

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 2020-03]

Judicial Advisory Commission

June 17, 2020

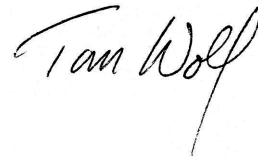
Whereas, the Governor is empowered by Article V, Section 13 of the Constitution of Pennsylvania to appoint qualified persons to serve as justices and judges of the courts of the Commonwealth of Pennsylvania when vacancies on those courts occur; and

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 courts of the Commonwealth can most effectively and expeditiously be accomplished through the Office of General Counsel with the assistance of a group of citizens selected by the Governor who reside or practice law within the Commonwealth.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct the following:



Governor

Fiscal Note: GOV-2020-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. ISCELLANEOUS PROVISIONS

Subchapter J. (Reserved)

§§ 7.111—7.113. (Reserved.)

Subchapter AAA. JUDICIAL ADVISORY COMMISSION

Sec.	
7.841.	Judicial Advisory Commission.
7.842.	Powers and duties.
7.843.	Procedures.
7.844.	Confidentiality.
7.845.	Composition.
7.846.	Terms of membership.
7.847.	Compensation and expenses.
7.848.	Restrictions.
7.849.	Duties of the Office of General Counsel.
7.850.	Effective date.
7.851.	Supersession.

§ 7.841. Judicial Advisory Commission.

There is hereby established a Judicial Advisory Commission that shall be an advisory commission appointed by the Governor to assist the General Counsel in identifying qualified applicants for consideration by the Governor for appointment to the courts of the Commonwealth.

§ 7.842. Powers and duties.

(a) The Judicial Advisory Commission (Commission) shall conduct interviews of applicants who have been determined to initially meet all requirements of qualification for appointment.

(b) The Commission shall evaluate the applicants and determine which are best qualified to serve in a judicial office.

(c) The Commission shall provide a report to the General Counsel that includes the names and summaries of qualifications of those applicants that the Commission has found qualified to hold judicial office and that a majority of the Commission recommends for appointment.

(d) The Commission shall not designate an applicant as qualified unless the applicant 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.

§ 7.843. Procedures.

The Judicial Advisory Commission may establish procedures as may be needed to effectively implement the powers and duties included in this subchapter and to ensure consistency and fairness in the application process.

§ 7.844. Confidentiality.

The Judicial Advisory Commission shall keep confidential their proceedings, recommendations and reports.

§ 7.845. Composition.

The Judicial Advisory Commission (Commission), unless otherwise provided by the Governor, shall consist of nine members who represent a diverse population within the Commonwealth, appointed as follows:

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

(2) Six members, appointed by the Governor, shall be members of the bar of the Supreme Court of Pennsylvania, in good standing, with experience practicing before the courts of the Commonwealth.

(3) Two members, appointed by the Governor, shall be citizens of the Commonwealth who are not lawyers.

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

§ 7.846. Terms of membership.

(a) Members shall be appointed for terms of 1 year and shall continue to serve thereafter until their successors have been appointed. A member may be reappointed for one or more additional terms. All members serve at the pleasure of the Governor.

(b) Should a vacancy occur on the Judicial Advisory Commission, the Governor will appoint a successor; and the successor shall serve the remainder of the unexpired term.

§ 7.847. Compensation and expenses.

Members of the Judicial Advisory Commission 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. See Chapter 40 (relating to travel and subsistence).

§ 7.848. Restrictions.

No member of the Judicial Advisory Commission may be considered for appointment to the court.

§ 7.849. Duties of the Office of General Counsel.

(1) The Office of General Counsel shall develop and announce a process for the acceptance of applications for recommendation for appointment to fill a judicial vacancy.

(2) The Office of General Counsel shall accept and consider applications for recommendation for appointment and perform an initial review of all applicants to determine whether they meet the minimum qualifications for appointment as required by the Constitution and the laws of the Commonwealth.

(3) The Office of General Counsel shall provide assistance and support as needed by the Judicial Advisory Commission (Commission) to carry out its functions effectively.

(4) The Office of General Counsel shall review the report of the Commission and recommend to the Governor the names of the applicants who, in the General Counsel's judgment, are qualified for appointments to fill judicial vacancies.

§ 7.850. Effective date.

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

§ 7.851. Supersession.

This subchapter supersedes Executive Orders 1995-1, 1987-11 and Revision 1, 1987-17, 1988-2 and Revisions 1 and 2.

[Pa.B. Doc. No. 20-842. Filed for public inspection July 2, 2020, 9:00 a.m.]