

House Bill 30

By: Representatives Brooks of the 55th, Stephenson of the 90th, and Dawkins-Haigler of the 91st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to courts, so as to create the Georgia Judicial Nominating
3 Commission; to define certain terms; to provide for the appointment of members and terms;
4 to provide for duties and responsibilities; to provide for procedures; to provide for
5 confidentiality; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to courts, is amended by adding a new Code section to read as follows:
11 "15-1-17.

12 (a) As used in this Code section, the term:

13 (1) 'Appellate court' means the Court of Appeals and the Supreme Court.

14 (2) 'Commission' means the Georgia Judicial Nominating Commission created by this
15 Code section.

16 (3) 'Trial court' means the state and superior courts.

17 (b) There is created the Georgia Judicial Nominating Commission, which shall provide the
18 Governor with recommendations for appointments for vacancies on the appellate and trial
19 courts within the state.

20 (c) The commission shall consist of no more than 23 members who are residents of this
21 state and shall be selected as follows:

22 (1) Five members appointed by the Governor; and

23 (2) Three persons submitted for appointment by the presidents of each the following
24 organizations:

25 (A) The Gate City Bar Association;

26 (B) The Georgia Association of Black Women Attorneys;

27 (C) The Georgia Asian Pacific American Bar Association;

28 (D) The Georgia Hispanic Bar Association;

29 (E) The Stonewall Bar Association; and

30 (F) The Georgia Alliance of African American Attorneys.

31 If the president of any organization does not submit three persons for appointment within
32 60 days of the effective date of this Code section or submits fewer than three persons,
33 additional members shall be appointed by the Governor.

34 (d) No more than one lawyer from the same firm or legal office shall serve on the
35 commission at the same time. No person shall serve on the commission while
36 simultaneously serving as an elected official in any office in local, county, state, or federal
37 government or who holds an office in a political party.

38 (e) The chairperson of the commission shall be designated by the Governor.

39 (f) The terms of the members of the commission shall be four years. If the commission
40 meets on two or more occasions during any calendar year and if during that year a
41 commission member fails to attend at least half of the meetings in which that member is
42 not otherwise disqualified from participating, the term of the member shall automatically
43 be terminated.

44 (g) If a vacancy occurs on the commission by reason of the death, resignation, removal,
45 or disqualification of a member, a successor shall be appointed by that member's
46 appointing authority to serve out the remainder of the term to which the vacancy applies.

47 (h) The commission shall not nominate a person who serves on the commission for
48 appointment to a trial or appellate court during the term for which the person was appointed
49 to the commission.

50 (i) For each vacancy on a trial or appellate court, the commission shall recommend to the
51 Governor, from among those persons who apply for appointment to fill the vacancy, the
52 candidates legally and most fully professionally qualified to fill the vacancy. Each
53 commission member shall encourage qualified candidates from a diversity of backgrounds
54 to apply for judicial appointment.

55 (j) The chairperson of the commission shall request the assistance of the Administrative
56 Office of the Courts in providing training to commission members, notifying the
57 commission when a vacancy occurs, and developing a form or forms for submission by
58 applicants.

59 (k)(1) Upon notification that a vacancy exists or is about to occur in a court to which the
60 commission has responsibility to recommend candidates for appointment, the commission
61 shall seek out qualified applicants from a diversity of backgrounds to fill the vacancy and
62 shall review all applications submitted. The commission shall notify the Georgia Bar
63 Association and other diverse bar associations of the vacancy and shall request

64 recommendations from them. The commission may also seek recommendations from
 65 interested citizens and from its own members.

66 (2) The commission shall evaluate each applicant. In the course of its evaluation, the
 67 commission may seek information beyond that contained in the materials submitted by
 68 an applicant. The commission may obtain pertinent information from knowledgeable
 69 persons known to commission members, judges, personal references given by the
 70 candidate, criminal justice agencies, or other sources. A criminal justice agency,
 71 including the central repository, may release the criminal history record information,
 72 including conviction and nonconviction data, to the commission upon request of the
 73 chairperson for the purpose of evaluating a candidate.

74 (3) No fewer than ten members shall be present at a voting session of the commission.

75 (4) The commission shall interview each applicant for each vacancy for which it is
 76 responsible for recommending candidates. In considering a person's application for
 77 appointment to fill a vacancy, the commission shall consider the applicant's integrity,
 78 maturity, temperament, diligence, legal knowledge, intellectual ability, professional
 79 experience, community service, and any other qualifications that the commission deems
 80 important for judicial service, as well as the importance of having a diverse judiciary.

81 (5) No applicant shall be recommended to the Governor for appointment unless by vote
 82 of a majority of members present at a voting session of the commission as taken by secret
 83 ballot.

84 (6) The commission shall endeavor to recommend at least three qualified candidates for
 85 appointment to fill each vacancy. If, despite the commission's best efforts to recruit and
 86 identify qualified applicants from a diversity of backgrounds, the commission determines
 87 that fewer than three qualified applicants have applied for the vacancy, the commission
 88 may recommend fewer than three candidates to fill the vacancy.

89 (7) The commission shall report in writing to the Governor the names of the persons
 90 found by the commission to be legally and most fully professionally qualified to fill a
 91 vacancy. The names of these persons shall be listed in alphabetical order. The report
 92 shall be submitted within 45 days following notification that a vacancy exists or is about
 93 to occur. The commission shall release this list to the public concurrently with
 94 submission of its report to the Governor.

95 (1) The commission shall have the duty to maintain the confidentiality of the following
 96 information:

97 (1) The names of individuals who have submitted applications to fill a vacancy until after
 98 the closing date for submission of applications; and

99 (2) The commission's evaluation of candidates, including its interviews, deliberations,
 100 and voting."

101

SECTION 2.

102 All laws and parts of laws in conflict with this Act are repealed.