

JUDICIAL NOMINATING COMMISSION

OPEN SESSION

March 7, 2007

Minutes

A meeting of the Judicial Nominating Commission was held on March 7, 2007 at 5:05. p.m., in open session at the Department of Administration, Conference Room 2, Providence, Rhode Island, pursuant to the notice of the meeting to all Commissioners and to the public, as required by RIGL § 42-46-6.

The following Commissioners were present and participated throughout the meeting: Chairman Stephen Carlotti, William Rampone, Solomon Solomon, Faye Sanders, Valentino Lombardi, Herbert Brennan, Dennis Coleman, June Tow, and Patty Allison Fairweather.

Commissioners absent: None.

Also present: JoAnn Dubuc, Legal Assistant to the Commission; Edward Fitzpatrick from the Providence Journal; Frank DiGregorio,

Donna Gricus, and Paul Gricus from Common Cause.

Mr Carlottii presided over the meeting as the newly appointed chairperson of the Commission and Ms. Dubuc acted as recording secretary.

Mr. Carlotti gave a brief explanation of the process for selecting applicants to be interviewed. He asked the four new members of the Commission if they felt prepared to determine which applicants to select to be interviewed given the short time they had to review the numerous applications for this vacancy. Three new members, Ms. Fairweather, Mr. Brennan and Mr. Coleman all indicated that they were not comfortable making those selections at this time and felt that it would not be fair to the applicants. Mr. Carlotti then asked members if they would agree to postponing the selection process. Members unanimously agreed and set March 26, 2007, at 5:15 p.m. as the new date for the selection process.

Mr. Carlotti read a letter he received from Superior Court Presiding Justice Joseph F. Rodgers, Jr. listing the filings in the Superior Court in 2006, which included 9,299 civil filings and 6,233 criminal filings. Justice Rodgers wanted the Commission to be aware of the important responsibility the Commission faced in selecting candidates to fill the vacancy created by Associate Justice Stephen Fortunato's retirement. (A copy of Justice Rodgers' letter is attached.)

Mr. DiGregorio from Common Cause asked to address the

Commission. He stated that Common Cause would like to challenge the appointment of two new members to the Commission, i.e., Ms. Tow and Ms. Fairweather. Mr. DiGregorio stated that according to the R.I. General Laws, a person could not be re-appointed to serve on the Commission and persons who have salaried positions within the state government could not serve on the Commission. Mr. DiGregorio stated that both Ms. Tow and Ms. Fairweather were highly qualified but he noted that Ms. Tow has previously served on the Commission and Ms. Fairweather is employed by the Department of Environmental Management.

Mr. Carlotti stated that in his opinion the Governor's appointments carried with them the presumption of regularity and the Commission was not empowered to determine the qualifications of its members. The other members of the Commission concurred that no action should be taken by the Commission.

There being no further business, upon motion made by Mr. Rampone and seconded by Mr. Solomon, members voted unanimously to adjourn at 5:25 p.m.

Respectfully submitted,

JoAnn Dubuc

Legal Assistant