

**MEMORANDUM**

**TO:** Joint Standing Committee on Judiciary, 130<sup>th</sup> Maine Legislature

**FROM:** John A. Hobson

**DATE:** January 25, 2021

**RE:** Overview of Governor's Judicial Selection Committee

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The Judicial Selection Committee (“Committee”) consists of attorneys who volunteer their time to advise Governor Mills on the selection of new judges and provide recommendations for reappointment of existing judges. The Committee was created by Executive Order (*see* attached Executive Order). The official name is “Judicial Nominations Advisory Committee;” but over the years the Committee has been generally referred to as simply the Judicial Selection Committee. Similar Committees have existed by Executive Order since at least the mid-1990s, and more informally before that time. Governors have found it helpful to get the input of the bar, particularly the trial bar, on individuals applying for judicial appointments. I have been on the Committee continuously since 2003, including a number of years as chair; I currently serve as Committee Chair.

The Committee currently consists of nine members; two members of the Committee also served during Governor LePage’s administration (Josh Tardy and me). The Committee meets on an as-needed basis to review the applications for judicial positions and determine which applicants should be interviewed. The Committee then interviews the selected candidates and makes recommendations to the Governor concerning those applicants. In addition to reviewing applicants for new judicial positions, the Committee also reviews the performance of existing judges and justices in the Maine Courts whose seven-year terms are expiring. The Committee then makes recommendations to the Governor concerning those renominations.

The goal of the Committee is to provide Governor Mills with helpful advice concerning applicants to judicial positions in Maine. Maine courts are often the primary point of contact for citizens of Maine with their government and it is important that Maine have high caliber individuals appointed to those positions to ensure that Maine citizens continue to have faith in their governmental system and to ensure that the justice system functions fairly and efficiently. There is an established tradition of Judicial Selection Committees assisting Maine Governors in that effort and the current Committee provides this service for Governor Mills.



OFFICE OF  
THE GOVERNOR

NO. 7 FY 19/20  
DATE April 10, 2019

**AN ORDER ESTABLISHING THE GOVERNOR'S  
JUDICIAL NOMINATIONS ADVISORY COMMITTEE**

**WHEREAS**, *Me. Const. Art V, Pt. 1, §8* grants to the Governor the power to nominate and, subject to confirmation, appoint certain judicial officers; and

**WHEREAS**, this responsibility requires a thorough evaluation of the qualifications and background of each potential candidate; and

**WHEREAS**, select members of the Maine Bar have advised prior Governors in judicial appointments and reappointments because of the members' experience and expertise that aids in recommending qualified nominees;

**NOW, THEREFORE**, I, Janet T. Mills, Governor of the State of Maine, pursuant to *Me. Const. Art V, Pt 1, §1 and §12*, do hereby Order as follows:

**I. ESTABLISHMENT**

The Governor's Judicial Nominations Advisory Committee (Committee) is hereby established. The Committee shall investigate, evaluate and provide advice to the Governor on potential candidates for judicial appointments and reappointments. The final decision in each case shall rest solely with the Governor.

**II. MEMBERSHIP**

The Committee shall consist of persons appointed by the Governor to serve at her pleasure. The Chair of the Committee shall be appointed by the Governor. All members of the Committee must be citizens of the State of Maine who:

- A. Maintain a license in good standing to practice law in the State of Maine; and
- B. Have participated substantially in, acquired superior knowledge of, and demonstrated significant interest in the administration of our judicial system.

### III. PROCEEDINGS AND RECORDS

The process used by the Committee shall be determined in conjunction with, and at the direction of, the Governor. The Committee shall meet at the call of the Chair. Pursuant to *1 M.R.S. §402(2)(F), (3)(C-1), (3)(J)* and *§403(6)*, and consistent with any other pertinent provision of Maine law, the Committee's records and proceedings are exempt from public disclosure; provided that, to the extent that the Committee provides documents to the Joint Standing Committee on the Judiciary, those documents shall be treated as records of the Committee for purposes of determining public disclosure.

### IV. COMPENSATION

Members of the Committee shall serve without compensation. Reimbursement of all necessary expenditures incurred by members while in the performance of their duties on the Committee that are allowed by state law shall be administered by the Office of the Governor.

### V. OTHER

This Order supersedes *Executive Orders 9 FY 94/95, 12 FY 02/03, 3 FY 14-15, 39 FY 04/05 and 20 FY 06/07*; provided that the confidentiality of proceedings and records conferred by those Orders shall remain in effect.

### VI. EFFECTIVE DATE

The effective date of this Order is April 10, 2019.



Janet T. Mills, Governor