THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 8

March 4, 2002

MAYOR'S ADVISORY COMMITTEE ON THE JUDICIARY

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Committee Established. The Mayor's Advisory Committee on the Judiciary (hereinafter called the "Committee") hereby is established in the Office of the Mayor to recruit, to evaluate, to consider and to nominate judicial candidates highly qualified for appointment and to evaluate the incumbent judges for reappointment to the following courts within The City of New York: Criminal Court, Family Court and for interim appointments, Civil Court.

Section 2. Functions. The Committee shall:

(a) Take steps to recruit and encourage highly qualified persons for such appointment to serve as a judge of a court in New York City and to receive from any source the names of candidates appearing to have the highest qualifications for judicial office;

(b) Evaluate and conduct all necessary inquiry to determine those persons whose character, ability, training, experience, temperament and commitment to equal justice under law fully qualify them for judicial office;

(c) Consider all relevant information to determine which of the highly qualified candidates are best qualified for judicial office, and refer to the Department of Investigation for screening all persons the Committee proposes to nominate for appointment;

(d) Nominate and present to the Mayor three candidates for appointment to each vacant judicial office, except that if there are numerous vacancies the Committee, in its discretion, may present less than three nominations (unless the Mayor requests three nominations) for each vacancy, and provide such information as may be necessary to inform the Mayor of the qualifications of each nominee; and

(e) Evaluate the qualifications of each incumbent judge for reappointment to judicial office and present the Committee's recommendation to the Mayor, provided that if the Committee finds the incumbent is not highly qualified for reappointment, or if the Mayor, following receipt of the Committee's recommendation, finds that the incumbent is not highly qualified for reappointment, the Committee shall nominate and present to the Mayor three candidates for appointment to the resulting vacancy other than the incumbent.

Section 3. Public Hearings.

(a) The Mayor shall notify the Committee of the name of any person chosen for appointment from among the nominees submitted by the Committee and shall notify the Committee of the name of each incumbent judge chosen for reappointment as recommended by the Committee. The Committee shall promptly thereafter conduct a public hearing except in the case of the appointment of an incumbent judge. Such hearings shall be upon reasonable notice and any person may present information concerning the fitness of the nominee for appointment. Based on the information received, the Committee may reconsider the nomination. If any

reconsideration results in withdrawal of a nomination, the Mayor shall be notified immediately by the Committee and the nominee shall not be appointed.

(b) The Committee may from time to time conduct public hearings concerning the process of judicial selection.

Section 4. Appointments by the Mayor.

(a) The Mayor shall not appoint a judge unless nominated by the Committee, and shall not reappoint an incumbent judge unless recommended for reappointment by the Committee.

(b) Judicial vacancies shall be filled within ninety days unless a longer period is required in the public interest.

(c) After the Mayor appoints a nominee to fill a judicial vacancy, the remaining nominations submitted by the Committee for that vacancy shall expire immediately, unless a vacancy or vacancies exists in the same court. In such case the remaining nominations shall be valid for appointment to that court for six months after their submission to the Mayor or until such vacancy or vacancies are filled, whichever is earlier.

Section 5. Committee Membership.

(a) The Committee shall consist of nineteen members, each residing or having a principal place of business in the City of New York, all of whom shall be appointed by the Mayor. The Mayor shall select nine members, including the Chairperson who shall serve in that capacity at the pleasure of the Mayor, and, in the Mayor's discretion, including one or more Vice Chairpersons who shall serve in that capacity at the pleasure of the Mayor. The Chief Judge of the New York Court of Appeals shall nominate four members for appointment to the committee by the Mayor. The Presiding Justices of the Appellate Division for the First and Second Judicial

Departments each shall nominate two members for appointment to the Committee by the Mayor. Two deans of law schools within the City of New York shall each nominate one member for appointment to the Committee by the Mayor, with authority to nominate rotating biannually among eligible deans. If the Mayor decides not to appoint any person nominated by the Chief Judge, a Presiding Justice or dean, he shall notify the Chief Judge, Presiding Justice or dean who made the nomination to submit the name of another nominee. All members shall serve for terms of two years. Notwithstanding the foregoing, the members first appointed shall serve until December 31, 2003. Vacancies in the Committee shall be filled in the same manner as initial appointments, and a member filling a vacancy shall serve for the remainder of the unexpired term. Any member of the Committee may be removed by the Mayor for cause.

(b) Members of the Committee shall be selected in order to ensure that only candidates with the highest qualifications shall be nominated for appointment to judicial office. Members of the Committee shall be selected with due consideration for broad community and borough representation. The membership shall include men and women, and members of minority and other groups, who are qualified to perform the functions of the Committee.

(c) No person shall be considered by the Committee for judicial office while serving as a member of the Committee or within one year thereafter.

Section 6. Confidentiality. All Committee communications concerning the judicial qualifications of candidates shall be made and held in confidence, except such communications as the Committee may submit to the Mayor or receive at public hearings, or as otherwise may be necessary and proper to the conduct of Committee proceedings.

Section 7. Committee Action Procedure. The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the

best qualified candidates for nomination, and criteria for recommending the reappointment of incumbent judges.

Section 8. Financing and Staff.

(a) Members of the Committee shall receive no compensation for their service as members.

(b) The Committee shall be provided with paid staff and sufficient facilities to carry its functions, including the thorough investigation of the qualifications of all candidates for judicial office.

(c) Members of the Committee and its staff shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.

Section 9. Deputy Mayor for Legal Affairs. The Deputy Mayor for Legal Affairs shall maintain liaison with and review the activities of the Committee, and shall advise the Mayor and the Committee regarding measures which may enhance the ability of the Committee to consider the best qualified candidates for judicial nomination.

Section 10. Prior Order Revoked. Executive Order No. 10, dated July 20, 1994 hereby is repealed, and the Committee on the Judiciary established thereunder hereby is abolished.

Section 11. Effective Date. This Order shall take effect immediately.

Michael R. Bloomberg
Mayor