

## Wisconsin Federal Nominating Commission Charter

United States Senator Herb Kohl and United States Senator Russell Feingold, 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.

Section I. Purposes. The Wisconsin Federal Nominating Commission (hereinafter referred to as 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 insure that qualified, conscientious and dedicated individuals be appointed to serve the public as judicial officers; and
- (c) protect and preserve the independence and integrity of the judicial branch of government and help insure 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 Districts of Wisconsin or such other districts as may be established in 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 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 eleven members, in the case of United States District Court or United States Attorney vacancies, or twelve members, in the case of a vacancy on the United States Court of Appeals for the Seventh Circuit. Members of the Commission, except as otherwise provided herein, shall serve two year terms and shall each be residents of the State of Wisconsin, reflecting the diversity of the population and the respective judicial districts of the state.
- (b) When both Senators are of the same political party as the President of the United States,
  - (1) Four members shall be appointed by each Senator;
  - (2) Two members shall be appointed by the State Bar of Wisconsin; and
  - (3) (i) for consideration of vacancies in the Eastern District of Wisconsin, one member shall be the Dean of the Marquette University Law School, or the designee of the Dean to be drawn from the faculty of the law school;
  - (ii) for consideration of vacancies in the Western District of Wisconsin, one member shall be the Dean of the University of Wisconsin Law School, or the designee of the Dean to be drawn from the faculty of the law school; and
  - (iii) for consideration of vacancies in the Seventh Circuit which are appropriately considered Wisconsin seats, both the Dean of Marquette University Law School and the Dean of the University of Wisconsin Law School, or the designees of such Deans to be drawn from the faculties of their respective law schools, shall be members.
- (c) When the President of the United States and only one Senator belong to the same political party;
  - (1) Five members shall be appointed by the Senator belonging to the same political party as the President;
  - (2) Three members shall be appointed by the other Senator;
  - (3) Two members shall be appointed by the State Bar of Wisconsin; and
  - (4) (i) for consideration of vacancies in the Eastern District of Wisconsin, one member shall be the Dean of the Marquette University Law School, or the designee of the Dean to be drawn from the faculty of the law school;

(ii) for consideration of vacancies in the Western District of Wisconsin, one member shall be the Dean of the University of Wisconsin Law School, or the designee of the Dean to be drawn from the faculty of the law school; and

(iii) for consideration of vacancies in the Seventh Circuit which are appropriately considered Wisconsin seats, both the Dean of Marquette University Law School and the Dean of the University of Wisconsin Law School, or the designees of such Deans to be drawn from the faculties of their respective law schools, shall be members.

(d) When the President of the United States is of the opposite political party as both Senators,

(1) Two members shall be appointed by each Senator;

(2) Four member shall be appointed by the most senior elected official of the President's party; and

(3) Two members shall be appointed by the State Bar of Wisconsin; and

(4) (i) for consideration of vacancies in the Eastern District of Wisconsin, one member shall be the Dean of the Marquette University Law School, or the designee of the Dean to be drawn from the faculty of the law school;

(ii) for consideration of vacancies in the Western District of Wisconsin, one member shall be the Dean of the University of Wisconsin Law School, or the designee of the Dean to be drawn from the faculty of the law school; and

(iii) for consideration of vacancies in the Seventh Circuit which are appropriately considered Wisconsin seats, both the Dean of Marquette University Law School and the Dean of the University of Wisconsin Law School, or the designees of such Deans to be drawn from the faculties of their respective law schools, shall be members.

#### Section V. Changes in Membership.

(a) The Senators or, if applicable, the most senior elected official of the President's party, shall retain full power to change their appointments to the Commission at any time.

(b) The Dean of the Marquette University Law School and the Dean of the University of Wisconsin Law School shall retain during their terms full power to change their designee on the Commission.

- (c) When a vacancy occurs on the Commission due to the resignation, disability or death of a member, a successor shall be appointed by the original appointing authority to serve the duration of the unexpired term.

Section VI. Restriction on Members. No federal or state judge or justice or federal law enforcement official shall be a member of the Commission.

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 general public and such organizations as the Commission 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; and
  - (3) establish and release publicly in an appropriate manner a mailing address to which applications and recommendations for appointment to such vacancy may be sent.
- (b) Within 60 days after a request from the Senators from Wisconsin under subsection (a), the Commission shall evaluate the qualifications of all candidates for appointments to fill such vacancy and by majority vote shall designate not less than four nor more than six individuals whom it considers best qualified to fill such vacancy. No candidate 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 possess 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, can extend the time in which the Commission must issue its recommendations but in no event shall such extension exceed 20 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 Deans of the Marquette University and University of Wisconsin Law Schools. In the case of Eastern and Western District of Wisconsin vacancies, the Commission shall be chaired by the Dean who is a member of the Commission as provided in Section IV.
- (b) A majority of members of the Commission shall constitute a quorum. No candidate shall be recommended for nomination to fill an Eastern or Western District of Wisconsin vacancy except by an affirmative vote of six or more members of the Commission, and no candidates shall be recommended for nomination to fill a United States Court of Appeals vacancy except by an affirmative vote of seven members of the Commission. Not more than one vote may be cast for any one candidate by each Commissioner.
- (c) All voting shall be done by secret ballot.

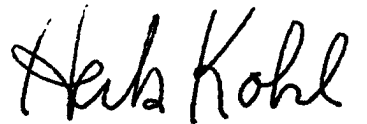
Section X. Confidentiality of Commission Proceedings and Rules of Procedure.

- (a) The proceedings and all information received by the Commission shall remain confidential, except that the Commission may make available to the public the names of the candidates who have submitted applications.
- (b) The Commission may adopt additional rules of procedure by which it shall operate. Any such rules shall be made available to the public.

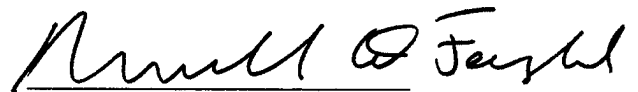
Section XI. Constitutional Prerogatives. Nothing contained herein is intended in any way to impair or delegate the Constitutional and statutory powers, duties or prerogatives of the President of the United States or the United States Senate.

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

Amended charter executed on November ~~20~~ 2008.



Herb Kohl  
United States Senator



Russell D. Feingold  
United States Senator