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STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 38

**AN ORDER AMENDING GOVERNOR HASLAM'S EXECUTIVE ORDER NO. 34, DATED
OCTOBER 16, 2013, ESTABLISHING THE GOVERNOR'S COMMISSION FOR JUDICIAL
APPOINTMENTS FOR PURPOSES OF FILLING VACANCIES IN THE TRIAL AND
APPELLATE COURTS IN TENNESSEE**

WHEREAS, for over forty years, Governors of the State of Tennessee have been assisted in their search for highly qualified judicial nominees by a commission composed of attorneys and laypersons; and

WHEREAS, Governor Haslam established the Commission for Judicial Appointments ("Commission") in Executive Order No. 34, dated October 16, 2013, for the purpose of filling vacancies in the trial and appellate courts in Tennessee; and

WHEREAS, the Commission has been highly effective in assisting the Governor in filling judicial vacancies with men and women of the highest caliber, who by temperament, ability and integrity will freely, impartially and independently interpret the laws and administer justice.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and statutory law, do hereby order and direct the following:

1. In the special circumstance when (i) a judicial vacancy in a trial court position occurs within six (6) months of the general election for the vacant judicial position, and (ii) a candidate for the vacant judicial position has won a primary election and has no opposition in the general election, the Governor may, without using the Commission, appoint the candidate who has won the primary election to serve any remaining portion of the unexpired term, if the Governor determines such an appointment is necessary for the expeditious and efficient handling of cases in the district where the judicial vacancy exists.
2. Upon request by the Governor the Commission is authorized to conduct a public hearing to fill any vacancy on the Workers' Compensation Appeals Board ("Appeals Board") created by Tenn. Code Ann. §50-6-217, including the initial three Appeals Board judges to be appointed by the Governor. The Commission is not required to have a quorum

present for such a public hearing, but must have at least eleven (11) members in attendance. In order for a candidate's name to be submitted by the Commission to the Governor, the candidate shall receive a majority of the votes of the members of the Commission present at the public hearing. The Commission shall recommend six (6) individuals to the Governor to fill the initial three (3) positions and subsequently recommend two (2) individuals to the Governor to fill any future vacancy. The Commission shall use its good faith efforts to fill these positions with at least one individual from each of the three grand divisions of the State, but is not required to do so. The selections by the Commission shall be recommendations to the Governor, who may appoint from the panel or in another manner, in his discretion. In all other respects, the processes and procedures set forth in Governor Haslam's Executive Order No. 34, dated October 16, 2013, shall apply to such a public meeting.

3. This Executive Order No. 38 is intended to supplement Governor Haslam's Executive Order No. 34, dated October 16, 2013. It shall not supersede Governor Haslam's Executive Order No. 34, dated October 16, 2013, but shall be read consistently with Executive Order No. 34.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 9th day of June, 2014.



GOVERNOR

ATTEST:



SECRETARY OF STATE

