

## **Wisconsin Federal Nominating Commission**

United States Senator Ron Johnson and United States Senator Tammy Baldwin do hereby establish the Wisconsin Federal Nominating Commission to advise the Senators from Wisconsin on selecting qualified individuals to fill vacancies on the United States District Courts in Wisconsin, certain vacancies on the United States Court of Appeals for the Seventh Circuit, and for United States Attorneys in Wisconsin, which exist or arise during the 117<sup>th</sup> Congress.

### **Section 1. Purposes.**

The Wisconsin Federal Nominating Commission (hereinafter the “commission”) is established in order to:

- (a) Assist the United States Senators from Wisconsin in faithfully fulfilling their constitutional and statutory obligation to provide advice and consent to the President in appointing federal judges and U.S. Attorneys;
- (b) Help ensure that qualified, conscientious, and dedicated individuals are appointed to serve the public as judges;
- (c) Protect and preserve the independence and integrity of the judicial branch of government and help ensure the fair and equal administration and enforcement of justice under the laws of the United States

### **Section II. Functions of the Commission.**

The Commission shall advise the United States Senators from Wisconsin on the nomination of individuals to fill the following vacancies as they occur:

- (a) The United States District Court for the Eastern District and the Western District of Wisconsin, or such other districts as may be established in Wisconsin;
- (b) The United States Court of Appeals for the Seventh Circuit, which are appropriately considered Wisconsin seats;
- (c) United States Attorneys for the Eastern and Western District of Wisconsin, or such other districts as may be established by Wisconsin.

### **Section III. Responsibilities.**

Whenever requested by one or both of the Senators from Wisconsin under Section VII, with respect to a vacancy in a judicial office or U.S. Attorney position within the jurisdiction of the Commission, the Commission shall:

- (a) Affirmatively seek out qualified candidates, including women and minority candidates, for appointment to each such vacancy;
- (b) Consider all applications from qualified individuals interested in appointment to each such vacancy; and
- (c) Recommend the nomination of not less than four nor more than six individuals who are the most qualified of those considered to serve.

#### **Section IV. Appointment of Members.**

- (a) The Commission shall consist of six members, all of whom shall be members of the State Bar of Wisconsin. Members of the Commission, except as otherwise provided herein, shall serve two-year terms and shall each be residents of the State of Wisconsin;
- (b) Three members shall be appointed by each Senator;
- (c) Each Senator may, in the exercise of his or her discretion, also name a list of three alternate members for use in accordance with the procedure described in Section IX, subpart (d);
- (d) There shall be no limit to the number of two-year terms any member may serve, provided that member is re-nominated by one of the United States Senators from Wisconsin.

#### **Section V. Changes in Membership**

- (a) Each Senator shall retain full power to dismiss and replace any member of the Commission appointed to said Commission by that Senator;
- (b) When a vacancy occurs on the Commission due to the resignation, disability, or death of a member, a successor shall be appointed by the Senator who had appointed the member who is being replaced to serve the duration of the expired term.

#### **Section VI. Restriction on Members.**

- (a) No currently serving federal or state judge or justice, or any federal law enforcement official, shall be a member of the Commission;
- (b) No current member of the Commission shall seek appointment through this Commission to any federal judicial vacancy;
- (c) No former member of the Commission shall seek appointment to any vacancy for the term of this Charter agreement. This provision shall not apply to members of a Commission organized prior to the 113<sup>th</sup> Congress.

#### **Section VII. Recommendation Process.**

- (a) At the request of one or both of the Senators from Wisconsin, as a result of a vacancy in a position within the jurisdiction of the Commission, the Commission shall begin seeking candidates and accepting applications to fill such a vacancy. The Commission shall:
  - (1) Notify the State Bar of Wisconsin, the general public, and such organization as the Commission, as a whole, deems appropriate of the existence of such vacancy;
  - (2) Request that those notified submit the names of individuals believed to be highly qualified to fill such vacancy, including their own, within 30 days from the date of request; and
  - (3) Establish and release publicly in an appropriate manner an email and mailing address to which applications and recommendations for appointment to such vacancy may be sent.

- (b) Within 75 days of the date of request set under subsection (a)(2), the Commission shall evaluate the qualifications of all candidates for appointment to fill such vacancy and by the process stated in Section IX, shall designate not less than four, nor more than six individuals it

considers best qualified to fill a vacancy. No candidates may be designated as qualified for appointment under this paragraph unless the Commission determines that:

- (1) The candidate possesses all the qualifications provided by law for the offices involved;
- (2) The candidate possesses the relevant qualities of character, experience, temperament, and professional competence necessary for service as a federal judge or United States Attorney; and.
- (3) The candidate is willing to be so designated.

(c) In the event the Commission cannot complete the selection process during the allotted time, it shall convey this fact to the United States Senators who, by mutual consent, may extend the time in which the Commission must issue its recommendations. In no event shall such extension exceed 30 days.

#### **Section VIII. Transmittal of Recommendations.**

After the Commission has designated not less than four nor more than six individuals as best qualified to fill a vacancy, the Commission shall immediately notify the United States Senators from Wisconsin as to the names of such individuals.

#### **Section IX. Commission Organization and Voting Procedures.**

- (a) The Commission shall be co-chaired by one member selected by each Senator;
- (b) Five members of the Commission shall constitute a quorum;
- (c) No Candidate for any vacancy shall be recommended for nomination to fill any vacancy except by an affirmative vote of five members of the Commission;
- (d) In the event a member of the commission recuses himself from considering a particular candidate, that member shall notify the Senator who appointed said member to the commission. Said Senator shall have the right, in his discretion and in consultation with the other United States Senator from Wisconsin, to name a temporary replacement for said member.
- (e) Not more than one vote may be cast for any one candidate by each member of the Commission;
- (f) All voting shall be done by recorded vote; however, records of recorded votes shall be kept confidential and only revealed to other members of the commission and to the United States Senators from Wisconsin.

#### **Section X. Confidentiality of Commission Proceedings and Rules of Procedure.**

- (a) The proceedings and all information received by the Commission shall be made fully available to both United States Senators from Wisconsin, but shall remain confidential in all other regards, except that the Commission may, with the permission of the interested parties, make available to the public the names of the candidates who have submitted applications. However, the names of the candidates who have been submitted to the President of the United States by both United States Senators from Wisconsin shall be released to the public upon submission.

(b) The Commission may, with the consent of both United States Senators from Wisconsin, adopt additional rules of procedure by which it shall operate. Any such rules shall be made available to the public

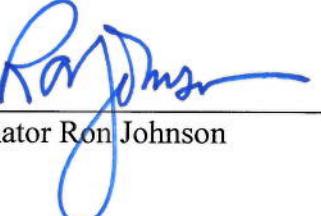
**Section XI. Constitutional and Institutional Prerogatives.**

Nothing contained herein is intended in any way to impair or delegate the Constitutional and statutory powers, duties, or prerogatives of the President of the United States or the United States Senate.

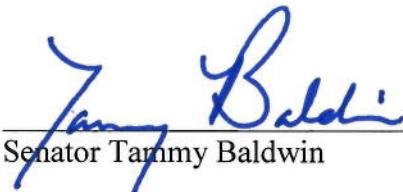
**Section XII. Amendments.**

This Charter is amendable by the mutual consent of the Senators from Wisconsin.

Amended charter executed on February 23, 2021.



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Senator Ron Johnson



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Senator Tammy Baldwin