

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER TWO

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: MAGISTRATES SCREENING COMMITTEE

WHEREAS, pursuant to Article IV, Section 30 of the Constitution of 1897, the Governor is charged with appointing, by and with the consent of a majority of the members elected to the State Senate, Justices of the Peace for the State of Delaware; and

WHEREAS, the citizens of Delaware are more likely to have contact with the Justices of the Peace Courts than with any other court in this State, and, therefore, the quality of the Justices of the Peace Courts profoundly influences the perception of, and confidence in, our justice system by the citizenry; and

WHEREAS, it is thus important that qualified individuals be appointed to serve as Justices of the Peace; and

WHEREAS, the appointment of qualified Justices of the Peace can best be assured by a merit selection process involving a bipartisan, lay and professional, screening committee, which can recruit candidates, assess their qualifications and furnish the names of the most qualified candidates to the Governor; and

WHEREAS, in 1970 Governor Peterson informally established a Magistrates Screening Committee to undertake this merit selection responsibility;

WHEREAS, Governor Tribbitt continued and expanded the informal Magistrates Screening Committee during his Administration; and

WHEREAS, by executive order Governor du Pont formally constituted the Magistrate's Screening Committee, which has been very successful over the past eight years in achieving the goals of merit selection of Justices of the Peace.

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

1. The Magistrates Screening Committee is hereby continued.

2. The Committee shall consist of nine members. Eight of the members shall be appointed by the Governor and shall serve during his pleasure. The ninth member shall be appointed by the President of the Delaware State Bar Association and shall serve during his pleasure. In making his appointments the Governor shall ensure that all geographical areas of the State are represented. No more than four of the nine members of the Committee shall be active members of the Bar of the Supreme Court of Delaware. No more than five members of the Committee shall be registered members of the same political party. No member of the Committee shall hold elective constitutional office during the member's term on the Committee.

3. The Governor shall designate a Chairman from among the membership of the Committee.

4. The Committee shall:

(a) Screen persons who apply for appointment as Justices of the Peace;

(b) Adopt appropriate procedures and criteria for the screening process; and

(c) Periodically furnish to the Governor the names of individuals whom the Committee finds qualified to serve as Justices of the Peace.

5. Applicants shall be considered by the Committee without regard to race, religion, sex, national origin, age or physical handicap.

6. In adopting appropriate procedures and criteria for the screening process, the Committee may develop or designate a test for applicants. Costs associated with the administration of such a test may be defrayed by the Committee's imposition of a reasonable application fee.

7. If any member of the Committee currently is an attorney for, client of, employer or employee of, or relative of any applicant, then such member shall disclose the relationship to the Committee and shall not participate in the deliberations of the Committee concerning that applicant.

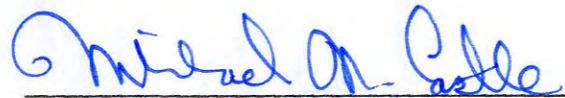
8. All records and deliberations with respect to persons under consideration as candidates or prospective candidates shall be held in confidence by the Committee and may be disclosed only at the direction of the Governor and only to the Governor or his designee. The Magistrates Screening Committee is established by the Governor to assist him in the exercise of his discretion regarding his constitutional power to appoint Justices of the Peace, and the creation of the Committee and its adoption of screening procedures and criteria in no way

waives any privilege attaching to the source and substance of any advice rendered to the Governor in this regard, nor waives any privilege attaching to the records, investigations and deliberations of the Committee regarding the performance of its duties under this executive order. The Committee may disclose to an individual applicant his test score.

9. The Governor shall nominate for appointment as Justices of the Peace only those persons found qualified for appointment by the Magistrates Screening Committee.

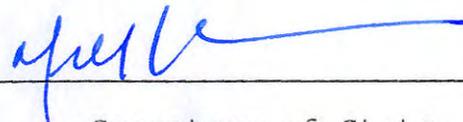
10. Executive Order Sixty-Three approved by Governor du Pont is hereby rescinded.

APPROVED this 28th day of
February, 1985.



Governor

ATTEST:



Secretary of State

