ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the powers vested in me, and with the approval of the Administrative Board of the Courts, I hereby add, effective immediately, Part 150 of the Rules of the Chief Administrator, relating to the establishment of Independent Judicial Election Qualifications Commissions, to read as follows:

PART 150
Independent Judicial Election Qualification Commissions

§ 150.0 Preamble

It is essential to the effectiveness of an elected judiciary that well qualified candidates obtain judicial office. Yet the public frequently is unaware of the qualifications of candidates who run for judicial office, because the candidate-designation process often is not conducted in public view. The public will have greater confidence in the judicial election process if they know that those judicial candidates who appear on the ballot were screened by independent screening panels and found to possess the qualities necessary for effective judicial performance.

§ 150.1 Establishment

There shall be an Independent Judicial Election Qualification Commission established in each judicial district which shall review the qualifications of candidates for public election to the Supreme Court, County Court, Surrogate's Court, Family Court, New York City Civil Court, District Courts and City Courts.

§ 150.2 Membership

(a) Each qualification commission shall have 15 members appointed as follows:

    (1) The Chief Judge of the State of New York shall select five members, two of whom shall be non-lawyers;

    (2) The Presiding Justice of the Appellate Division encompassing the appropriate district commission shall select five members, two of whom shall be non-lawyers;

    (3) The President of the New York State Bar Association shall select one member;

    (4) Four local bar associations, located within the appropriate judicial district and designated by the Presiding Justice of the Appellate Division of the appropriate district, shall each select one member.

(b) The Chief Judge of the State of New York shall designate the chair of each commission from the above membership.

(c) Commissioners must be residents of or have a place of business in the judicial district in which they serve.

(d) In making appointments to the commissions, each appointing authority shall give consideration to achieving broad representation of the community, including geographic, racial, ethnic and gender diversity.

§ 150.3 Terms of Office

(a)   Except as set forth below, each member shall serve at the pleasure of the appointing authority for a term of three years, and shall be eligible to serve for one additional three-year term.

(b) Initial terms of commissioners shall be staggered so that five commissioners will serve for an initial term of one year, five for an initial term of two years, and five for an initial term of three years.

(c) If a commissioner does not complete the appointed term, the appointing authority shall appoint someone to serve on an interim basis for the remainder of the term.

(d) If a vacancy is not filled by an appointing authority within 30 days after written notification to the appointing authority of its creation, the Chief Judge may fill the vacancy for the remainder of the term.

§ 150.4 Quorum

Two-thirds of the members of the full commission shall constitute a quorum for the purpose of conducting any business.

§ 150.5 Evaluation of candidates

(a) The qualifications commissions shall evaluate candidates for elected public office for the courts set forth in section 150.1 to determine whether they are qualified for the office to which they seek election.

(b) The criteria for evaluation shall include professional ability; character, independence and integrity; reputation for fairness and lack of bias; and temperament, including courtesy and patience.

(c) Two-thirds of the quorum's vote shall be required to find a candidate qualified for judicial office.

(d) All votes on whether a candidate is qualified shall be by secret ballot.

(e) Each commission shall publish an alphabetical listing of the names of all candidates that it has found qualified for election to judicial office, and of all candidates who failed to fully participate in the commission evaluation process.

§ 150.6 Procedures

(a) The Chief Administrator of the Courts shall establish, with the approval of the Administrative Board of the Courts, uniform procedures for the operation of the commissions. These procedures shall include:

> (1) Wide dissemination by the commission of notice wherever an open judicial position is to be filled by election;
>
> (2) Use of written application forms;

(3) Investigation of the background and qualifications of applicants;

(4) A personal interview with each applicant;

(5) A process for re-hearing upon application of an applicant.

(b) A commission may designate subcommittees to investigate the background and qualifications of applicants and to report to the full committee.

§ 150.7 Compensation

Commission members shall serve without compensation, but shall be entitled to reimbursement for any necessary expenses incurred by them in connection with the performance of their duties.

§ 150.8 Confidentiality

Except as provided in section 150.5(e), all papers filed with or generated by the commission and all proceedings of the commission shall be confidential.

§ 150.9 Conflicts of interest

(a) No member of a qualifications commission shall be a candidate for judicial office or shall support or act on behalf of any candidate for judicial office.

(b) A member shall recuse himself or herself from participating in a commission proceeding where the member has a relationship with the candidate, or with another candidate competing for the same judicial office, which could reasonably render the member's participation unfair to the public or any candidate, or which might cause others to perceive that such participation is inappropriate or unfair.

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Chief Administrative Judge of the Courts

Dated:

AO/   /06