

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.1

**COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK**  
**TITLE 22. JUDICIARY**  
**SUBTITLE C. ANCILLARY AGENCIES.**  
**CHAPTER VI. JUDICIAL NOMINATION**  
**COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

<General Materials (GM) - References, Annotations, or Tables>

22 NYCRR 7100.1, 22 NY ADC 7100.1

22 NY ADC 7100.1  
END OF DOCUMENT

**Section 7100.1.** Chairperson.

[FN1]

The chairperson of the commission shall preside at any meeting of the commission at which the chairperson is present, and, if absent, shall designate another member to preside. The chairperson shall be the sole spokesperson for the commission unless unable to so act, in which case the chairperson shall designate another member of the commission or counsel as spokesperson in a specific regard. In any event, the confidentiality mandated by Judiciary Law, article 3-A, section 66(1) [FN2] shall be maintained by all members and staff. The chairperson shall have such other functions and duties as may be assigned by the commission, or are customary for the office.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

[FN1] The term *chairperson* employed in these rules refers to the "chairman " described in Judiciary Law, article 3-A, section 62(4), *et seq.*

[FN2] Judiciary Law, article 3-A sections will be referred to hereinafter by section number only.

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.2

**COMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
TITLE 22. JUDICIARY  
SUBTITLE C. ANCILLARY AGENCIES.  
CHAPTER VI. JUDICIAL NOMINATION  
COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.2. Counsel**

The counsel of the commission shall assist the chairperson, supervise the implementation of the **rules** and resolutions of the commission, organize and implement the investigation of candidates, report upon investigations to the commission, supervise other commission staff, if any, serve, when present, as secretary of commission meetings and fulfill such other duties as may be delegated by the commission or chairperson.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations, or Tables>

22 NYCRR 7100.2, 22 NY ADC 7100.2

22 NY ADC 7100.2  
END OF DOCUMENT

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.3

22 NYCRR 7100.3, 22 NY ADC 7100.3

**COMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
TITLE 22. JUDICIARY  
SUBTITLE C. ANCILLARY AGENCIES.  
CHAPTER VI. JUDICIAL NOMINATION  
COMMISSION**

22 NY ADC 7100.3  
END OF DOCUMENT

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.3. Meetings**

(a) Meetings of the commission may be called by the chairperson, or a majority of the members of the commission, by written notice to the other members specifying the time and place of meeting. Such notice shall be mailed or sent at least seven days before the time specified, except that a meeting may be held on shorter notice, and by telephonic notice, if it is impractical to do otherwise. Notice of meeting may be waived by any member before or after the meeting, and attendance at a meeting by a member shall constitute a waiver of notice. At least one meeting of the commission shall be held in every calendar year.

(b) Meetings of the commission may be held without notice whenever the commission, at a previous meeting, shall have designated the time and place for the meeting.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations,  
or Tables>

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.4

**C**OMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
**TITLE 22. JUDICIARY**  
**SUBTITLE C. ANCILLARY AGENCIES.**  
**CHAPTER VI. JUDICIAL NOMINATION**  
**COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations, or Tables>

22 NYCRR 7100.4, 22 NY ADC 7100.4

22 NY ADC 7100.4  
END OF DOCUMENT

**Section 7100.4.** Quorum for meetings

(a) Section 62(6) of the Judiciary Law states that a quorum shall consist of 10 members of the commission. Ten members of the commission must, therefore, be present at the time any vote of the full commission is taken. In the event that it is impractical for a quorum to be physically present for such a vote, except as to the selection or elimination of nominees, the chairperson may direct that the members be polled by telephone and a vote so taken shall have the same force and effect as a vote taken when a quorum is physically present.

(b) In the event that seven or more members are present in person at a duly called meeting at which a quorum fails to appear, those members who are present at such meeting are constituted a committee of the commission, and are authorized to conduct all business of the commission and enact resolutions on behalf of the commission, except as to the selection or elimination of nominees; provided that the absent members of the commission are given prompt telephonic or written notice of any action taken by the committee; and provided that any action taken by that committee is ratified at the next commission meeting at which 10 members are present in person, or is ratified by a writing, or writings, signed by all the absent members of the commission.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.5

22 NYCRR 7100.5, 22 NY ADC 7100.5

**C**OMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
**TITLE 22. JUDICIARY**  
**SUBTITLE C. ANCILLARY AGENCIES.**  
**CHAPTER VI. JUDICIAL NOMINATION**  
COMMISSION

22 NY ADC 7100.5  
END OF DOCUMENT

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.5. Solicitation of candidates**

(a) When the commission has been duly notified that a vacancy on the Court of Appeals has occurred, or is about to occur, the chairperson and counsel shall arrange for broadly disseminated public notice of the existence of the vacancy, of the procedure to be followed by prospective candidates in order to be considered by the commission, and of any date that has been set after which questionnaires may no longer be accepted.

(b) Each member of the commission, and counsel, shall encourage persons who may be well qualified to become candidates for nomination to the Court of Appeals vacancy by filing an executed questionnaire with the commission. In seeking recommendations or encouraging prospective candidates, members of the commission, and counsel, should make clear that no commitment or support for nomination is implied.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations, or Tables>

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.6

**COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 22. JUDICIARY  
SUBTITLE C. ANCILLARY AGENCIES.  
CHAPTER VI. JUDICIAL NOMINATION COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.6.** Investigation of candidates

(a) In order to receive consideration by the commission, candidates must set forth and verify all the information called for by the questionnaire furnished by the commission, and execute the accompanying forms by which the commission is given access to information or records that may be otherwise confidential.

(b) Counsel shall cause such inquiry to be made as to the background and qualifications of a candidate as is necessary to determine that all statutory or constitutional criteria for appointment to the Court of Appeals are met, and to ensure that the commission shall have the fullest possible information available for its deliberations with respect to the candidate.

(c) Counsel is authorized to utilize, on the commission's behalf, the power granted to the commission by [section 64\(3\) of the Judiciary Law](#), to request from any agency of the State assistance, information and data and, specifically, shall procure the assistance of the State Police in acquiring background information with respect to candidates.

(d) In the event that the chairperson, counsel or any member believes that the power granted by [section 64\(2\) of the Judiciary Law](#) to administer oaths or affirmations, or to subpoena witnesses or documents, should be utilized, they shall request the authority to do so from the commission at a duly constituted meeting; except that, in the event the chairperson believes that any such power should be utilized on an

emergency basis, the chairperson may do so pursuant to the agreement of a majority of the commission given by telephone or in writing. Subpoenas, or other process, issued on behalf of the commission shall be signed by the chairperson or, if unavailable, by counsel; and the chairperson (or a member of the commission designated by the chairperson) and counsel are hereby empowered to administer oaths or affirmations on behalf of the commission.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations, or Tables>

22 NYCRR 7100.6, 22 NY ADC 7100.6

22 NY ADC 7100.6  
END OF DOCUMENT

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.7

**COMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
TITLE 22. JUDICIARY  
SUBTITLE C. ANCILLARY AGENCIES.  
CHAPTER VI. JUDICIAL NOMINATION  
COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.7.** Consideration of candidates

(a) *Initial screening procedures.*

(1) The commission will establish a date by which questionnaires must be filed for a particular vacancy, and after that date the procedures for initial screening of candidates shall commence.

(2) Each member of the commission shall be furnished with a copy of each application received, together with any further necessary background information, and the chairperson shall request each member to provide prompt written advice as to the names of those candidates that the member believes merit further consideration as part of the final nomination process. The chairperson's request shall indicate the date by which the members should submit such names, and should remind each member of the desirability of restricting the number of candidates receiving further consideration. Candidates whose names have not been submitted to the chairperson by at least one member, within the specified time, or who are not proposed for further consideration by the chairperson, shall not be given further consideration for the particular vacancy.

(3) The chairperson shall call a meeting of the commission for a date following the date by which the members are to have proposed candidates who merit further consideration, the

purpose of which will be to assess the relative merit of the remaining candidates and to determine the procedures to be followed for their further consideration. Such procedures may include the use of panels of commission members to conduct an initial interview. Following the utilization of the procedures then adopted, the commission shall meet again to determine the number of candidates that may be feasibly interviewed by the full commission, and to determine which candidates will be so interviewed, as part of the nomination procedures described in subdivision (b) of this section.

(b) *Nomination procedures.*

(1) If the nominations are for the office of Chief Judge, the number to be nominated shall be seven pursuant to [section 63\(2\)\(a\) of the Judiciary Law](#). If the nominations are for the office of Associate Judge, the number to be nominated shall be the maximum number specified by [section 63\(2\)\(b\) or \(c\) of the Judiciary Law](#), unless fewer candidates receive the affirmative vote of at least eight members of the commission.

(2) When the number of candidates has been reduced by the commission to a number feasible for interview by the full commission, as part of the final nomination procedures, the chairperson shall call a meeting, or series of meetings, for the purpose of considering candidates and determining those to be nominated by the commission to the Governor, and each remaining candidate shall be invited to be interviewed by the commission. Each remaining candidate will be requested to file with the commission, prior to the candidate's interview, a sworn financial statement in a form supplied by the commission. Thereafter, the commission will discuss the relative merits of the remaining candidates and attempt to reach a consensus as to which candidates should be nominated (bearing in mind that each nomination must have the affirmative vote of eight members). In the event a consensus is not reached as to all nominations, the balloting procedure described below shall commence. The

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.7

balloting procedure will be utilized only as to those nominations which have not been made by consensus.

(3) Each member of the commission present, including the chairperson, will be given a ballot which will contain the names of each remaining candidate in alphabetical order. Each member voting shall place a number next to the name of each candidate, which number indicates the member's order of preference; that is, next to the member's first choice the member will place the number "1."

(4) The numbers each candidate receives shall be added, and the aggregate is referred to, hereinafter, as the candidate's "points." In order for a candidate to be nominated, he must be among those receiving the lowest number of points, and he must have the affirmative votes of eight members of the commission-- pursuant to [section 63\(3\) of the Judiciary Law](#). For example, in the case of a nomination for the office of Chief Judge, and assuming that no nominations have been made by consensus, a nominee must be among the seven receiving the lowest number of points (in the aggregate) and must be among the seven receiving the least points on each of eight members' ballots.

(5) If this first balloting yields an indecisive result as to one or more nominations because of a tie, or because of a candidate who has received among the lowest number of points has not received eight affirmative votes, additional balloting shall be conducted. On ballots subsequent to the first one, there shall be listed only those candidates not receiving nomination on a prior ballot or by consensus. No candidate shall be considered nominated if he or she has received a higher number of points than a candidate as to whom the result is indecisive. The members will again vote by listing their order of preference. This balloting procedure will be continued until all nominees are selected for the particular vacancy.

(6) Following the completion of a ballot, the chairperson may call for further discussion on the relative merits of all candidates not previously nominated. At any time following the completion of the first ballot, in the case of a vacancy in the office of Associate Judge, a

member may offer a resolution reducing the number of candidates to be nominated, within the range stated in [section 63\(2\)\(b\) or \(c\) of the Judiciary Law](#).

(7) All votes taken with respect to nominations will be by secret ballot.

(8) Pursuant to [section 65\(4\) of the Judiciary Law](#), upon the completion by the commission of its consideration and evaluation of the qualifications of a candidate, there shall be no reconsideration of that candidate for the vacancy for which the candidate was considered, except with the concurrence of nine members of the commission. For this purpose, the commission will not be considered to have completed its consideration and evaluation of the qualifications of a candidate until the conclusion of the meeting at which the candidate was nominated or eliminated for the particular vacancy.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations, or Tables>

22 NYCRR 7100.7, 22 NY ADC 7100.7

22 NY ADC 7100.7  
END OF DOCUMENT



N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.8

**COMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
TITLE 22. JUDICIARY  
SUBTITLE C. ANCILLARY AGENCIES.  
CHAPTER VI. JUDICIAL NOMINATION  
COMMISSION  
PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.8.** Report to the Governor

Following the conclusion of the meeting of the commission at which nomination procedure has been concluded, and the appropriate number of candidates nominated by the commission, the chairperson and counsel shall prepare, and the chairperson sign, a single written report to the Governor or Governor-elect, as the case may be, which shall contain the commission's nominations, and which report shall be in conformance with [section 63\(3\) of the Judiciary Law](#).

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations,  
or Tables>

22 NYCRR 7100.8, 22 NY ADC 7100.8

22 NY ADC 7100.8  
END OF DOCUMENT

N.Y. Comp. Codes R. & Regs. tit. 22, § 7100.9

**C**OMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK  
**TITLE 22. JUDICIARY**  
**SUBTITLE C. ANCILLARY AGENCIES.**  
**CHAPTER VI. JUDICIAL NOMINATION**  
COMMISSION

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**Section 7100.9. Amendment or waiver of rules**

Any rule adopted by the commission may be amended or revoked by the commission, by the vote of a majority of a quorum present at a duly constituted meeting. Any rule of the commission may be waived by the commission, in a specific instance, by the affirmative vote of eight members of the commission present at a duly constituted meeting.

**CREDIT(S)**

Sec. filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

<General Materials (GM) - References, Annotations,  
or Tables>

22 NYCRR 7100.9, 22 NY ADC 7100.9

22 NY ADC 7100.9  
END OF DOCUMENT

N.Y. Comp. Codes R. & Regs. tit. 22, Subt. C, Ch. VI, Pt. 7100, Refs & Annos

**COMPILATION OF CODES, RULES AND  
REGULATIONS OF THE STATE OF NEW YORK**

**TITLE 22. JUDICIARY**

**SUBTITLE C. ANCILLARY AGENCIES.**

**CHAPTER VI. JUDICIAL NOMINATION**

**COMMISSION**

**PART 7100. RULES OF PROCEDURE**

Current with amendments included in the New York State Register, Volume XXX, Issue 6, dated February 6, 2008. See NY-CRR for the official version of this section.

**CREDIT(S)**

(Statutory authority: [Judiciary Law, § 65](#), art. 3-A)

**HISTORICAL NOTE**

Part (§§ 7100.1--7100.9) filed Oct. 19, 1978 as emergency measure; refiled: Dec. 11, 1978 as emergency measure, expired 60 days after filing; July 7, 1983 as emergency measure, expired 60 days after filing; June 14, 1984 as emergency measure, expired 60 days after filing; Nov. 23, 1984 eff. Nov. 23, 1984.

NYCRR T. 22, Subt. C, Ch. VI, Pt. 7100, Refs & Annos, NY ADC T. 22, Subt. C, Ch. VI, Pt. 7100, Refs & Annos

NY ADC T. 22, Subt. C, Ch. VI, Pt. 7100, Refs & Annos

END OF DOCUMENT