

IN THE SUPREME COURT OF MARYLAND

REVISED ADMINISTRATIVE ORDER ADOPTING RULES OF PROCEDURE

FOR APPELLATE AND TRIAL COURTS

JUDICIAL NOMINATING COMMISSIONS

Whereas, on March 7, 2023, Governor Wes Moore issued Executive Order 01.01.2023.04, which rescinded Executive Order 01.01.2019.05 and provides for the establishment and operation of judicial nominating commissions in the State; and

Whereas, it is appropriate for this Court to promulgate revised rules governing the operation of judicial nominating commissions to be consistent with the terms of Executive Order 01.01.2023.04;

Now, therefore, pursuant to the authority conferred by Article IV, §18 of the Maryland Constitution, it is this 22nd day of March 2023, ORDERED:

1. The Administrative Order concerning judicial nominating commissions dated May 28, 2019 is hereby rescinded. This Administrative Order is effective immediately and applicable to any current or future vacancy. If there is any inconsistency between the terms of this Administrative Order and Executive Order 01.01.2023.04, the executive order shall prevail.
2. *Definitions.*
 - (a) “Executive Order” means Executive Order 01.01.2023.04, as amended from time to time.
 - (b) “Secretariat” means the Administrative Office of the Courts.
3. *Commission Members.*
 - (a) The Secretariat is responsible for the orientation of commission members, and for providing technical assistance in accordance with the Executive Order.
 - (b) The Secretariat shall promptly inform the Governor and the Supreme Court of Maryland whenever a vacancy occurs in the membership of a commission, including a vacancy resulting from

failure to attend meetings, as provided in the Executive Order.

4. *Publication of Judicial Vacancy.*

- (a) Upon receiving notification from the Secretariat that a vacancy exists, or is about to occur in a judicial office for which a commission is to make nominations, the Chairperson, in consultation with the Secretariat, shall establish:
 - (1) a closing date by which applicants for the office must file the personal data questionnaire or letter required under paragraph 5 of this Order; and
 - (2) a date for an initial commission meeting to consider nominations for the vacancy, which may not be sooner than 15 calendar days after the closing date.
- (b) The Secretariat shall advise commission members of the date, place, and time of the initial commission meeting and, to the extent determinable, the number of meetings of the commission forecast during the upcoming 12-month period.
- (c) For each commission, the Secretariat shall:
 - (1) notify the Maryland State Bar Association and other appropriate county and specialty bar associations of a vacancy and request that they advertise the vacancy to their membership;
 - (2) provide for appropriate newspaper notice of a vacancy within the appellate judicial circuit or commission district in which the vacancy exists, including information identifying the nominating commission, explaining its responsibilities and functions, and noting the closing date; and
 - (3) have the notice posted on the Maryland Judiciary's website.

5. *Applications for Judicial Vacancies.*

- (a) Blank personal data questionnaires shall be made available through the Secretariat, in downloadable format, on the Maryland Judiciary's website.

- (b) Every completed questionnaire shall be filed with the Secretariat on or before the date specified as the closing date in the public notice advising of the vacancy.
- (c) Following the closing date, the Secretariat promptly shall distribute to each commission member a copy of every questionnaire filed with the Secretariat.
- (d) An individual who applies for a vacancy with a closing date that is less than 2 years after the closing date for another vacancy for which the individual applied and filed a complete personal data questionnaire, need not file a complete new questionnaire. Instead, such an individual may file with the Secretariat, by the closing date, a letter stating that the individual is reapplying and setting forth all changes that have occurred since the submission of the applicant's prior questionnaire. The Secretariat shall distribute any such letters to commission members in the same manner as new questionnaires.
- (e) After the closing date, the Secretariat shall place a notice naming the individuals who have filed a questionnaire or letter as required under this paragraph (1) in at least one newspaper read by members of the general public, and (2) on the Maryland Judiciary's website. The notice shall invite submission of written and signed comments about those individuals to the commission, in care of the Secretariat.

6. *Evaluation of Applicants and Selection of Nominees.*

- (a) Each commission shall evaluate every individual who files a questionnaire or letter with the Secretariat, as provided in paragraph 5(b) and (d) above, in accordance with the terms of the Executive Order.
- (b) Immediately after the voting is completed, the Secretariat shall count the votes in the presence of the voting members and then seal the ballots for retention, as required by law.

7. Reasonable Accommodations

- (a) Reasonable accommodations shall be made for qualified commission members or judicial applicants with a disability unless the accommodation would impose an undue hardship.

Examples of a reasonable accommodation include but are not limited to: providing, adjusting, or modifying written materials, equipment or devices; and making a readily-accessible facility available for interviews.

8. *Extant Rules and Regulations.* Other rules or regulations heretofore adopted by a judicial nominating commission remain in full force and effect except to the extent inconsistent with this Order or the Executive Order.

/s/ Matthew J. Fader
Matthew J. Fader,
Chief Justice
Supreme Court of Maryland

Filed: March 22, 2023

/s/ Gregory Hilton
Gregory Hilton, Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk