commission Rules of Procedure.

Amended Local Rule V Adopted: August 29, 2007

**SUPREME COURT
JUDICIAL NOMINATING
COMMISSION
RULES OF PROCEDURE**

AS AMENDED NOVEMBER 7, 2002

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Section VII. Procedure for Final Voting

1. Final voting procedures to nominate to the Governor or to the Attorney General qualified applicants from those interviewed will take place:
 - (a) After the Commissioners have had an opportunity to review the applications, supporting data, and all other pertinent information;
 - (b) After the applicants selected by the Commission to be interviewed have been interviewed to the satisfaction of a majority of the Commission members;
 - (c) After the applicants have been discussed to the satisfaction of a majority of the Commission members; and
 - (d) Without any straw vote, unofficial vote, tentative vote, or official vote

253 until the above-described steps have been taken, except that this
254 limitation shall not apply to a screening process to reduce the number
255 of applicants to be interviewed.

256 2. All votes shall be cast by written, secret ballot. On the initial round of voting
257 each Commissioner shall cast six (6) votes, one per applicant. Any applicant
258 who receives two (2) votes shall continue to the next round of voting.

259 3. On each successive round(s) of voting, the number of votes cast by each
260 Commissioner shall be reduced by one (1) and the minimum required to
261 remain on the proposed list shall be raised by one (1) vote.

262 4. This process shall continue until only three (3) applicants remain on the list or,
263 if there is a tie for third place, more than three (3) shall be permitted so long
264 as it is less than six (6). If there are more than six (6) then there will be a vote
265 among those tied for third place with each Commissioner casting one (1) vote
266 and only the person who receives the most votes shall remain on the
267 proposed list.

268 5. Following completion of the initial round of voting, any Commissioner can
269 then move to reconsider an applicant who did not make the initial proposed
270 list. If the motion is seconded, the Commission shall vote to reconsider the
271 applicant. Once the list of all persons for reconsideration has been
272 determined, the Commission shall then vote on the list of persons being
273 reconsidered. For that ballot, the number of potential votes each
274 Commissioner may cast will be determined by subtracting the number of
275 applicants already on the proposed list from the number of six (6). No
276 Commissioner shall be required to vote but may cast up to the number of
277 votes as determined above not to exceed one vote per applicant. Any
278 applicant who receives at least five votes shall be added to the proposed list
279 until there are not more than six (6) applicants on the proposed list. If there is
280 a tie for the last position, then the Commissioner shall vote on the tied

281 applicants with each Commissioner casting one (1) vote, and the applicant
282 with the most votes will be added to the proposed list.

283 6. After the proposed list is complete, any Commissioner may make a motion to
284 remove anyone on the list. If it is seconded, a vote shall be cast on the
285 applicant, with each Commissioner casting one (1) vote. If a majority of the
286 Commissioners eligible to vote, vote in favor of the motion, the applicant shall
287 be removed from the list.

288 7. Finally, a motion to declare the list final shall be made, seconded and if
289 it receives a majority vote of the Commissioners, the final list shall then
290 be complete and those names shall be submitted to the Governor.