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A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO BY ALLOWING THE DEAN OF THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW TO APPOINT A DESIGNEE TO THE JUDICIAL NOMINATING COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 6, Section 35 of the constitution of New Mexico to read:

"There is created the "appellate judges nominating commission", consisting of: the chief justice of the supreme court or the chief justice's designee from the supreme court; two judges of the court of appeals appointed by the chief judge of the court of appeals; the governor, the speaker of the house of representatives and the president pro tempore of the senate shall each appoint two persons, one of whom shall be an attorney licensed to practice law in this state and the other who shall be a citizen who is not licensed to practice law in any state; the dean of the university of New Mexico school of law or the dean's designee, who shall be an associate dean, a faculty member, a retired faculty member or a former dean of the university of New Mexico school of law; the dean or the dean's designee shall serve as chair of the commission and shall vote only in the event of a tie vote; and four members of the state bar of New Mexico, representing

1 civil and criminal prosecution and defense, appointed by the
2 president of the state bar and the judges on the commission.

3 The appointments shall be made in such manner that each
4 of the two largest major political parties, as defined by the
5 Election Code, shall be equally represented on the
6 commission. If necessary, the president of the state bar and
7 the judges on the commission shall make the minimum number of
8 additional appointments of members of the state bar as is
9 necessary to make each of the two largest major political
10 parties be equally represented on the commission. These
11 additional members of the state bar shall be appointed such
12 that the diverse interests of the state bar are represented.
13 The dean of the university of New Mexico school of law shall
14 be the final arbiter of whether such diverse interests are
15 represented. Members of the commission shall be appointed
16 for terms as may be provided by law. If a position on the
17 commission becomes vacant for any reason, the successor shall
18 be selected by the original appointing authority in the same
19 manner as the original appointment was made and shall serve
20 for the remainder of the term vacated.

21 The commission shall actively solicit, accept and
22 evaluate applications from qualified lawyers for the position
23 of justice of the supreme court or judge of the court of
24 appeals and may require an applicant to submit any
25 information it deems relevant to the consideration of the

1 application.

2 Upon the occurrence of an actual vacancy in the office
3 of justice of the supreme court or judge of the court of
4 appeals, the commission shall meet within thirty days and
5 within that period submit to the governor the names of
6 persons qualified for the judicial office and recommended for
7 appointment to that office by a majority of the commission.

8 Immediately after receiving the commission nominations,
9 the governor may make one request of the commission for
10 submission of additional names, and the commission shall
11 promptly submit such additional names if a majority of the
12 commission finds that additional persons would be qualified
13 and recommends those persons for appointment to the judicial
14 office. The governor shall fill a vacancy or appoint a
15 successor to fill an impending vacancy in the office of
16 justice of the supreme court or judge of the court of appeals
17 within thirty days after receiving final nominations from the
18 commission by appointing one of the persons nominated by the
19 commission for appointment to that office. If the governor
20 fails to make the appointment within that period or from
21 those nominations, the appointment shall be made from those
22 nominations by the chief justice or the acting chief justice
23 of the supreme court. The person appointed shall serve until
24 the first general election following one year after
25 appointment. The appointee's successor shall be chosen at

1 such election and shall hold the office until the expiration
2 of the term in effect at the time of election."

3 SECTION 2. The amendment proposed by this resolution
4 shall be submitted to the people for their approval or
5 rejection at the next general election or at any special
6 election prior to that date that may be called for that
7 purpose. _____

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