STATE OF RHODE ISLAND
JUDICIAL NOMINATING COMMISSION

MEMORANDUM

TO: PROSPECTIVE CANDIDATES FOR JUDICIAL OFFICE

FROM: SARAH T. DOWLING, CHAIRPERSON

RE: APPLICATION PROCESS

The Judicial Nominating Commission solicits and reviews applications from candidates for judgeships in Rhode Island. By statute, the Commission is directed to submit a list of three to five highly qualified candidates for each vacancy to the Governor. The Governor then nominates a candidate from this list, subject to the advice and consent of the legislature.

The application process is as follows:

When the Governor notifies the Commission of a judicial vacancy (or prospective vacancy), we advertise the opening in the *Providence Journal, Rhode Island Lawyers' Weekly, Providence American, and Providence En Español*, to solicit inquiries from prospective candidates. This initial public notice directs interested candidates to contact the Commission to obtain a Personal Data Questionnaire, which must be completed and returned to the Commission by a specified deadline. Previous applications will be kept valid for one year except for financial updating and other information an applicant wishes to furnish. Anyone having an application on file must inform the Commission, in writing, that he or she wishes to be considered for a current vacancy.

Note: Application must be signed and dated. If any part of the application is incomplete when the Commission receives it, the application will not be considered. Therefore, it is critical to enclose all of the requested information.

The Commission then meets to consider the applications and decide which candidates it will interview. A portion of this meeting is usually conducted in closed session, for any discussions of the job performance, character, or physical or mental health of the applicants. See RIGL § 42-46-5(a)(1). If you prefer that all discussion about your application be held in open session, you must notify the Commission in writing. We then notify the chosen interviewees of the date and time of their interviews. All interviews are conducted in open session.

Once the Commission has compiled a list of interviewees, a copy of this list is forwarded to the Rhode Island State Police, the Rhode Island Ethics Commission, the Chief Disciplinary Counsel, and the Attorney General's office, each of which conducts a background check and reports the results of those checks to the Commission. After receiving completed background checks, the Commission may meet again in closed session, for any discussions of the job performance, character, or physical or mental health of the applicants. See RIGL § 42-46-5(a)(1).

Prior to the interviews, the Commission schedules a public meeting to receive comment about the applicants under consideration. This public meeting is advertised in the *Providence Journal* and each applicant is notified in writing of the date and time of the meeting. The Commission also welcomes the submission of written comment concerning the applicants.

After the completion of the public comment session, the Commission conducts the interviews in open session. Following the interviews, the Commission deliberates in closed session to discuss the various candidates. Following this deliberation conference, the Commission votes in open session on the candidates under consideration. At the completion of the vote, the Commission transmits to the Governor's office a list of three to five highly qualified candidates for the vacancy.

Note: R.I.G.L. 8-16.1-4(b) states in part that the Judicial Nominating Commission shall report to the general assembly and to the governor on (i) the statistics regarding the race, ethnicity and gender of applicants considered by the commission...

The Judicial Nomination Commission has a legal opinion that it must request diversity data on a voluntary basis from the applicants; and this data must be collected anonymously from the applicants.

This act also requires that the Commission produce an annual report on its efforts to encourage diversity within the judiciary in Rhode Island. This report will be sent to the Governor and the legislature and will be made available to the public.

Therefore if you wish to voluntarily participate in the collection of this data, kindly answer the questions on the Voluntary Supplement to the Personal Data Questionnaire enclosed and return it to the Commission in the enclosed envelope. If you do not answer these questions your application will not be deemed incomplete.

If you have any additional questions about the application and selection process, please contact the Legal Assistant for the Judicial Nominating Commission, **Rachel DiNezza at 427-6155.**