

**Judicial Merit System Commission**  
**Monday, January 31, 2022**  
**Special Session Meeting Minutes**

The Judicial Merit System Commission met on Monday, January 31, 2022, for a special session meeting. The meeting was conducted by GoTo video conference with all attendees joining virtually, except Commissioners Stephen Burg and Lauren Eiler who participated in the meeting by telephone. Apologies were received from Commissioner Craig Waugh (Chair) and Yvonne Hunter.

**I. Meeting Convened**

The meeting was called to order at 1:00 p.m. with the following Commissioners in attendance: Commissioners Roger Geddes (Acting Chair), Stephen Burg, and Lauren Eiler. Also in attendance were Jennifer Fish, Secretary to the Commission, and Maria Washburn, Human Resources Associate.

**II. Review and Approval of Proposed edits to the Judicial Merit Commission System Rules and supporting documents**

The Commission reviewed the additional proposed housekeeping changes and changes to the definitions of “arbitrary” and “without reasonable cause” in Section 11.16 of the proposed Judicial Merit System Commission Rules.

**Motion: Commissioner Burg moved to approve the additional proposed changes to the proposed Judicial Merit System Commission Rules.**

**Commissioner Eiler seconded the motion. All voted in favor. The motion passed unanimously with none opposed and no abstentions.**

The Commission noted that the word “similarly” in section 1.06 should be redlined. Secretary Fish to review as the entire section was a recent addition. She also confirmed that a cleaned-up version of the redline as well as a full clean version will be presented to the Presiding Judge.

It was proposed that the Summary of JBHR Recommended Changes also be submitted to the Presiding Judge as it provides a more detailed information about the changes. The Commission agreed the information may be helpful to the Presiding Judge.

**Motion: Commissioner Burg moved to include the Summary of JBHR Recommended Changes to the Judicial Merit System Commission Rules, subject to a veto by Chairman Waugh.**

**Commissioner Eiler seconded the motion. All voted in favor. The motion passed unanimously with none opposed and no abstentions.**

The Commission reviewed the Summary of Substantive Recommendations from Judicial Merit Commission explaining the proposed changes, which was originally presented at the December 2021 meeting. Acting Chairman Geddes identified a typographical error in the middle paragraph under Section 11.12. "Later often" should be "later of". There were no other comments on the document.

**Motion: Commissioner Burg moved to approve the Summary of Substantive Recommendations from Judicial Merit Commission.**

**Commissioner Eiler seconded the motion. All voted in favor. The motion passed unanimously with none opposed and no abstentions.**

The Commission reviewed and discussed the draft cover letter to the Presiding Judge. Secretary Fish confirmed that the draft cover letter includes changes made by the Chairman Waugh. Acting Chairman Geddes noted the redlined and clean versions of the proposed changes to the Judicial Merit System Commission Rules were not listed as an enclosure in the cover letter. He also noted that it was unclear which attachments the last sentences of paragraphs 2 and 3 on page 1 refer to. Secretary Fish agreed and revised the draft cover letter.

**Motion: Commissioner Eiler moved to approve the draft cover letter to the Presiding Judge as amended.**

**Commissioner Burg seconded the motion. All voted in favor. The motion passed unanimously with none opposed and no abstentions.**

The Commission discussed and determined that the notes/comments in the redlined version of the proposed Judicial Merit System Commission Rules should be included separately at the end of the document for the Presiding Judge's information. Secretary Fish to explore how this can be done.

For next steps, Secretary Fish advised that she will finalize the cover letter and attachments, and present it to Chairman Waugh so that he may determine whether to include the Summary of JBHR Recommended Changes to the Judicial Merit System Commission Rules, and for final review and signature.

**III. Future Agenda Items**

Secretary Fish advised that the minutes from the December 7, 2021 General Session meeting and January 31, 2022 Special Session meeting will be presented for approval at the next meeting.

**IV. Meeting Adjournment**

**Motion: Commissioner Eiler moved to adjourn the meeting.**

**Commissioner Burg seconded the motion. All voted in favor. The motion passed unanimously with none opposed and no abstentions.**

The meeting adjourned at 1:30 p.m. on Monday, January 31, 2022.