



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 10

APRIL 11, 1978

MAYOR'S COMMITTEE ON THE JUDICIARY

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Committee Established. The Mayor's Committee on the Judiciary (hereinafter called the Committee) is hereby established in the Office of the Mayor to recruit, to evaluate, to consider and to nominate judicial candidates fully qualified for appointment and to evaluate incumbent judges for reappointment to the following courts within the City of New York: Criminal Court, Family Court and, for interim appointments, Civil Court.

§ 2. Functions. The Committee shall:

(a) Recruit and receive from any source the names of candidates appearing to have the highest qualifications for judicial office;

(b) Evaluate and conduct all necessary inquiry of those persons whose character, ability, training, experience, temperament and commitment to equal justice under law fully qualify them for judicial office;

(c) Consider all relevant information to determine which of the fully qualified candidates are best qualified for judicial office;

(d) Nominate three candidates for appointment to each vacant judicial office, except that if there are numerous vacancies the Committee may submit less than three nominations (unless the Mayor requests three nominations) for each vacancy, and submit to the Mayor the names of the nominees and such information as may be necessary to inform the Mayor of the qualifications of each nominee; and

(e) Evaluate the qualifications of each incumbent judge for reappointment to judicial office and report the Committee's recommendation to the Mayor, provided that if the Committee shall recommend against reappointment it shall nominate three candidates for appointment to the resulting vacancy as provided above.

§ 3. Public Hearings.

(a) The Mayor shall notify the Committee of the name of any person for appointment chosen from among the nominees submitted by the Committee and shall notify the Committee of the name of each incumbent judge chosen for reappointment as recommended by the Committee. The Committee shall promptly thereafter conduct a public hearing except in the case of the reappointment of an

incumbent judge. Such hearings shall be upon reasonable notice and any person may present information concerning the fitness of the nominee for appointment. Based on the information received, the Committee may reconsider the nomination. If any reconsideration results in withdrawal of a nomination, the Mayor shall be immediately notified by the Committee and the nominee shall not be appointed.

(b) The Committee may from time to time conduct public hearings concerning the process of judicial selection.

§ 4. Appointments by the Mayor.

(a) The Mayor shall not appoint initially a judge unless nominated, or reappoint an incumbent judge unless recommended for reappointment, by the Committee.

(b) Judicial vacancies shall be filled within ninety days unless a longer period is required in the public interest.

(c) After the Mayor appoints a nominee to fill a judicial vacancy, the remaining nominations submitted by the Committee for that vacancy shall immediately expire, unless a vacancy or vacancies exist in the same court. In such case the remaining nominations shall be valid for appointment to that court for six months after their submission to the Mayor or until such vacancy or vacancies are filled, whichever is earlier.

§ 5. Committee Membership.

(a) The Committee shall consist of twenty-seven members, each residing in the City of New York, appointed by the Mayor. The Mayor shall choose thirteen members including the chairman, and the Presiding Justices of the Appellate Division for the First and Second Judicial Departments shall each choose six members. The members chosen by the Mayor and Presiding Justices shall serve for a term concurrent with the Mayor's term of office. In each year two deans of law schools within the City of New York shall each choose one member who shall serve for a term of one year, with those deans performing this function rotating annually among such deans. Vacancies in the Committee shall be filled in the same manner as initial appointments. A member of the Committee may be removed by the Mayor for cause.

(b) Members of the Committee shall be selected with due consideration for broad community representation. The membership shall include men and women, lawyers and non-lawyers, and members of minority and other groups, who are qualified to perform the functions of the Committee.

(c) No person shall be considered by the Committee for judicial office while serving as a member of the Committee or within one year thereafter.

§ 6. Confidentiality. All Committee communications concerning the judicial qualifications of candidates shall be made and held in confidence except such communications as the Committee may submit to the Mayor or receive at public hearings, or as may be otherwise necessary and proper to the conduct of Committee proceedings.

§ 7. Committee Action and Procedure. The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the best qualified candidates for nomination and criteria for recommending the reappointment of incumbent judges.

§ 8. Financing and Staff.

(a) Members of the Committee shall receive no compensation for their service as members.

(b) The Committee shall be provided with paid staff and sufficient facilities to carry out its functions, including the thorough investigation of the qualifications of all candidates for judicial office.

(c) Members of the Committee and its staff shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.



EDWARD I. KOCH
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