

## STATE JUDICIAL NOMINATING COMMISSION INTERNAL RULES OF PROCEDURE

**1. Authority:** The State Judicial Nominating Commission (SJNC) makes nominations to fill vacancies on the Iowa Supreme Court and the Iowa Court of Appeals.

Article V, Sections 15 and 16 of the Iowa Constitution, Chapter 46 of the Iowa Code, and these Internal Rules of Procedure govern the Commission's nominating process.

**2. Duties:** In accordance with Iowa Code § 46.14, the SJNC will evaluate and nominate the most qualified persons without regard to political affiliation. The Chairperson, Secretary, and Commission Members shall have the following duties:

- CHAIRPERSON:
  - Conduct all meetings.
  - Oversee and conduct the activities of the SJNC.
  - Serve as the Commission spokesperson.
  - Ensure statutory compliance and work with the Commission Secretary and the State Court Administrator to coordinate Commission activities.
  - Conduct the SJNC's proceeding in closed session.
- SECRETARY:
  - Attend meetings or delegate a Commission member to serve as Secretary Pro Tem.
  - Record a brief summary of the discussions including motion(s) made, seconds in support of the motion(s), and votes cast on any motion(s) or other proceeding(s).
  - Prepare meeting minutes and circulate for Commission approval or amendment.
  - Sign and publish the approved minutes to the SJNC and the public.
  - Prepare or cause to be prepared a list of the applicants who are legally eligible for balloting and update the website with this list.
  - Record minutes of the public SJNC meetings. At non-public SJNC meetings, record the members present and the results of Commission deliberations.

- Notify by email the Governor, all applicants, the public media and other organizations who have made written requests to the SJNC Secretary of the nominees selected.
- In cooperation with the State Court Administrator, issue timely notices as required by law and these rules.
- COMMISSIONERS:
  - Attend and participate in SJNC meetings.
  - Provide the SJNC Secretary their contact information including email, phone number and U.S. mailing address to be published [to the public] [on the SJNC website].
  - May (or may not), at their discretion, conduct personal interviews of any or all of the applicants.
  - Evaluate and nominate the most qualified persons in accordance with Iowa Code § 46.14.
  - Serve on subcommittees as requested by the Chairperson.
  - May encourage lawyers and judges to apply for vacancies while expressly stating that encouragement does not constitute a pledge or committed vote of support.
  - May communicate with the Governor or Governor's staff about applicants and nominees subject to the confidentiality provision in Rule 11.

**3. Notices:** The Chairperson and Secretary shall determine the content of the SJNC notices to the public. However, vacancy announcements shall include but not be limited to:

- a. The date the Commission received written notice of the vacancy.
- b. The date and place the Commission will meet to conduct applicant interviews and select nominees. This date will not be more than sixty (60) days from the written notification of the vacancy.
- c. Encouragement for the public to submit their opinions of any applicant.
- d. Contact information for SJNC members.
- e. Where one may obtain an application form.

Notices to the public and the Commission regarding vacancies as well as SJNC nominations shall be provided to the public media and other organizations who have made written requests to the SJNC Secretary.

**4. SJNC Information:** Applicants and any members of the public can download from the Commission's website a copy of the application form, the Internal Rules of Procedure of the SJNC, and a list of the Commission members and their contact information for purposes of applicants submitting their applications and/or communicating with the members of the SJNC including submitting letters commenting on the character or qualifications of the applicants.

**5. Completed Applications:** Applicants will email to each SJNC member a copy of their Application and any cover letter, writing samples or attachments.

**6. Eligibility:** At the time of nomination, an applicant, in order to be eligible, must be:

- A resident of the State of Iowa as defined by Iowa law;
- Licensed to practice law in the State of Iowa; and
- Age eligibility to satisfy the statutory eligibility requirements.

**7. Application Deadline:** The deadline for applications to fill a vacancy will be determined by the Chairperson or his/her designee and published in the Notice of Vacancy.

**8. Public Commentary:** Written comments regarding the qualifications of an applicant should be sent emailed to each SJNC member at the email address listed on the notice of vacancy. Absent access to email, written comments shall be mailed to the Secretary of the SJNC.

**9. Background Investigation:** In advance of the SJNC interviews, the Chairperson and/or the Chairperson's designee may timely and promptly obtain any information permitted by law on each applicant from any source including but not limited to: the Iowa Division of Criminal Investigation, Commissions of the Iowa Supreme Court including the Attorney Disciplinary Board and the Judicial Qualifications Commission, institutions of higher learning including colleges, universities and law schools, the credit reporting agencies, and current or former employer(s) with whom the applicant has been affiliated.

**10. Interviews:** A convenient date for the members of the SJNC to meet for purposes of interviewing the applicants will be determined by soliciting dates that the SJNC members are available to attend a meeting of the full SJNC within the time period required by the Iowa Code.

The order of the applicants' interviews will be randomly determined by a process conducted by the Commission Secretary.

**11. Confidentiality:** SJNC deliberations are confidential. Members shall maintain their deliberations as confidential and vote for the most qualified applicants by secret ballot delivered to the SJNC Secretary or his/her designee.

**12. Voting Method:** Members will determine the voting method by majority vote.

**13. Closed Session:** The SJNC may conduct its meetings in closed session at any time.

**14. Quorum/Votes Needed:** At least 9 members must be present for a quorum. However, in accordance with Iowa Code § 46.14, an applicant must receive at least 9 votes. The Commission shall conduct its business by a majority vote of those present.

**15. Number of Nominees:** The SJNC may consider and vote upon nominees to fill more than one vacancy (i.e., 3 nominees for one vacancy or 6 nominees for 2 vacancies or 9 nominees for 3 vacancies, etc.) if the circumstances permit more than one vacancy to be filled within the timing requirements of Iowa Code § 46.14. The SJNC Commission will nominate three (3) persons for each vacancy (i.e., 3 nominees for one vacancy or 6 nominees for 2 vacancies).

**16. Adjournment:** Upon majority, the SJNC may briefly adjourn and reconvene its proceedings to address any matter that requires additional time.

**17. Sensitive Information:** If there is adverse information you are reluctant to disclose, you may disclose it to the Chairperson and Secretary of the Commission in a separate document. The Chairperson will disclose it to the other members of the Commission only in a nonpublic session. If you are nominated by the Commission, the information will also be disclosed to the Governor.