

Judicial Nominating Procedures: Moving in the Right Direction

by Cory J. Person, *Guest Editor*

The genesis for this special edition of *The Florida Bar Journal* began several years ago, when as president of the George Edgecomb Bar Association (GEBA) in Hillsborough County I was asked what should have been simple and straightforward questions from a younger attorney. The questions, “What’s the process to become a judge?” and “How do I prepare to be a judge?” regrettably stumped me. I knew, of course, that one could become a judge through an election or by appointment through the judicial nominating commission (JNC) process, but I did not know what that process entailed. In all honesty, in my mind, I thought of something similar to the process of picking a new pope — some people go into a back room, and when a decision is made as to which names should be presented to the governor for appointment, a puff of white smoke billows forth (this is in jest, but only a little bit). I did not think that the young lawyer would accept my “white-smoke” theory, and, thus, I did what any self-respecting lawyer would do: I researched and I applied for appointment to the Judicial Nominating Procedures Committee (JNPC).

Interestingly, and, perhaps serendipitously, at about the same time I was beginning my research, then Florida Bar President Eugene Pettis was fully engaged in his initiative to increase the number of diverse applicants seeking appointments to the bench. GEBA was lucky to be one of Mr. Pettis’ first stops during his tenure as Bar president. Mr. Pettis talked to our membership about the dire need for a more diverse judiciary. He encouraged our members not to be discouraged if they had not made it through the JNC process before, and encouraged (and challenged) our members to continue to apply and seek judicial appointments. His speech left an indelible mark on our membership, and it further challenged me to understand the judicial appointment process to be better able to respond to questions like those presented to me by the young lawyer.

Somewhat surprisingly, when I asked other lawyers

what they knew of the JNC process, I realized I was not the only one with a far-fetched “white-smoke” theory. Many of the lawyers I talked with, like me, did not know precisely what the process entailed, or how to best position themselves for a potential appointment to the bench. The more I researched and engaged with my fellow JNPC members, I also learned that the diversity in our Florida judiciary is, at best disappointing and at worst, woeful. Consider that as recently as November 2017, there were five judicial circuits and two appellate circuits with *no* African-American judges, and four judicial circuits and three appellate circuits with *no* Hispanic judges. Further, less than 40 percent of the judges in Florida are women, despite the record number of women graduating law school and entering legal practice.¹

This great learning experience led me, and others of our committee, to consider how to best explain the judicial nominating process, while also encouraging a strong and diverse judicial candidate pool. It is our hope that this feature, along with efforts by our state Bar and local voluntary bar associations across the state, will be a positive move in the right direction. □

¹ According to the Office of the State Courts Administrators.

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