

Committee members in April 2019 (left to right):
Gregory Kamer, Esq.; Valerie Cooney, Esq.; Marilee Cate, Esq.;
Chief Justice Mark Gibbons; Hillary Shieve; Jeffery Gilbert;
Jasmine Mehta, Esq.; and Jesse Gutierrez.



Commission on Judicial Selection Helps Find Best Judicial Candidates

BY CHIEF JUSTICE MARK GIBBONS, SUPREME COURT OF NEVADA

Although all Nevada judges must stand for election, the Commission on Judicial Selection provides a way for the Nevada Judiciary to fill unexpired terms of state judges resulting from retirement or death. In the last decade, the commission has filled 34 judicial vacancies, including three new judges in 2015 for the Nevada Court of Appeals. In 2019, the majority of appointed judges have been women.

A constitutional amendment in 1976 created the Nevada Commission on Judicial Selection under Article 6, Section 20. The commission screens and interviews candidates, and then recommends to the governor a list of three nominees to fill judicial vacancies that occur before expiration of a term of office in the Supreme Court, Court of Appeals or district court. The governor must select one of these candidates.

The goal is to find the best candidate to fill a judicial vacancy. The application is extensive and requires the candidate to answer questions about education, employment, legal writing and experience. The exhaustive application seeks to give the commission a better understanding of the applicant and how they might make judicial decisions.

Candidates must submit a writing sample focused on legal points and arguments. Fingerprints are required. The candidates must agree to a credit review and a background check. Finally, the commission interviews applicants in a public setting where members ask questions about a candidate's application or the results of their background check. The interview process is open to the public and it can offer testimony before a nomination occurs. The public can view the interviews in person or on the Nevada Supreme Court website.

The entire process requires many hours of work for both the applicant and a member of the commission. Depending on the number of midterm vacancies, the commission can be busy or inactive. In 2019, the commission was busy filling

six judicial positions by sending 15 names to Governor Steve Sisolak for his consideration and selection. Four of these vacancies were in Clark County and two in Washoe County. Recommended nominees are interviewed by the governor, who makes a final selection based on that interview.

To be eligible for the district court, applicants must be Nevada attorneys with 10 years of legal experience, with two of those in Nevada. Supreme Court and Nevada Court of Appeals openings require Nevada attorneys to have 15 years of legal experience. Two of those years must be in Nevada.

The public can participate in the process by offering public comment in person or in writing. The commission deliberates the strengths and weaknesses of each candidate, although voting on the candidates is a secret process.



Once appointed to a position, the new judge must run in the next general election to retain the seat. This ensures voters have a say in retaining the appointed judge or selecting a different candidate. If the judge wins this election, the appointed judge will serve a full six-year term or the unexpired term of the judge they replaced.

Article 6, Section 20 also requires the governor to appoint a new judge within 30 days of receiving a list of nominees from the commission. If the governor has not made an appointment in that time, he shall make no other appointment to any public office until he appoints a judge from the submitted list.

The commission is made up of seven permanent members – the chief justice of the supreme court or an associate justice selected by the chief justice, three non-attorneys appointed by the governor, and three attorneys who are members and appointed by the State Bar of Nevada. For district court vacancies, two temporary members are appointed from the judicial

district where the vacancy occurs – a non-attorney by the governor and an attorney by the state bar – bringing the commission membership to nine.

The governor and state bar cannot appoint more than one resident from any county, nor can they appoint more than two members of the same political party. In addition, none of the members of the commission can be a member of the Commission on Judicial Discipline.

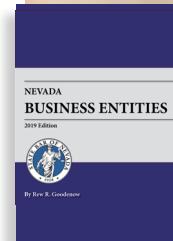
A vacancy on the commission is filled by the governor or state bar depending on whether it represents a non-attorney or attorney member of the commission. In 2019, a non-attorney of the commission resigned, leaving a vacancy.

The three current permanent commission members appointed by the state bar are Gregory J. Kamer, Valerie Cooney and Jasmine Mehta. Kamer, the founding partner of Kamer Zucker Abbott, brings his experience as a labor attorney to the commission. Cooney, retired executive director of Volunteer Attorneys for Rural Nevadans (VARN), focused her experience on providing legal services in rural Nevada to her questions of each candidate. Finally, Mehta, who serves as the deputy executive director of the Nevada Board of Medical Examiners, brings her experience as a pro bono attorney to inquire about a candidate's service to the legal community. She previously served as the president of the Northern Nevada Women Lawyers Association.

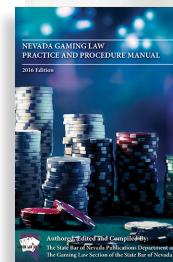
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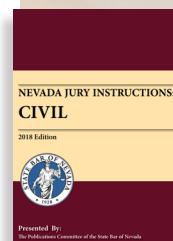
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