

Understanding the Florida Judicial Nominating Commission and Judicial Application Process

This document has been prepared to provide general information about the JNC and Judicial Appointment process.

The State of Florida has chosen to fill judicial vacancies occurring within the term of an existing judge using the Merit Selection Process.

What is the merit selection process?

Merit selection is the process by which judicial applicants are solicited, screened, investigated, interviewed and ultimately nominated by a nine member judicial nominating commission to the Governor for appointment.

What are the qualifications to become a Judge (trial or appellate - thru the merit selection process)?

According to Article V Section 8 of the Florida Constitution, to be a trial judge (circuit/county) you must have been a member in good standing of The Florida Bar for the preceding 5 years, an elector of the State (registered voter) and reside in the jurisdiction of the respective court at the time of appointment.

To be a justice of the Florida Supreme Court or a judge of the district court of appeal, you must be an elector of the State, serve in the territorial jurisdiction of the court and been a member of the Florida Bar for the preceding ten years.

What is a JNC?

Generically, a Judicial Nominating Commission is:

“ the screening entity that identifies the list of final candidates for the Governor. Their structure and composition must provide a climate that fosters public confidence in the process while encouraging highly qualified applicants to apply. They must not be a political or partisan entity and should be representative of the community to be served by the judge. “¹

Within the State of Florida, there are 26 nine member JNCs; one for each of the 20 judicial circuits, the five district courts of appeal and one for the Supreme Court. The JNCs are responsible for performing each of the functions including presenting the Governor with a slate of qualified individuals from whom an appointee will be selected.

¹ *The O'Connor Judicial Selection Plan, Justice Sandra Day O'Connor (Ret.) United States Supreme Court & IAALS The Institute for the Advancement of the American Legal System June 2014p. 5.*

How are members of the JNC selected?

The Governor appoints all nine members as follows in accordance with Chapter 43.291:

(a) Four members of The Florida Bar, appointed by the Governor, who are engaged in the practice of law, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed. The Board of Governors of The Florida Bar shall submit to the Governor three recommended nominees for each position. The Governor shall select the appointee from the list of nominees recommended for that position, but the Governor may reject all of the nominees recommended for a position and request that the Board of Governors submit a new list of three different recommended nominees for that position who have not been previously recommended by the Board of Governors.

In selecting members of the Bar to recommend to the Governor, the Board of Governors reviews the applications for each JNC and rates applicants based on, among other things, the following criteria:

1. Length of Practice
2. Area of Practice
3. Bar Activities and Community Service (including leadership roles)
4. Reputation (feedback from peers and/or BOG members)
5. Prior JNC Service
6. Prior Careers and Life Experiences
7. Certification in Practice Area
8. Diversity (geographic, gender, ethnic and racial)
9. Any Disciplinary Issues
10. Quality and Completeness in Filling out the Application

(b) Five members appointed by the Governor, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed, of which at least two are members of The Florida Bar engaged in the practice of law.

In making an appointment, the Governor shall seek to ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population within the territorial jurisdiction of the court for which nominations will be considered. The Governor shall also consider the adequacy of representation of each county within the judicial circuit.

The Judicial Nominating Process for filling Judicial Vacancies

A judicial vacancy may occur because of resignation, retirement, death, elevation of a sitting judge, or by newly created judgeship. Upon notification of a vacancy, the Governor requests the Chair of the JNC to convene the JNC for the purpose of selecting and submitting names of qualified individuals to the Governor for appointment to the bench. The JNC investigates each applicant to confirm eligibility. Eligible applicants interview with the JNC, which then determines by majority vote which applicants to recommend to the Governor for consideration. The JNC has no more than sixty days

from the time it is requested to convene and nominate no fewer than three and no more than six nominees to the Governor. The Governor has sixty days to appoint a judge from list of nominees.

Specific details of the JNC Selection and Screening process are included in the Florida Judicial Nominating Commissioner 2013 Manual found at www.flgov.com.

How does the JNC process work?

Whenever a vacancy occurs in a judicial office within the jurisdiction of a judicial nominating commission, the appropriate commission shall actively seek, receive and review the approved background statements submitted by those who voluntarily request consideration, and by those who otherwise consent in writing to such consideration by the commission. The commission shall require completion of the application form which shall include a waiver of confidentiality of all material necessary to adequately investigate each applicant, including but not limited to, disciplinary records of The Florida Bar, records of the Florida Board of Bar Examiners, credit records, records maintained by any law enforcement agency, and records of the Florida Judicial Qualifications Commission.

The commission shall notify The Florida Bar, representative bar associations (including minority and women's bar associations) within the jurisdiction where the vacancy occurs and electronic media; and shall seek applications for nominations from all persons who meet the eligibility requirements in the Florida Constitution. The commissions may seek and shall receive information from interested persons and groups.

The Executive Office of the Governor has prepared a JNC Manual for all commissioners that provides additional information on how the JNCs operate.

What criteria does the JNC use to make recommendations to the Governor?

No nominee shall be recommended to the governor for appointment unless the commission finds that the nominee meets all constitutional and statutory requirements and is fit for appointment to the particular judicial office after full and careful consideration which consideration shall include but not necessarily limited to the following criteria:

- a. Personal attributes
 1. Personal integrity
 2. Standing in community
 3. Sobriety
 4. Moral conduct
 5. Ethics
 6. Commitment to equal justice under law
- b. Competency and experience
 1. General health, mental and physical
 2. Intelligence

3. Knowledge of the law
 4. Professional Reputation
 5. Knowledge of and experience in the court involved
- c. Judicial capabilities
1. Patience
 2. Decisiveness
 3. Impartiality
 4. Courtesy
 5. Civility
 6. Industry and promptness
 7. Administrative ability
 8. Possible reaction to judicial power
 9. Temperament
 10. Independence

Who do I contact with questions?

The list of members of all of the JNCs is posted on the Florida Bar website and the Governor's website. You can contact any member of the JNC for additional information.

How can I prepare for the process?

Begin the application process as you soon as you have made the personal decision to apply for a judicial opening. Complete the application even if there is not a vacancy; once a vacancy is announced and a solicitation begins, the time will pass quickly. Early preparation of the application allows proper time to edit the application and review for errors and omissions. Early preparation allows time to contact references and gather any information that may not be readily available. You should discuss your goals and plans with references and determine areas of support.

Once the application is completed and submitted, carefully review the attributes the JNC will be seeking to determine how you will demonstrate those attributes.

What happens if I get nominated to the Governor?

Once the JNC submits the names to the Governor, as described above, the Governor makes the selection from the list of candidates within the specified 60-day time frame.

For additional information please contact the Judicial Nominating Procedures Committee.

For additional information on the JNC and Judicial Appointment process, please visit www.flgov.com.

Other sources of information include:

Florida Judicial Nominating Commissioner 2013 Manual

Article V of the Florida Constitution

Florida Statutes Chapter 43.291