

**GUIDELINES OF OPERATION OF
THE STATEWIDE JUDICIAL
NOMINATING COMMISSION**

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Section I. Initial Procedure; Investigative Sources; Notice

Whenever a judicial vacancy occurs in the Office of the Judges of Compensation Claims, the Statewide Judicial Nominating Commission (hereafter “the Commission”) shall actively seek, receive and review the applications of interested attorneys. The Commission shall also receive and review the applications of Judges of Compensation Claims who seek reappointment. 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 (to the extent same are available). This waiver shall not extend to waive any specific privacy right of an applicant as regards the general public.

The application for initial appointment or reappointment shall be submitted to each Commissioner no later than 21 days prior to the Commission meeting at which an applicant for appointment or reappointment will be considered. The Chair of the Commission shall make public the names of all applicants for any position.

Persons seeking to comment upon any applicant for appointment or reappointment shall notify the Chair no later than 14 days prior to the Commission meeting at which an applicant for appointment or reappointment will be considered. Letters supporting or opposing nomination may be sent by the public to the Commissioners. The OJCC shall broadcast an announcement to all registered OJCC e-filers to inform them if someone has notified the

Commission of an intent to oppose a nomination. Upon such announcement, anyone interested in appearing in support of or in opposition to that Judge or candidate must notify the Commission no later than 7 days prior to the scheduled meeting. The decision of how many may speak in support of or opposition to the candidate remains with the Commission.

The Commission shall notify The Florida Bar, and utilize electronic media to publicize the occurrence of the Commission meetings, the existence of vacancies, and the consideration of any judge's reappointment application. The Commission may seek and shall receive information from interested persons and groups.

Section II. Screening Procedures

Within a reasonable time after notice is given of the existence of the vacancy or impending expiration of the term of a judge of compensation claims, the Commission shall meet to consider applicants. At this meeting the procedures for screening the applicants for said vacancy shall be determined. This initial meeting regarding screening may be held by telephone. In the event it is held telephonically, the public may listen to the call but may address the Commission only if recognized by the Chair.

Section III. Electronic Media and Still Photography Coverage of Judicial Nominating

Commission Proceedings

Subject at all times to the authority of the Chairperson of the Commission to: (i) control the conduct of proceedings before the Commission; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of the open Commission proceedings shall be allowed in accordance with Judicial Administrative Rule 2.450.

Section IV. Further Investigation; Interviews

The Commission shall investigate the fitness and qualifications of each applicant, utilizing all sources reasonably available within the time permitted. In addition, the Commission may invite any applicant to appear before a quorum of the Commission sitting as a whole to respond to questions deemed pertinent to each applicant's fitness and qualifications to hold the judicial office. All applications, and other information received from or concerning applicants, and all interviews and proceedings of the Commission, shall be open to the public to the extent required by the Florida Constitution or Florida Statutes. The application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The Chair of the Commission shall forward all such completed pages, along with the names of the nominees, to the JNC Coordinator in the Governor's Office. At a point in the investigative and interview process deemed appropriate by the Commission, the Commission may require financial disclosure from the applicant.

Section V. Standards and Qualifications; Criteria

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 after full and careful consideration which consideration may 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

Section VI. Final Selection of Nominees

When nominating candidates to fill a vacancy. By majority vote, the Commission shall select three nominees from the list of applicants who meet the requirements of Chapter 440 and all other legal requirements for Judge of Compensation Claims. The names of such nominees selected by the Commission shall be certified to the Governor in alphabetical order, and a copy of all investigative information and documents relating to each such nominee shall be forwarded to the Governor.

When considering a Judge for reappointment, by majority vote, the Commission shall vote upon whether to recommend each particular judge for reappointment. The names of each judge considered by the Commission shall be certified to the Governor in writing, which shall include only the judge's name and whether recommended or not.

A quorum of the Commission shall be eight (8) Commissioners. When considering candidates for recommendation or a Judge for reappointment, the Commissioners will meet in person. Upon a vote of the Commissioners, a Commissioner may be permitted to attend the meeting by electronic means and vote.

All votes shall be cast by written ballot (with any Commissioner attending electronically submitting that vote to the Chair by email).

When considering reappointment of a Judge, each Commissioner shall vote yes or no. A tie vote will not stand. If the Commission cannot reach a majority decision on reappointment, the Commission shall vote at that meeting until a majority decision is reached. If, after due consideration and due efforts to reach a majority decision, the Commission remains

deadlocked with a tie vote, such result will be communicated to the Governor as the Commission not recommending reappointment.

When considering candidates for a vacant position, and more than 10 candidates apply for the vacancy, the initial round of voting shall have each Commissioner cast six (6) votes, one per applicant (no cumulative voting). When considering 10 or fewer candidates for a vacant position, the initial round of voting shall have each Commissioner cast three (3) votes, one per applicant (no cumulative voting). Any applicant who receives two (2) votes shall continue to the next round of voting.

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

This process shall continue until only three (3) applicants remain on the list. If there is a tie for third place, then there will be a vote among those tied for third place with each Commissioner casting one (1) vote and only the person who receives the most votes shall remain on the proposed list.

Section VII. Publication of Names of Nominees

The Chairperson of the Commission shall make public the names of all persons recommended for gubernatorial appointment in alphabetical order by last name, without indicating any preference of the Commission. This information shall be reported to the Governor without comment other than the names of those recommended in alphabetical order.

Section VIII. Ethical Responsibilities

Judicial nominating Commissioners hold positions of public trust. A Commissioner's conduct should not reflect discredit upon the judicial selection process or disclose partisanship or

partiality in the consideration of applicants. Consideration of applicants shall be made impartially and objectively. A Commissioner shall disclose to all other Commissioners present all personal and business relationships with an applicant. If a substantial conflict of interest is apparent, that Commissioner shall not vote on further consideration of any affected applicants. A Commissioner shall declare any conflict of interest that he/she has. Alternatively, upon motion by any Commissioner, a majority of all of the Commissioners may declare that a commissioner has a conflict of interest. The affected Commissioner may vote on the motion. All balloting by the Commission shall be by written ballot and the Chair shall be entitled to vote in all instances, unless the Chair has a conflict of interest and has recused him/herself from voting. Upon certification of a list of nominees to the Governor, no Commissioner shall contact the Governor or any member of her or his office or staff, for the purpose of further influencing the Governor's ultimate decision. No attempt should be made to rank such nominees or to otherwise disclose a preference of the Commission. However, if contacted by the Governor, or her/his office or staff, a Commissioner shall be entitled to answer questions about each nominee.

Section X. Annual Meeting; Selection of Chairperson

In February each year or as soon thereafter as practicable, the Commission shall designate a Chairperson by majority vote to serve for one year. The Chairperson shall be entitled to vote in all matters, unless the Chair has a conflict of interest and has recused him/herself from voting. His or her term shall end upon election of a successor the next succeeding year. The Commission shall also elect by majority vote a vice -Chairperson who shall have at least one year remaining in his or her term. The Chairperson shall keep a permanent written record of the minutes of all meetings of the Commission, and all policies and procedures adopted by the

Commission. The Chairperson may delegate the responsibility for these actions to another Commissioner. At the conclusion of his or her term the outgoing Chairperson shall turn over to the newly elected Chairperson all minutes of meetings and written records of adopted policies and procedures. The Commission may adopt such additional operating rules, forms and notices as it may from time to time deem necessary, so long as they are not inconsistent with these rules.

Section XI. Election of Commissioners

Whenever a vacancy occurs for a Commissioner appointed by the Commission, the Commission shall advertise such vacancy within the notice of the next Commission meeting. The Commission may vote upon such application(s) at the next scheduled Commission meeting, or at any meeting thereafter. Election of Commission appointed Commissioners shall be by simple majority vote.

Section XII. Amendments

These guidelines may be amended by majority vote of the Nominating Commission. These guidelines become effective 11/22/2013, and may be readopted periodically at the discretion of the Commission members.