

SENATE JOINT RESOLUTION NO. SJ0004

Confirmation of justices and judicial nominations.

Sponsored by: Senator(s) Steinmetz, Boner, Hicks, Kolb and
McKeown and Representative(s) Angelos, Bear,
Haroldson, Pendergraft and Rodriguez-Williams

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 constitution to amend the composition and qualifications of
3 the judicial nominating commission, to specify that the
4 legislature may define the actual practice of law for purposes
5 of qualifications for supreme court justices and to require
6 persons selected for the office of justice of the supreme
7 court to be confirmed by the senate.

8

9 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
10 *two-thirds of all the members of the two houses, voting*
11 *separately, concurring therein:*

12

13 **Section 1.** The following proposal to amend Article 5,
14 Section 4(b) through (d) and Article 5, Section 8 of the
15 Wyoming Constitution is proposed for submission to the

1 electors of the State of Wyoming at the next general election
2 for approval or rejection to become valid as a part of the
3 Constitution if ratified by a majority of the electors at the
4 election:

5

6 **Article 5, Section 4. Supreme court generally; number;**
7 **election of chief justice; quorum; vacancies in supreme court**
8 **or district court; judicial nominating commission; terms;**
9 **standing for retention in office; senate confirmation for**
10 **supreme court justices.**

11

12 (b) A vacancy in the office of justice of the supreme
13 court or judge of any district court or of such other courts
14 that may be made subject to this provision by law, shall be
15 filled by a qualified person appointed by the governor from
16 a list of not less than three (3) and not more than five (5)
17 nominees that shall be submitted by the judicial nominating
18 commission. The commission shall submit such a list not later
19 than 60 days after the death, retirement, tender of
20 resignation, removal, failure of an incumbent to file a
21 declaration of candidacy, ~~or~~ certification of a negative
22 majority vote on the question of retention in office under
23 ~~section [subsection]~~ subsection (g) hereof or a failure to

1 receive confirmation in accordance with this subsection. If
2 the governor shall fail to make any such appointment within
3 30 days from the day the list is submitted to him, ~~such~~the
4 appointment shall be made by the chief justice from the list
5 within 15 days. A person appointed by the governor or the
6 chief justice to the office of justice of the supreme court
7 under this subsection shall be confirmed in accordance with
8 all of the following:

9
10 (i) Confirmation of each justice shall be by a
11 majority vote of all of the members of the senate before the
12 justice assumes the office;

13
14 (ii) No appointment shall take effect until the
15 person is confirmed by the senate, subject to paragraph (iii)
16 of this subsection;

17
18 (iii) When the senate is not in session, the
19 governor or the chief justice, in accordance with this
20 subsection, may make an interim appointment from the nominees
21 selected by the judicial nominating commission. An interim
22 appointee shall exercise the duties of the office of justice
23 until the senate reconvenes and acts upon the appointment. If

1 the senate does not confirm an interim appointee, the office
2 shall be declared vacant;

3
4 (iv) The legislature may define procedures for
5 senate confirmation under this subsection.

6
7 (c) There shall be a judicial nominating commission for
8 the supreme court, district courts and any other courts to
9 which these provisions may be extended by law. The commission
10 shall consist of ~~seven~~ nine (9) members ~~., one of whom shall~~
11 ~~be the chief justice, or a justice of the supreme court~~
12 ~~designated by the chief justice to act for him, who shall be~~
13 ~~chairman thereof. In addition to the chief justice, or his~~
14 ~~designee, three resident members of the bar engaged in active~~
15 ~~practice shall be elected by the Wyoming state bar and three~~
16 ~~electors of the state not admitted to practice law shall be~~
17 ~~appointed by the governor to serve on said commission for~~
18 ~~such staggered terms as shall be prescribed by law. No more~~
19 ~~than two members of said commission who are residents of the~~
20 ~~same judicial district may qualify to serve any term or part~~
21 ~~of a term on the commission. In the case of courts having~~
22 ~~less than statewide authority, each judicial district not~~
23 ~~otherwise represented by a member on the commission, and each~~

1 ~~county, should the provisions hereof be extended by law to~~
2 ~~courts of lesser jurisdiction than district courts, shall be~~
3 ~~represented by two nonvoting advisors to the commission when~~
4 ~~an appointment to a court in such unrepresented district, or~~
5 ~~county, is pending; both of such advisors shall be residents~~
6 ~~of the district, or county, and one shall be a member of the~~
7 ~~bar appointed by the governing body of the Wyoming state bar~~
8 ~~and one shall be a nonattorney advisor appointed by the~~
9 ~~governor.~~ Three (3) members shall be electors of the state
10 who are not admitted to the practice of law and shall be
11 appointed by the governor. One (1) member shall be an elector
12 of the state who is not admitted to the practice of law and
13 shall be appointed by the president of the senate. One (1)
14 member shall be an elector of the state who is not admitted
15 to the practice of law and shall be appointed by the speaker
16 of the house of representatives. Two (2) members shall be
17 members of the Wyoming state bar engaged in the active
18 practice of law in Wyoming and shall be elected by the members
19 of the Wyoming state bar. Two (2) members shall be judges who
20 are not members of the supreme court and shall be elected by
21 the active judges of all courts of the state. A majority of
22 the commission shall, at all time, be composed of persons not
23 admitted to the practice of law, and a member of the

1 commission not admitted to the practice of law shall be
2 selected as chairman of the commission.

3
4 (d) No member of the commission ~~excepting the chairman~~
5 except for the two (2) judges elected to the commission shall
6 hold any federal, state or county public office or any
7 political party office, and after serving a full term he shall
8 not be eligible for reelection or reappointment to succeed
9 himself on the commission. No member of the judicial
10 nominating commission shall be eligible for appointment to
11 any judicial office while he is a member of the commission
12 nor for a period of one year after the expiration of his term
13 for which he was elected or appointed. Vacancies in the office
14 of commissioner shall be filled for the unexpired terms in
15 the same manner as the original appointments. Additional
16 qualifications of members of the commission may be prescribed
17 by law. The legislature shall provide by law for standards
18 for conflicts of interest, recusals and public notice
19 requirements.

20
21 **Article 5, Section 8. Supreme court generally;**
22 **qualifications of justices.**

23

1 No person shall be eligible to the office of justice of the
2 supreme court unless he be learned in the law, have been in
3 actual practice at least nine (9) years, or whose service on
4 the bench of any court of record, when added to the time he
5 may have practiced law, shall be equal to nine (9) years, be
6 at least thirty years of age and a citizen of the United
7 States, nor unless he shall have resided in this state or
8 territory at least three years. For purposes of this section,
9 the legislature may, by law, define and specify
10 qualifications for the actual practice of law.

11

1 **Section 2.** That the Secretary of State shall endorse
2 the following statement on the proposed amendment:

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4 This amendment would amend the composition and qualifications
5 of the members of the Judicial Nominating Commission, which
6 currently exists, to have nine (9) members, five of whom would
7 be persons who are not judges or attorneys. This amendment
8 would also require the Judicial Nominating Commission to
9 nominate at least three (3) and not more than five (5) persons
10 for appointment to the office of justice or judge. This
11 amendment would authorize the Legislature to define the
12 "actual practice" of law for purposes of qualifications for
13 justices of the Wyoming Supreme Court. This amendment would
14 further provide that justices of the Wyoming Supreme Court
15 must be confirmed by the Wyoming Senate before assuming office
16 while allowing for interim appointments.

17

18

(END)