

Part 2

Appellate Court Nominating Commission

78A-10-201 Creation.

- (1) There is created an Appellate Court Nominating Commission.
- (2) The Appellate Court Nominating Commission shall nominate justices of the Supreme Court and judges of the Court of Appeals.

Enacted by Chapter 3, 2008 General Session

78A-10-202 Membership.

- (1) The Appellate Court Nominating Commission shall consist of seven commissioners, each appointed by the governor to serve a single four-year term.
- (2) Each commissioner shall:
 - (a) be a United States citizen;
 - (b) be a resident of Utah; and
 - (c) serve until the commissioner's successor is appointed.
- (3) The governor may not appoint:
 - (a) a commissioner to serve successive terms;
 - (b) a member of the Legislature to serve as a member of the Appellate Court Nominating Commission; or
 - (c) more than four commissioners from the same political party to the Appellate Court Nominating Commission.
- (4)
 - (a) The Utah State Bar shall submit to the governor a list of six nominees to serve as Appellate Court Nominating Commissioners.
 - (b) The governor shall appoint two commissioners from the list of nominees provided by the Utah State Bar.
 - (c) The governor may reject the list submitted by the Utah State Bar and request a new list of nominees.
- (5) The governor may not appoint more than four persons who are members of the Utah State Bar to the Appellate Court Nominating Commission.
- (6) The chief justice of the Supreme Court shall appoint another member of the Judicial Council to serve as an ex officio, nonvoting member of the Appellate Court Nominating Commission.
- (7) The governor shall appoint the chair of the Appellate Court Nominating Commission from among the membership.

Amended by Chapter 134, 2010 General Session

78A-10-203 Procedure.

- (1) Four commissioners are a quorum.
- (2) The governor shall appoint a member of the governor's staff to serve as staff to the Appellate Court Nominating Commission.
- (3) The governor shall:
 - (a) ensure that the commission follows the rules promulgated by the Commission on Criminal and Juvenile Justice; and
 - (b) resolve any questions regarding those rules.

- (4) A member of the commission who is also a member of the Utah State Bar may recuse himself if there is a conflict of interest that makes the member unable to serve.

Amended by Chapter 134, 2010 General Session

78A-10-204 Vacancies.

- (1) The governor shall fill any vacancy in the office of Appellate Court Nominating Commission.
- (2) If an appellate court nominating commissioner is disqualified or is otherwise unable to serve, the governor shall appoint a new commissioner of the same political party as the unavailable commissioner.
- (3) If a vacancy occurs among commission members who are also members of the Utah State Bar, the governor shall replace that commissioner with a person from a list of nominees submitted by the Utah State Bar as provided in Section 78A-10-202.
- (4) The governor shall ensure that each person who is appointed to fill any vacancy on the Appellate Court Nominating Commission, other than a vacancy caused by expiration of term, is a member of the same political party as the commissioner whom the person replaced.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term and may not be reappointed.

Enacted by Chapter 3, 2008 General Session

78A-10-205 Expenses -- Per diem and travel.

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Repealed and Re-enacted by Chapter 286, 2010 General Session