

**Florida Federal Judicial Nominating Commission**  
**Rules of Procedure**  
**Revised August, 2007**

**Rule 1. Preamble**

Senator Mel Martinez, upon the request of the President of the United States, will advance names to the President for his nomination of persons to be appointed to federal district judgeships, prosecutorial offices and marshal offices in Florida, subject to Senate confirmation. To assist in the process, Senator Mel Martinez has, (a) created this Commission with the duty to certify the names of those eligible persons who are found to be most qualified to serve the public in these positions, and (b) adopted these Rules to govern the work of the Commission.

**Rule 2. Formation**

The Commission created hereby shall be known as the Federal Judicial Nominating Commission of Florida.

**Rule 3. Charge to the Commission**

Only the most qualified, conscientious and dedicated persons available should be proposed for nomination as federal judges, United States Attorneys and United States Marshal. The maintenance of a strong and viable federal judiciary, United States Attorney's Office and United States Marshal's office is essential to the protection of the rights and freedoms of all citizens of the United States. An independent judiciary is indispensable to the preservation of the judicial branch of our government. It is essential that the members of the federal judiciary, U.S. Attorney's Office and United States Marshal's office be committed to dispensing equal justice under the law. This Commission shall ensure that all individuals have equal opportunities to receive appointments to the office covered by this Commission.

**Rule 4. Judicial Offices Affected**

Upon request, the commission shall certify to the Senator the names of proposed nominees to fill vacancies in the following offices: (a) United States District Courts within Florida, (b) United States Attorneys serving in Florida, and (c) United States Marshals serving in Florida.

**Rule 5. Commission Chair**

The Commission shall be chaired by one of its members who shall be appointed by Senator Martinez to serve at the pleasure of the Senator for an unspecified term.

**Rule 6. Commission Conferences**

The Commission shall consist of three Conferences, each Conference representing one of the three federal judicial districts of Florida. The Chair of the Commission shall serve as a member of each Conference.

**Rule 7. The Conference Chairs**

Senator Martinez shall appoint a Chair for each Conference from the membership of that Conference.

**Rule 8. Northern District Conference**

The Northern District Conference shall consist of 16 members, including the Commission Chair.

**Rule 9. Middle District Conference**

The Middle District Conference shall consist of 21 members, including the Commission Chair.

**Rule 10. Southern District Conference**

The Southern District Conference shall consist of 21 members, including the Commission Chair.

**Rule 11. Appointment of Members**

Members of the Commission, consisting of members of the Bar and general public, shall be appointed by Senator Martinez. A member of the Commission may not hold judicial office nor be a sitting U.S. Attorney.

**Rule 12. Terms of Members**

The terms of all members shall commence on the date of appointment and end on the second anniversary of appointment. If a member is unable to complete his or her term, Senator Martinez shall appoint an individual to serve the remainder of that term.

**Rule 13. Member May Not Seek Office**

No member of the Commission will be considered for appointment to a federal judicial, prosecutorial office or a marshal office while either a member of the Commission or for a period of two years thereafter.

**Rule 14. Meetings; Expenses**

Meetings of the full Commission and the District Conferences shall be at such places and times as determined by the respective Chair on not less than five days prior written notice to the members. While carrying out the work of the Commission, each member shall bear his or her respective expenses.

**Rule 15. Notice to Applicants**

Whenever a vacancy in the federal district bench, the Office of the U.S. Attorney or the United States Marshal occurs or is announced, the Commission shall give public notice in the Florida Bar News or any other publication deemed appropriate by the Commission and provide the appropriate application upon request.

**Rule 16. Recruitment of Applicants**

Although Commission members are expected to recruit and encourage worthy individuals to apply, Commission members may not compromise the objectivity of subsequent deliberations and must clearly state to potential applicants that recruitment will in no way guarantee or ensure nomination.

**Rule 17. Submission of Applications**

Applications will be available from the Commission Chair. Applicants shall have 30 days from the date of advertisement of the vacancy to submit applications to the Commission Chair. All materials received in conjunction with an application for appointment shall be disseminated to the full Commission.

**Rule 18. Review of Information**

The Commission may seek, receive, and review pertinent information, in addition to the applications, with respect to the qualifications and eligibility of applicants.

**Rule 19. Public Comment**

In making its evaluation, the Commission shall accept written comments from interested members of the legal community and the general public.

**Rule 20. Public Review**

All materials received in conjunction with an application for appointment shall be disseminated to the full Commission and made available to the general public for review, except for materials that are provided for limited review by a government agency when that agency certifies to the Commission Chair its reasons for limiting review of the records of material.

**Rule 21. Review of Applications**

Each member of the Commission shall review each application within fifteen days following the deadline for the submittal of all applications and rank each application in accordance with the method established by the Commission.

**Rule 22. Selection of Applicants for Interview**

The rankings shall be forwarded in confidence by each Commission member to the Chair of the Conference where the vacancy occurs with a copy to the Chair of the Commission. After consideration of the rankings in closed session, the Conference where the vacancy occurs shall invite the applicants it deems best qualified for personal interviews.

**Rule 23. Interviews Public**

Interviews shall be open to the public. To preserve the fairness of the interview process, an applicant may not attend the interview of another applicant.

**Rule 24. Deliberations; Certification of Nominees**

Conference members in the district where the vacancy has occurred and who are present for all candidate interviews will deliberate in closed session and certify to Senator Martinez nominees who are qualified consistent with Rule 25 within 60 days of the application deadline. Unless directed otherwise by Senator Martinez, no less than three names per vacancy will be submitted in alphabetical order.

**Rule 25. Qualities of Those Certified**

No person shall be certified as qualified by the Commission unless the Commission finds the person possesses the following:

- (a) Legal Qualifications. All the qualifications established under law for the office, and

- (b) **Personal and Professional Qualities.** Personal qualities and attributes of character, intellect, experience, temperament, professional competence, maturity, capacity for growth and other characteristics necessary to fully qualify a person to serve the public in the office under consideration.

**Rule 26. Public Statements**

Communications with the media and other public statements concerning the activities of the Commission shall come from the Commission Chair. Communications with the media and other public statements concerning the activities of a Conference may come from the Chair of that Conference.

**Rule 27. Communication with Commission Members; Confidentiality**

Once an individual has submitted an application to the Commission, communication by the applicant with a Commission member concerning the application is prohibited. Deliberations taking place in closed session are confidential and shall not be discussed outside the Commission.

**Rule 28. Participation in Appointment Process**

After proposed nominees are certified as qualified, Commission members may not initiate efforts to influence the appointment of any proposed nominee. The members of the Commission may, however, respond to questions from the Senator or those with responsibilities in the appointment and confirmation process.

**Rule 29. Interviews with Senators**

Prior to the advancement of any names to the President, the nominees who are certified shall make themselves available for interviews with Florida's United States Senators.

**Rule 30. Rules available to the Public**

Copies of these Rules will be available for public inspection at the offices of the Chair of the Commission and the District Conference Chairs.

**Rule 31. Rules Subordinate**

Nothing contained in these Rules is intended to in any way impair the Constitutional and statutory powers, duties, or prerogatives of the President of the United States or the Senate in filling of vacancies by nomination and confirmation.

**Rule 32. Amendments; Rescission**

Upon notice to Commission members, these Rules may be amended or rescinded by Senator Martinez.