

2021 -- H 5301

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- JUDICIAL SELECTION

Introduced By: Representatives Williams, McEntee, Alzate, Batista, and Giraldo

Date Introduced: January 29, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-16.1-4 of the General Laws in Chapter 8-16.1 entitled "Judicial  
2 Selection" is hereby amended to read as follows:

3 **8-16.1-4. Criteria for selection of best qualified nominees.**

4 (a) The commission shall consider, but is not limited to, the following factors in selecting  
5 the best qualified nominees: intellect, ability, temperament, impartiality, diligence, experience,  
6 maturity, education, publications, and record of public, community, and government service. The  
7 commission shall consider each nominee's perspicacity based on their unique background and  
8 experience in order to diversify the perspective of the judiciary of this state. When considering the  
9 qualifications of a nominee, courtroom and/or trial experience shall not be emphasized, but rather  
10 the commission shall consider the overall competence of the nominee in all areas of the practice of  
11 law. Every person shall, at the time of consideration by the commission, be an attorney and licensed  
12 to practice law in the state of Rhode Island and be a current member of the Rhode Island bar  
13 association in good standing.

14 (b) The commission shall exercise reasonable efforts to encourage racial, ethnic, and  
15 gender diversity within the judiciary of this state. To further this goal, on an annual basis, the  
16 commission shall report to the general assembly and to the governor on (i) the statistics regarding  
17 the race, ethnicity and gender of applicants considered by the commission in the previous year and  
18 (ii) efforts made by the commission during the previous year to encourage racial, ethnic and gender  
19 diversity within the judiciary of this state. The form of the report and the means by which the

1 commission shall request the necessary information from applicants shall be determined by the  
2 commission pursuant to its rule-making authority, except that no applicant shall be required to  
3 provide the information as a prerequisite to consideration, and the identifying information with  
4 respect to race, ethnicity and gender shall be collected anonymously from applicants. The report  
5 shall be made available to the public. The commission shall also consider the candidate's sensitivity  
6 to historically disadvantaged classes, and may disqualify any candidate with a demonstrated history  
7 of bias towards any of these classes.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- JUDICIAL SELECTION

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1           This act would require the judicial nominating commission to consider a nominee's unique  
2 background and overall competence in all areas of the practice of law rather than emphasizing trial  
3 and courtroom experience in selecting nominees for the judiciary.

4           This act would take effect upon passage.

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