

# State of New York

## Executive Chamber

No. 11

### E X E C U T I V E   O R D E R

#### ESTABLISHING A TEMPORARY JUDICIAL SCREENING COMMITTEE TO ENSURE THAT JUDICIAL OFFICER APPOINTEES ARE OF THE HIGHEST QUALITY

WHEREAS, under the Constitution and laws of New York, the Governor is entrusted with the responsibility of appointing various judicial officers;

WHEREAS, by Executive Order No. 10 I have ordered that Judicial Screening Committees be established to ensure that judicial officer appointments are of the highest quality; and

WHEREAS, vacancies presently exist in various judicial offices and it is or may become necessary or appropriate to appoint highly qualified candidates to fill these vacancies, and other vacancies that may hereafter arise, prior to the time the Judicial Screening Committees are fully operational;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. A Temporary Judicial Screening Committee is hereby established.
2. The Temporary Judicial Screening Committee shall:
  - a. At the direction of the Governor, following the Governor's determination that it is necessary or appropriate to the administration of justice that a vacancy in a judicial office be filled prior to the time the Judicial Screening Committees are fully operational, review and evaluate the qualifications of candidates proposed to it by any person or organization and conduct all appropriate inquiry into the qualifications of all such candidates. In reviewing and evaluating the qualifications of candidates, each member shall give primary consideration to the quality of a candidate's intellect, judgment, temperament, character and experience, and shall not give any consideration to the race, religion, gender, national origin, sexual orientation or political affiliation of a candidate. Whenever appropriate to a particular judicial office, each member shall remain cognizant of my commitment to protecting the citizens of this State from crime and violence and to enhancing public confidence in the criminal justice system;
  - b. Recommend for appointment or designation only those candidates who, as determined by a majority vote of all members of the committee, are highly qualified for the judicial office for which they are being considered. The committee shall not pass on the qualifications of any candidate until after a thorough inquiry has been made by the committee; and
  - c. Prepare written reports on the qualifications of each candidate it determines to be highly qualified and recommends to the Governor. The reports shall remain confidential, except that upon the announcement by the Governor of an appointment the report relating to the

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appointee shall be made available for public inspection. All records and deliberations of, and all communications to, the Temporary Judicial Screening Committee with respect to a candidate's qualifications shall be held in confidence and shall not be disclosed to anyone other than the Governor, Counsel to the Governor or their designees. Notwithstanding the foregoing, information submitted to the Temporary Judicial Screening Committee relating to an appointee may be disclosed to the Senate when necessary for constitutional confirmation of the appointee and to the Judicial Screening Committees; in addition, information submitted to the committee may be disclosed to any other person or organization if disclosure is required in connection with disciplinary proceedings.

3. The Temporary Judicial Screening Committee shall consist of the following members: the designee of the Attorney General, the designee of the Chief Judge of the Court of Appeals, the Counsel to the Governor, the Secretary to the Governor, the Director of Criminal Justice, the President of the New York State Bar Association or his designee and the Honorable Lawrence H. Cooke, former Chief Judge of the Court of Appeals, who shall act as its chairperson. No member of the committee shall hold any judicial or elected public office for which he shall receive compensation during his period of service, nor shall he hold any office in any political party. Members of the committee shall receive no compensation for their service, but shall be entitled to reimbursement for any necessary expenses incurred by them in connection with the performance of their duties. The Office of Counsel to the Governor shall make available to the committee sufficient staff and resources to enable the committee to carry out properly its responsibilities including adequate investigations into all matters relevant to the qualifications of candidates for appointment to judicial office.

4. Upon written notification to the chairperson of the Temporary Judicial Screening Committee from the chairperson of a Judicial Screening Committee that the committee is fully operational, the Temporary Judicial Screening Committee shall cease reviewing the qualifications of candidates for judicial offices within the jurisdiction of the notifying committee and shall transmit to the chairperson of the notifying committee all relevant information, records and reports relating to candidates.

G I V E N under my hand and the Privy  
Seal of the State in the City  
of Albany this twenty-fifth  
day of April in the year one  
thousand nine hundred ninety-  
five.

L.S.

BY THE GOVERNOR

/s/ George E. Pataki

/s/ Bradford J. Race, Jr.  
Secretary to the Governor