

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER TEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: AMENDMENT TO EXECUTIVE ORDER NUMBER THREE
REGARDING THE JUDICIAL NOMINATING COMMISSION

WHEREAS, the State of Delaware has received national recognition for the quality and impartiality of its judiciary; and

WHEREAS, this recognition results from the State's long-standing commitment to the selection of a bipartisan judiciary composed of judges of high integrity, independence and excellent legal abilities; and

WHEREAS, for the past sixteen years Governors of the State of Delaware have been assisted in their search for highly qualified judicial nominees by a Judicial Nominating Commission composed of distinguished attorneys and laypersons; and

WHEREAS, the Judicial Nominating Commission may be able to improve its exemplary service by seeking the views of the Delaware Bar Association's Committee on Judicial Appointments regarding candidates for judicial office before sending the names of qualified candidates to the Governor.

NOW, THEREFORE, I, THOMAS R. CARPER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. Executive Order Number Three is amended by striking the text of section 6 and inserting in lieu thereof the following language:

"All records and deliberations with respect to persons under consideration as nominees or prospective nominees shall be held in confidence by the Commission and shall be disclosed only at the direction of the Governor and only to the Governor or his designee. To the extent deemed appropriate by the Commission, however, the Chairman or the Delaware Bar Association's appointee to the Commission may disclose certain records and deliberations of the Commission to the Delaware Bar Association's Committee on Judicial Appointments provided such disclosure shall be held in confidence by that Committee and disclosed to no one outside that Committee. The Judicial Nominating Commission is established by the Governor solely to assist him in the exercise of his discretion regarding judicial appointments, and the creation of the Commission and its adoption of rules, procedures and standards in no way waives any privilege attaching to the source and substance of any advice or information provided to the Governor in this regard, nor waives any privilege attaching to the records, investigations and deliberations of the Commission regarding the performance of its duties under this Executive Order."

2. Copies of this Executive Order be distributed along with copies of Executive Order Number Three.



APPROVED this 20 day of August, 1993

Thomas R. Carper
Governor

Attest:

William J. Zwillen
Secretary of State