



## APPELLATE JUDICIAL COMMISSION

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Henry T. Herschel  
General Counsel  
Office of the Governor  
State Capitol Building, Room 216  
Jefferson City, MO 65101

Via facsimile

27 July 2007

Dear Mr. Herschel,

In a letter dated July 26, 2007, you asked Chief Justice Laura Denvir Stith for certain information regarding the process to select nominees for the governor's consideration for the vacancy on the Supreme Court of Missouri. Chief Justice Stith referred the letter to me, as secretary for the Appellate Judicial Commission, for response.

The commission is established and organized under article V, section 25(d) of the Missouri Constitution, which requires that the commission "shall be administered ... under such rules as the supreme court shall promulgate." Supreme Court Rule 10 governs the commission. Rules 10.28 and 10.29 provide that no publicity shall be given names of persons under consideration and that all matters discussed at any meeting of the commission shall be kept confidential. The commission has furnished the governor with the complete applications of the three nominees, which is all the information that it is able to provide.

Although Rule 10 requires the commission to keep the specifics of its process confidential, I am happy to provide your office with a general understanding of the process the commission undertakes to select the nominees. Each applicant is required to complete an extensive written application, including writing samples, letters from listed references and authorization for a background check, which the commission conducts for each applicant. The commissioners thoroughly review all the materials submitted by and on behalf of each applicant. Each applicant receives careful consideration by the commission, and each is given a one-on-one interview with each commissioner. At the conclusion of this process, the commission meets in executive session to select the three nominees, who were provided to the governor in the certificate of nomination, as required by the Constitution and Rule 10.

After the governor's review of these three nominees, and his decision on the matter, we hope the citizens of Missouri will be pleased with the result. It has been and remains an honor to serve the people of Missouri as a commissioner and the secretary for the commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard E. McLeod".

Richard E. McLeod  
Secretary, Appellate Judicial Commission