

Commonwealth of Pennsylvania
GOVERNOR'S OFFICE

EXECUTIVE ORDER

Subject:		Number:	
Judicial Appointments		1995-1	
Date:	Distribution:	By Direction Of:	
February 27, 1995	B	 Thomas J. Ridge, Governor	

WHEREAS, the Governor is empowered by the Constitution of Pennsylvania to appoint qualified persons to serve as justices and judges of the courts of the Commonwealth of Pennsylvania when vacancies on those courts occur; and

WHEREAS, it is in the interests of the Commonwealth that the Governor expeditiously exercise his constitutional authority to appoint qualified persons to serve on these courts; and

WHEREAS, the General Counsel of Pennsylvania serves as the chief legal advisor to the Governor and will serve as the principal advisor to the Governor in the exercise of his constitutional authority to appoint qualified persons to the courts of the Commonwealth; and

WHEREAS, the identification of qualified persons to serve on the appellate courts of the Commonwealth can most effectively and expeditiously be accomplished by the General Counsel; and

WHEREAS, the identification of qualified persons to serve on the trial courts of the Commonwealth can most effectively and expeditiously be accomplished by the General Counsel with the assistance of a group of citizens selected by the Governor who reside or practice law within the judicial district served by the court.

NOW, THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and other laws of the Commonwealth of Pennsylvania, do hereby establish procedures governing the selection of justices and judges for nomination and appointment by the Governor as hereinafter set forth.

1. Appellate Court Vacancies.

a. Duties of the General Counsel. Whenever a vacancy shall exist or occur on the Supreme Court, the Superior Court or the Commonwealth Court, under circumstances in which the Governor is required or empowered to fill the vacancy by appointment, the General Counsel shall:

(1) Seek qualified candidates to be recommended for appointment to fill the vacancy.

(2) Accept and consider applications for recommendation for appointment to fill the vacancy.

(3) Recommend for consideration by the Governor those individuals who, in his judgment, are qualified to serve as a justice of the Supreme Court or as a judge of the Superior Court or Commonwealth Court.

b. Standards. No candidate may be designated as qualified unless he or she possesses all of the qualifications mandated by the Constitution and laws of the Commonwealth and possesses the personal qualifications of character, integrity, experience, competence, and temperament necessary to qualify fully for the judiciary.

c. Nomination. For each vacancy the Governor will submit the name of a qualified person to the Senate of Pennsylvania pursuant to the provisions of the Constitution of Pennsylvania.

2. Trial Court Vacancies.

a. Judicial Advisory Commissions. Whenever a vacancy shall exist or occur on a trial court (i.e., a court of common pleas or the Philadelphia Municipal Court) under circumstances in which the Governor is required or empowered to fill such vacancy by appointment, the General Counsel shall perform his duties with the assistance of the Judicial Advisory Commission for the respective judicial district.

(1) **Purpose of the Commissions.** The Commissions shall assist the General Counsel in identifying qualified attorneys residing within a particular judicial district for consideration by the Governor for appointments to the trial courts within the judicial district.

(2) **Members.** Each Commission, unless otherwise provided by the Governor, shall consist of seven members appointed as follows:

(a) The General Counsel or his designee shall serve as a member and chairperson of the Commission *ex officio*.

(b) Four members, appointed by the Governor, shall be members of the bar of the Supreme Court of Pennsylvania residing or practicing principally in the judicial district.

(c) Two members, appointed by the Governor, shall be residents of the judicial district who are not lawyers.

(d) The Governor shall designate a member of the Commission as vice-chairperson to perform the duties of chair in the absence of the chairperson.

(3) Terms of Membership.

(a) Members shall be appointed for terms of one year and shall continue to serve thereafter until their successors have been appointed.

(b) Should a vacancy occur on a Commission during a member's term, the Governor will appoint a successor to serve the remainder of the unexpired term.

(4) Expenses. Members of the Commissions shall not be compensated for their services, but shall be entitled to reimbursement for expenses necessarily incurred in accordance with procedures established by the Office of General Counsel.

(5) Restrictions. No member of a Commission may be considered for appointment to the court.

b. Duties of the General Counsel and the Commissions.

(1) With the assistance of the Commissions, the General Counsel shall seek applicants to be considered by the Governor for appointments to fill vacancies on the courts of Pennsylvania and shall initiate steps to fulfill the responsibility as follows:

(a) Accept and consider applications for recommendation for appointment to fill the vacancy.

(b) Evaluate the qualifications of all applicants and determine which of the candidates are qualified to serve on the court.

(2) The Commissions shall keep confidential their proceedings, recommendations, and reports.

(3) The General Counsel shall recommend to the Governor the names of the applicants who, in his judgment, are qualified for appointments to fill vacancies on the trial courts of the Commonwealth. In making his recommendations to the Governor, the General Counsel will consider the recommendations of the Commissions.

c. Standards. No applicant may be designated as qualified unless he or she possesses all of the qualifications mandated by the Constitution and laws of the Commonwealth and possesses the personal qualifications of character, integrity, experience, competence, and temperament necessary to qualify fully for the judiciary.

d. Nominations. For each vacancy, the Governor will submit the name of a qualified person to the Senate of Pennsylvania pursuant to the provisions of the Constitution of Pennsylvania.

3. This Executive Order supersedes Executive Orders 1987-11 and Revision 1, 1987-17, 1988-2 and Revisions 1 and 2.