

SENATE, No. 525

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 **AN ACT** concerning the appointment of judges and prosecutors and
2 supplementing Title 2B of the New Jersey Statutes.

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4 **BE IT ENACTED** by the *Senate and General Assembly of the State*
5 *of New Jersey*:

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7 1. a. There is hereby established a Judicial and Prosecutorial
8 Appointments Committee which shall consist of 25 members, no more
9 than 13 of whom shall be of the same political party, who shall serve
10 for a term of three years and until the appointment and qualification of
11 their successors. Members of the committee shall be appointed by the
12 Governor with the advice and consent of the Senate.

13 b. Members of the committee shall be attorneys-at-laws and each
14 county shall at all times have at least one resident serving on the
15 committee.

16 c. Of the persons initially appointed to the committee, nine shall
17 serve three year terms; eight shall serve two year terms and eight shall
18 serve one year terms. Any vacancy in the membership of the
19 committee shall be filled in the same manner as the original
20 appointment but for the unexpired term only.

21 d. The committee shall organize as soon as may be practicable after
22 the appointment of its members and shall select a chairman from
23 among its members and a secretary, who need not be a member of the
24 committee.

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26 2. Prior to nomination, the Governor shall submit to the committee
27 the name of a prospective candidate for a judicial or prosecutorial
28 appointment. The Governor shall also submit to the committee prior
29 to reappointment the name of any sitting judge or prosecutor. The
30 committee shall conduct a background investigation and recommend
31 a candidate to the Governor as "exceptionally well-qualified";
32 "well-qualified"; "qualified" or "not qualified." With regard to a
33 reappointment, the committee shall indicate its "approval" or
34 "disapproval."

35 3. a. In reviewing a prospective candidate, the committee shall
36 consider the following:

37 (1) The candidate's reputation for integrity;

1 (2) Whether the candidate possesses a high degree of knowledge
2 of established legal principles and procedures and a high degree of
3 ability to interpret and apply legal principles to specific factual
4 situations;

5 (3) Whether the candidate possesses judicial temperament which
6 includes common sense, compassion, decisiveness, firmness, humility,
7 open-mindedness, patience, tact and understanding;

8 (4) Whether the candidate possesses effective management skills;

9 (5) The candidate's physical and mental health;

10 (6) Whether the candidate has been financially responsible; and

11 (7) The candidate's previous public service activities.

12 b. In reviewing a judge for reappointment, the committee shall
13 consider the following:

14 (1) Whether the judge possesses judicial temperament;

15 (2) Whether the judge upholds the integrity of the judi

16 (3) Whether the judge knows and understands the law;

17 (4) Whether the judge is a good manager;

18 (5) Whether the judge is punctual;

19 (6) Whether the judge attended a

20 continuing legal education programs;

21 (7) Whether the judge works effectively with other judges; and
22 (8) Whether the judge is prepared and attentive and exercises
23 appropriate control over judicial proceedings.

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25 4. a. All reviews of prospective candidates and reappointments by

26 the committee shall be strictly confidential. Reports by the committee

27 to the Governor shall be confidential also except if the Governor shall

28 nominate a candidate receiving a "not qualified" recommendation or
29 a reappointment which was disapproved, the committee shall be free
30 to communicate concerning that nomination with the appropriate
31 committee of the New Jersey Senate.

32 b. The provisions of the "Open Public Meetings Act," P.L.1975,
33 c.231 (C.10:4-6 et seq.) shall not be applicable to meetings of the
34 committee.

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36 5. This act shall take effect six months following enactment.

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STATEMENT

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41 This bill would establish a Judicial and Prosecutorial Appointments
42 Committee. The committee would consist of twenty-five members
43 appointed on a bi-partisan basis by the Governor with the advice and
44 consent of the Senate. Each county would have at least one resident
45 at all times on the committee and all members of the committee would
46 be attorneys.

1 Under the bill, prior to making a nomination filling a judicial or
2 prosecutorial vacancy, the Governor shall submit the name of the
3 prospective candidate to the committee for its review. Reappointment
4 of sitting judges and prosecutors shall also be submitted to the
5 committee for its review. The committee shall conduct a background
6 investigation and using the criteria set forth in the bill make a
7 recommendation to the Governor. With regard to an initial
8 appointment, the committee shall rate the candidate as "exceptionally
9 qualified"; "well qualified"; "qualified" or "not qualified." With regard
10 to reappointments, the committee shall indicate to the Governor
11 whether the reappointment is approved or not approved.

12 Reviews and recommendations by the committee would be
13 confidential except if the Governor nominates a candidate who was
14 rated "not qualified" or makes a reappointment which was not
15 approved in which case the committee may communicate with the
16 Senate concerning the nomination. Meetings by the committee would
17 not be subject to the provisions of the "Open Public Meetings Act,"
18 P.L.1975, c.231 (C.10:4-6 et seq.).

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23 Establishes committee to review judicial and prosecutorial
24 appointments.