

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2009

In the Matter of the Rules of the)
Judicial Nominating Commission of)
The State of Wyoming)

**ORDER REPEALING THE STATE OF WYOMING JUDICIAL NOMINATING
COMMISSION RULES**

AND

**ORDER ADOPTING RULES OF THE JUDICIAL NOMINATING COMMISSION
OF THE STATE OF WYOMING**

The Court, on its own motion, has determined that revisions to the State of Wyoming Judicial Nominating Commission Rules are necessary. It is therefore, pursuant to Wyo. Const. art. 5, § 4(e) and Wyo. Stat. Ann. § 16-4-203(a)(iii),

ORDERED that, effective the date hereof, the existing “State of Wyoming Judicial Nominating Commission Rules” shall be repealed. It is further

ORDERED that the Rules of the Judicial Nominating Commission of the State of Wyoming attached hereto are adopted effective as of the date hereof. It is further

ORDERED that this Order and the attached Rules of the Judicial Nominating Commission of the State of Wyoming shall be published in the advance sheets of the Pacific Reporter, in the Wyoming Reporter, and in the Wyoming Court Rules Volume; and that the Rules of the Judicial Nominating Commission of the State of Wyoming shall thereafter be spread at length upon the journal of the Court.

Dated October 6, 2009.

By the Court:

Barton R. Voigt
Chief Justice

RULES OF THE JUDICIAL NOMINATING COMMISSION OF THE STATE OF WYOMING

Rule 1. Commission meetings.

The judicial nominating commission shall act only at a meeting and may act only by the concurrence of a majority of its members. Meetings may be conducted telephonically.

Rule 2. Notice of commission meetings.

(a) Meetings of the commission may be called by the chairman or by a majority of the members by written, electronic, telephonic, or oral notice to the other members specifying the time and place of meeting. Such notice shall be sent at least five days before the time specified, except that such notice requirement may be waived by the concurrence of a majority of the members of the commission. The place of meeting, unless otherwise specified, shall be the courtroom of the Supreme Court in Cheyenne. Notice of meeting may be waived by any member or members either before or after the meeting takes place, and attendance at a meeting by any member shall constitute a waiver of notice by such member unless he or she shall, at or promptly after the beginning of the meeting, object to the holding of the meeting on the ground of lack of or insufficiency of notice.

(b) Meetings of the commission may be held without notice at any time or place whenever the meeting is one as to which notice is waived by all members or whenever the commission at a previous meeting shall have designated the time and place for such meeting.

Rule 3. Chairman of commission.

The chairman shall preside at any meeting at which he is present, and shall be either the chief justice or a justice of the Supreme Court designated by the chief justice to act as chairman.

Rule 4. Confidentiality.

Names of persons submitting expressions of interest for judicial vacancies, completed expressions of interest forms, reference letters, information from the Wyoming State Bar and the Commission on Judicial Conduct and Ethics, and the deliberations of the commission, are confidential in nature and shall not be publicly disclosed, except that the commission, at its discretion, may release the names of potential nominees, and the governor, at his or her discretion, may release the names of the commission's three nominees. This rule shall not prevent commission members or the governor from divulging the names of potential nominees for the purpose of obtaining information in aid of the nomination and selection process.

Rule 5. Commission action on known future vacancy.

When it is known that a vacancy will occur at a date certain, within sixty days, the commission may make its nominations and submit to the governor the names of the persons nominated before the occurrence of the vacancy. It is the purpose of this rule to facilitate the administration of justice by preventing delay in filling court vacancies so that all courts may have all judges ready to dispose of their judicial business as soon as may be possible.

Rule 6. Commission consideration of nominees.

The commission shall not limit its consideration to persons who have been suggested by others or to persons who have indicated their willingness to serve. It shall be in order for the commission to tender nomination to one or more qualified persons, prior to and subject to the formal action by the commission in making nominations, in order to ascertain whether such a person will agree to serve if nominated.

Rule 7. Commission nominations.

The action of the commission in making nominations with respect to any vacancy shall be taken only at a meeting and only by the execution of a certificate of nomination, which shall be in the form of a communication to the governor, setting forth the nominations thereby made, signed on behalf of the commission by the chairman. The names of the potential nominees shall be submitted in alphabetical order, with no indication as to preference by the commission.

Rule 8. Declarations of intent.

A justice or judge desiring to retain his judicial office for a succeeding term shall file with the secretary of state not more than six months nor less than three months before the general election to be held before the expiration of his existing term of office a declaration of intent to stand for retention for a succeeding term.