United States Senate
WASHINGTON, DC 20510–0905

Florida Federal Judicial Nominating Commission
Rules of Procedure
Revised, April 2009

Rule 1. Preamble
Upon the request of the President of the United States, Florida's two United States Senators provide to the President the names of persons to be considered for nomination to certain federal judicial and law enforcement positions in Florida that require nomination by the President, by and with the advice and consent of the Senate. These positions include U.S. District Judge, U.S. Attorney, and U.S. Marshal. To facilitate the identification of excellent, highly-qualified, and eligible candidates, the Senators have established the Federal Judicial Nominating Commission of Florida to conduct a selection process that identifies the most qualified finalists to serve the public in these positions. The Senators adopt these Rules to govern the work of the Commission.

Rule 2. Formation
Florida's two Senators ("the Senators") jointly establish the Commission which shall be governed by these Rules of Procedure ("Rules") and known as the Federal Judicial Nominating Commission of Florida ("JNC" or "Commission"). The JNC shall be divided into and consist of three District Conferences, with each Conference representing one of the three federal judicial districts of Florida: the Northern District Conference, the Middle District Conference, and the Southern District Conference.

Rule 3. Charge to the Commission
The JNC is charged with identifying highly qualified individual as finalists to become U.S. District Judges, U.S. Attorneys or U.S. Marshals in each of the three judicial districts within Florida. At the request of the Senators, the JNC shall commence the selection process by inviting applications for specified positions. Upon the completion of a careful and thorough review of these applications, the JNC shall select finalists who possess the professional qualifications, character, integrity, intellect, experience, temperament, professional competence, maturity, capacity for growth, and other characteristics necessary to perform the duties of that office and uphold the public trust.

Rule 4. Equal Opportunity
The JNC selection process shall be open, inclusive, and afford any applicant an equal opportunity to receive consideration for the office to which he or she applies.

Rule 5. Presiding Senator and Non-Presiding Senator
The JNC shall have a Presiding Senator and Non-Presiding Senator. The Presiding Senator shall be designated as follows. If, during the operation of the JNC, the Senators have different political party affiliations, the Presiding Senator shall be the Senator possessing the same political party affiliation as the President. If, during the operation of the JNC, both Senators possess the same political party affiliation as the President, then the Presiding Senator shall be the senior Senator from Florida. If, during the operation of the JNC, the Senators possess the same political party affiliation, and that affiliation differs from that of the President, then the Senators, in their discretion, may maintain, revise or suspend the operation of these Rules.

Rule 6. Role of the Presiding and Non-Presiding Senators
The Presiding Senator shall appoint the Chair of the JNC, the Chair for each of the three District Conferences within the JNC, and the Commission members as specified by Rules 10-12. The Non-Presiding Senator shall appoint Commission members to each of the three District Conferences as specified by Rules 10-12. In addition, the Senators will interview the finalists selected by the JNC for a given position and transmit to the White House a list of finalists identified by the JNC.

Rule 7. JNC Chair
The Commission shall be chaired by one of its members, who shall be appointed by the Presiding Senator to the term specified in Rule 13. The JNC Chair may be reappointed at the discretion of the Presiding Senator.

Rule 8. District Conference Chairs
Each of the three District Conferences shall be chaired by a District Conference Chair, who shall be appointed by the Presiding Senator to the term specified in Rule 13. The District Conference Chairs may be reappointed at the discretion of the Presiding Senator.

Rule 9. Commission Members
Members of the Commission may be members of the Florida Bar or the general public.

Rule 10. Northern District Conference
The Northern District Conference shall consist of 16 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 12 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 3 members to the Northern District Conference.

Rule 11. Middle District Conference
The Middle District Conference shall consist of 21 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 16 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 4 members to the Middle District Conference.

Rule 12. Southern District Conference
The Southern District Conference shall consist of 21 members, including the JNC Chair and the District Conference Chair. The Presiding Senator shall appoint 16 members, in addition to the JNC Chair, and the Non-Presiding Senator shall appoint 4 members to the Southern District Conference.

Rule 13. Terms of Members
The terms of all Commission members shall commence on the date of appointment and end on the second anniversary of appointment or the last day of the Congress during which the member serves, whichever comes first. If a JNC member is unable to complete his or her term, the Presiding Senator shall appoint an individual to serve the remainder of the term. The Presiding Senator shall have the discretion to reappoint the JNC Chair, District Conference Chairs or Commission members to an additional term.

Rule 14. Member May Not Seek Appointment
No member of the JNC may apply to fill any position for which the Commission reviews application while serving on the JNC. By joining the JNC, members are ineligible for consideration during the member's term of appointment, as specified in Rule 13. After a member's term concludes, the member shall be permitted to apply for any position according to the deadlines and criteria applicable to all other applicants.

Rule 15. Meetings; Expenses
Meetings of the full Commission and the District Conferences shall take place at such places and times as determined by the Chair of the JNC or the respective District Conference Chair with at least five days prior written notice to the members. Members of the JNC perform an important public service in a volunteer capacity and are responsible for all expenses associated with their service on the Commission.

Rule 16. Notice to Applicants
Following the direction of the President of the United States and when the Senators so request, the JNC shall commence the selection process by inviting applications for the specified U.S. District Judge, U.S. Attorney, or U.S. Marshal position(s). The JNC shall provide public notice that it is accepting applications for the specified position(s) in the Florida Bar News, on the

website(s) of the Federal Bar Association(s) for the applicable Federal Judicial District(s), and any other appropriate publication of general circulation. The JNC shall provide an application for the specified position(s) upon request.

Rule 17. Recruitment of Applicants
Although JNC members are expected to recruit and encourage qualified individuals to apply, JNC members must make clear to any prospective applicant that their recruitment affords them no special preference or status, nor will it guarantee or ensure their being recommended to the Senators or nominated by the President.

Rule 18. Recusal
In the case of a JNC member who has a preexisting relationship with an applicant, by virtue of a professional, personal, or familial relationship that would reasonably give rise to questions about the member's objectivity in the selection process, it is the obligation of that JNC member to disclose this relationship to the JNC Chairman, who will have the sole discretion to determine whether the particular relationship at issue requires the member's recusal from any JNC deliberations or actions taken regarding the specific position in question.

Rule 19. Submission of Applications
Applications will be made available by the JNC Chair upon request. In the Notice required by Rule 16, the JNC Chair shall identify an application due date that is at least 30 days from the date on which applications for a position are first invited by advertisement. Completed applications must be submitted to the JNC Chair and Commission members according to the instructions included in the announcement.

Rule 20. Applicant Contact with Commission Members
Following an applicant's submission of an application to the JNC, the applicant is prohibited from contacting members of the JNC regarding any aspect of the applicant's candidacy except in response to inquiries received from the JNC.

Rule 21. Review of Information
The JNC may seek, receive, and review pertinent information, in addition to the written applications, in assessing the qualifications and eligibility of applicants.

Rule 22. Public Comment
In evaluating candidates for a position, the JNC Chair and District Conference Chairs will accept written comments from interested members of the legal community and the general public.

Rule 23. Public Review
Subject to the discretion of the JNC Chair to exclude highly sensitive personal information and information provided to the JNC by a government agency under terms of limited review, all materials received in connection with an application for appointment will be disseminated to the full Commission and made available to the general public for review.

Rule 24. Review of Applications
It will be the responsibility of each member of the JNC to review each application received and rank each application in accordance with the method established by the JNC Chair.

Rule 25. Selection of Applicants for Interview
It will be the responsibility of Commission members to forward their individual rankings of applicants to the appropriate District Conference Chair – in the district where the relevant position is located – and to the JNC Chair. The District Conference in that district shall meet in closed session to discuss the rankings and identify those applicants who will be invited to an in-person interview with the District Conference.

Rule 26. Applicant Interviews
Applicant interviews shall be open to the public. To ensure the fairness of the interview process, an applicant may not attend the interview of another applicant for the same position.

Rule 27. Deliberations; Finalists
Following the completion of interviews, within 60 days of the deadline for the submission of applications, District Conference members who are present for all candidate interviews will deliberate in closed-door session and identify finalists, whose names will be forwarded in writing by the JNC Chair to the Senators. Finalists will be selected according to the criteria set forth in Rule 3 of these Rules. Unless directed otherwise by the Presiding Senator, no less than three names per position will be submitted in unranked, alphabetical order. Deliberations taking place in closed-door sessions will remain confidential, and the contents of those deliberations shall not be disclosed or discussed by any member of the JNC. After the names of the finalists are transmitted to the JNC Chair, members may take no further action to influence the selection process of a nominee, except in response to a request from the JNC Chair or the Senators.

Rule 28. Public Statements
Only the JNC Chair will make public statements or communicate with the media regarding the activities of the JNC. With the approval of the JNC Chair, District Conference Chairs may communicate with the media or make public statements regarding the activities of that Conference.

Rule 29. Interviews with the Senators
Upon receiving the names of recommended finalists from the JNC for a position, the Senators may conduct individual interviews with each of the finalists. If neither the Presiding Senator nor the Non-Presiding Senator objects to the finalist, the Presiding Senator will forward to the White House the finalist's name on an unranked list of finalists. The Presiding Senator shall indicate that neither Senator objects to any of the finalists on the submitted list being for consideration to fill the specified position.

Rule 30. Rules Available to the Public
Copies of these Rules will be available for public inspection at the respective offices of the JNC Chair and the District Conference Chairs.

Rule 31. Rules Subordinate
Nothing contained in these Rules is intended in any way to impair the Constitutional and statutory powers, duties, or prerogatives of the President to nominate individuals to fill a position, or of the Senate to provide its advice and consent in connection with the nomination.

Rule 32. Amendments; Rescission
Upon notice to JNC members, and with the consent of the non-presiding Senator, these Rules may be amended or rescinded by the Presiding Senator.

I have reviewed these rules and agree that they will govern the operation of the Florida Federal Judicial Nominating Commission.

Bill Nelson Mel Martinez

Dated: April 30, 2009