INTERNAL RULES OF PROCEDURE
OF
5C ELECTION DISTRICT JUDICIAL NOMINATING COMMISSION

The 5C Election District Judicial Nominating Commission ("Commission"), pursuant to the duties and authorities imposed upon it under the provisions of Article V, Section 16, Constitution of the State of Iowa adopts the following Internal Rules of Procedure for the sole purpose of establishing guidelines to candidates for nomination, the Commission and its Chair and Secretary in carrying out the Commission's constitutional mandate of making nominations to fill vacancies in the 5C Judicial Election District of Iowa and in seeking maximum citizen input in the nomination process.

1. **Authority.** The 5C Election District Judicial Nominating Commission is responsible for making nominations to the Governor to fill vacancies in the office of Judge of the District Court of Iowa. The Commission in making nominations shall be governed by Article V, Section 15 and 16 of the Iowa Constitution, Chapter 46 of the Iowa Code and these internal rules of procedure.

2. **Responsibility of Commission.** It is the duty of the Commission to nominate the best qualified persons available for appointment to the District Court of Iowa. In carrying out this duty the members of the Commission should not limit their consideration to persons who have been suggested by others or to persons who are known to be available for appointment to the District Court. The members should always keep in mind that often the persons with the highest qualifications do not actively seek judicial appointment. The members may seek out well qualified persons and encourage them to agree to accept nomination.

3. **Procedure.**

3 (1) When a vacancy on the District Court of Election District 5C occurs or will occur within sixty days, the State Commissioner of Elections is obligated to so notify the Chair of the Commission. Within ten days of receiving the notice of vacancy the Chair is obligated to establish a date for meeting of the Commission and give notice as prescribed in Section 46.13, Code. Each member of the Commission is entitled to receive at least five days written notice of a meeting of the Commission unless they

waive in writing notice of the meeting or unless the Commission at its next previous meeting designates the time and place of the meeting. All waivers of notice and a copy of the notice of a meeting shall be filed with the minutes of the meeting.

3 (2) The Chair may call an organizational meeting of the Commission as necessary to conduct the business of the Commission. At the organizational meeting the Chair will advise the Commission members of the deadline that has been established for submission of the Judicial Applications. In addition, the Commission will establish the date and time for interviews with the applicants within the parameters of Chapter 46, Code of Iowa.

3 (3) The Commissioners shall not have individual interviews with any of the applicants. A reasonable number of letters of recommendation may be directed to the Commissioners. The Commissioners can communicate with other individuals regarding an applicant. The Commission in determining the qualifications of an applicant shall use the following evaluative criteria for judicial selection:

a. Integrity
b. Professional Skills
c. Diligence and Industry
d. Judicial Temperament
e. Public Service/Community Contacts
f. Collegiality
g. Writing Ability
h. Decisiveness
i. Communications Skills
j. Administrative Ability

3 (4) To encourage citizen participation in the nomination process, and an awareness of the meeting of the Commission, the Chair shall make a news release to the public media and to the Polk County Bar Association, the Iowa State Bar Association, the Polk County Women Attorneys Association, the National Bar Association, the Iowa

Association For Justice, the Iowa Defense Counsel Association and the Iowa Academy of Trial Lawyers. Said news release shall include the following:

a. The date on which the Chair of the Commission was advised that a vacancy has occurred or will occur in Election District 5C District Court.

b. That a meeting of the Commission will be held at a designated time and place within 60 days from such notification for the purpose of balloting on the nominees to be named by the Commission.

c. That any citizen may submit in writing to the Chair of the Election District 5C Judicial Nomination Commission, Polk County Courthouse, 500 Mulberry Street, Des Moines, IA 50309 or to any Commissioner the names of persons for consideration as a candidate for nomination and express views concerning such candidate no later than ten (10) days prior to the scheduled meeting.

d. The name and address of each Commissioner.

In its release to the Bar Associations and lawyer organizations, the Chair shall request that each president notify all members of their association of the vacancy and that any lawyer is permitted to submit their name or the name of another lawyer for consideration by the Nominating Commission, and that a completed Judicial Application on the Commission's standard forms should also be submitted.

3 (5) The Secretary of the Commission shall submit a Judicial Application, a copy of these Internal Rules of Procedure, and a list of all Commissioners showing their addresses, to each candidate for nomination. The Judicial Application shall include the questions deemed relevant by the Commission as to the background and qualifications of the candidate. The Judicial Application shall include the following sections: Part I Personal Data Questionnaire; and Part II Personal Confidential Information Form.

3 (6) Commission members may conduct investigations into the qualifications, both personal and professional, of candidates being considered by the Commission. In addition, the Chair or the Chair's designee may obtain such reports as permitted by law on each candidate from the Polk County Attorney and from such commissions of the Iowa Supreme Court and such committees of the Iowa Judges Association and Iowa

State Bar Association as the Chair deems necessary and advisable to properly inform the Commission of the personal and professional qualifications of all candidates.

3 (7) The Commission shall arrange interviews by the entire Commission with all or any of such candidates as the Commission believes to be best qualified for the judicial vacancy to be filled. Candidates shall be personally available for interviews at the time and place scheduled for the interview by the Commission. In the rare occasion that a candidate has an irreconcilable scheduling conflict with the date and time scheduled by the Commission for an interview, the candidate may seek advance permission of the Chair to appear for the interview by telephone conference call. If permission is granted, the candidate shall place the call at the time and to the telephone number designated by the Chair at the candidate's expense.

3 (8) Interviews of candidates will be open to the public for purposes of observation and listening only, without participation by public guests. The Commission may at any time decide to move into closed session to discuss confidential matters. Commission deliberations shall be private and voting shall be conducted by secret ballot. The secretary of the meeting shall prepare an alphabetical list of all candidates being considered by the Commission for nomination, to be discussed in that order. Nominees shall be chosen separately and in succession with each member voting for one candidate on each ballot. A candidate shall be nominated upon receiving 6 or more votes. At any time during such meeting the Commission may reconsider any vote previously taken. Other discussions, investigations, recesses or adjournments as the Commission deems appropriate may occur at any point in the selection process by a majority vote.

3 (9) After the Commission has chosen the nominees, the nominations shall immediately thereafter be communicated to the Governor and to the Chief Justice of the Supreme Court and the Secretary will issue an appropriate news release to the public media.

1. **Miscellaneous.**

4 (1) The Commission may act only at a meeting at which a quorum of six members are present. The Commission may act by the nominations, which shall require the affirmative vote of the majority of the full statutory number of Commissioners.

4 (2) The Chair shall preside at any meeting when present; the Commission may choose a member to act as Temporary Chair in the absence of the Chair.

4(3) The Administrative Assistant to the Chief Judge of the Fifth Judicial District shall serve as the official Secretary to the Commission. It is the duty of the Secretary, or one so acting, to prepare and keep the minutes of all meetings. In the Secretary's absence the Commission may choose a member to be Acting Secretary.

4 (4) The minutes of meetings of the Commission must record the names of the members present, the names of any members of the public present during candidate interviews, any objections to the holding of the meeting on the ground of lack of or insufficiency of notice, any action taken by the Commission, and any other matters that the Commission may deem appropriate.

4 (5) The minutes of meetings shall be kept confidential and are available, prior to the formal nominations, to Commission members only. After nominations have been submitted to the Governor, the minutes shall be sealed and held by the Secretary, and thereafter may be available to Commission members only upon concurrence of a majority of the Commission. Five years after the Governor's appointment of one of the nominees, the record of proceedings for that appointment may be destroyed upon authorization by the Commission.

4 (6) As stated in Section (3) (7), interviews of candidates will be open to the public for purposes of observation and listening only. Otherwise, meetings of the Commission are closed sessions and members are expected not to disclose the discussion of nominees or anything that would tend to keep a member from speaking freely. The names of persons who have submitted a Judicial Application will be made public, and Part I of the Judicial Application - Personal Data Questionnaire shall be made public upon appropriate request unless the Commission by majority vote determines a

portion of the questionnaire to be confidential. A Commission member may at the request of the Governor discuss the merits of any nominee with the Governor or Governor's representative following submission of nominations by the Commission and prior to appointment, but the Commissioner shall not disclose the discussion or voting in executive session of the Commission.

4 (7) The Part II - Personal Confidential Information Form submitted by candidates for nomination shall be made available to the Commissioners only before the nominations are made and thereafter only to the Governor and the Chief Justice prior to making the appointment. After the nominations are made such Personal Confidential Information Forms shall be held by the Secretary under the same terms and conditions applicable to minutes of meetings as set forth in Section 4 (5).

4 (8) The Commission may amend these Rules by a majority vote of the quorum present at a meeting scheduled pursuant to these Rules. Proposed changes shall be presented to members at least ten (10) days prior to the meeting, unless waived by a majority of the quorum present at a meeting.

4 (9) The Internal Rules of the Judicial Election District 5C Nominating Commission shall be posted on the Iowa Judicial Branch website. The Notice of Vacancy shall include a link to the Internal Rules on the Judicial Branch website.

Dated this 15 day of May, 2012.

ARTHUR E. GAMBLE, Chair
5C Judicial Election District
Nominating Commission