

## AJS COMMITTEE ON EDUCATION & MERIT SELECTION

### **INTRODUCTION**

THE 1978 CONSTITUTIONAL Convention of Hawai‘i adopted a merit-based process and created the Judicial Selection Commission. Subsequent to the seating of the first commission in 1980, there have been refinements to the process, all of which have continued to preserve and improve the selection and retention system based on merit.

THE PRIMARY REASONS for creating the Judicial Selection Commission include the following:

1. It removes the selection of judges from the political consideration of one person and places it in the hands of a nonpartisan board of citizens;
2. The choice of nominee is made without consideration or influence of partisan politics;
3. It forms an independent panel of commissioners whose sole and exclusive function is to seek out, encourage and screen all candidates for judicial appointment;
4. It includes both lawyers and laypersons' views in the selection and retention of judges;
5. It permits consideration of many more qualified candidates who might otherwise be overlooked by one person; and
6. It is structured to support the sole focus on the merits of each candidate.

This system reflected the sentiment that a judicial selection commission would help ensure a fair and impartial judiciary.

The following slides detail the merit selection process.

## **Slide #1**

**TITLE:** JUDICIAL SELECTION COMMISSION (JSC)

**GRAPHICS:** *ROBE graphic transitions from black to grey at bottom)*

**COPY:** SELECTING THE MOST QUALIFIED APPLICANTS  
*(Type superimposed on robe transitions from grey to black at bottom)*

## **Slide #2**

**TITLE:** **STEP 1** JSC JUDICIAL APPLICATION

**GRAPHICS:** *(ROBE: Light Grey; 20% black)*

**COPY:** *(Black type superimposed on robe.)*  
WAIVER, AUTHORIZATION AND RELEASE FORM  
EDUCATION HISTORY  
PROFESSIONAL QUALIFICATIONS AND SKILLS  
PROFESSIONAL AND COMMUNITY ACTIVITIES  
CODE OF JUDICIAL CONDUCT  
APPEAL DECISIONS  
LITIGATION  
PENDING MATTERS  
PERSONAL INFORMATION  
(NO) CRIMINAL RECORD  
HEALTH INFORMATION  
TAX STATUS REPORT  
CURRENT CREDIT REPORT  
ADDITIONAL QUALITIES  
REFERENCES

## **Slide #3**

**TITLE:** **STEP 2** JSC MERIT SELECTION PROCESS

**GRAPHICS:** *(Include following copy within magnifying glass)*  
JSC & HSBA  
EVALUATIONS and  
PROFESSIONAL  
REFERENCES

**TEXT:** *(Text wraps around magnifying glass)*  
Applicants waive and authorize release of confidential information to the Judicial Selection Commission. Complete access to private information—personal and professional—enables the Commission to evaluate and compare the merits of all applicants in order to identify and recommend the most qualified candidates.

## **Slide #4**

**TITLE:**           **STEP 3** JUDICIAL APPOINTMENTS and RETENTION

**GRAPHIC:**        (*BLACK ROBE*)

**TEXT:**            (*Reverse type out of black robe.*)  
The Constitution authorizes the Governor and Chief Justice to appoint judges and the Judicial Selection Commission to confirm, or deny, petitions of retention. In making appointments, the Governor and Chief Justice strive to nominate highly qualified individuals who reflect the diversity of our community.

## **Slide #5**

**TITLE:**           **STEP 4** JSC: PETITION FOR RETENTION

**GRAPHIC:**        (*BLACK ROBE*)

**TEXT:**            (*Reverse type out of black robe.*)  
RETENTION IS CONFIRMED BY  
JSC BASED ON THE MERITS OF  
JUDICIAL PERFORMANCE  
APPEAL DECISIONS  
PENDING MATTERS  
PROFESSIONAL REFERENCES  
CODE OF JUDICIAL CONDUCT  
RULE 19 EVALUATION, AND  
HAWAI'I STATE BAR ASSOCIATION  
(HSBA) EVALUATION AND SURVEY  
PERSONAL INFORMATION  
HEALTH AND FINANCIAL FITNESS  
*(Reverse type out of Robe)*