

Model Guidelines for Judicial Appointment Procedures for Limited Jurisdiction Courts

Initial selection of a judge of a limited jurisdiction court when appointed by subdivision's governing officials:

A public, formal process for the selection of a judge when the decision maker is an elected governing body or executive (city manager or mayor) and judge serves under a contract, pursuant to ordinance, or other specially designated process.

The public process should be transparent. In some states, it may be subject to open meetings laws.

There should be a public announcement that there is a vacancy and the process for application and selection. Notice of the judicial vacancy should be given to the legal community and publicly advertised and the appointment process should be listed on public calendar.

The formal process should include a written application form, a set number of written references, a release of information, and background checks.

Candidates should be screened by an advisory board of citizens who are charged with recommending candidates to the governing board. Selection should be based on merit. The best practice manual for Missouri from NCSC appears to equate "citizen" with "lay person." The advisory board should reflect the diversity of the community and include lay persons and persons from the legal community like prosecutors, defense attorneys, judges, and clerks. The names of persons serving on the advisory board should be public.

The advisory board should have administrative support and keep formal records (minutes, etc.).

Consideration should be given to whether the advisory board should conduct public interviews of the candidates.

The advisory board shall nominate the best qualified candidate(s). It is recommended that the advisory board submit a panel of multiple candidates to the governing board, when the population of the political subdivision makes that feasible. The names of the candidates presented to the governing board should be made public

The advisory board evaluation process should be guided by a set of evaluation criteria, which may include the following:

- Impartiality
- Integrity
- Judicial temperament
- Industry
- Professional skills
- Community involvement
- Cultural Competency
- Collegiality
- Writing ability
- Decisiveness
- Speaking ability
- Administrative ability
- Interpersonal skills
- Familiarity with dispute resolution techniques

The governing board should consider only the nominee(s) from the advisory board, who should be voted upon and installed.

Reappointment of sitting judges:

Incumbent judges should be evaluated for retention by an impartial advisory board regarding judicial performance -- particularly for impartiality, integrity, proficiency, and fairness.

There should be public notice that the judge is being evaluated for reappointment and solicitation of comments regarding the judge's service.