



General Assembly

January Session, 2007

Raised Bill No. 7429

LCO No. 6439

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Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE JUDICIAL REVIEW COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-51k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) There is hereby established a Judicial Review Council to be
4 composed of the following members: (1) Three judges of the Superior
5 Court, who are not also judges of the Supreme Court, who shall be
6 appointed by the Governor, from a list of six judges selected by the
7 members of the Superior Court, with the approval of the General
8 Assembly, (2) three attorneys-at-law admitted to practice in this state,
9 who shall be appointed by the Governor with the approval of the
10 General Assembly, (3) six persons who are not judges or attorneys-at-
11 law, who shall be appointed by the Governor with the approval of the
12 General Assembly, and (4) thirteen alternate members who shall be
13 appointed by the Governor with the approval of the General
14 Assembly, as follows: (A) Two judges of the Superior Court who are
15 not also judges of the Supreme Court, from a list of four judges
16 selected by the members of the Superior Court, (B) two attorneys-at-
17 law admitted to practice in this state, (C) three persons who are not

18 judges or attorneys-at-law, (D) three compensation commissioners and
19 (E) three family support magistrates.

20 (b) An alternate member who is a judge, attorney-at-law or person
21 who is not a judge or attorney-at-law shall serve at probable cause
22 hearings and public hearings in lieu of a member who is a judge,
23 attorney-at-law or person who is not a judge or attorney-at-law,
24 respectively, when such member is absent or disqualified, as
25 designated by the executive director of the council. An alternate
26 member who is a compensation commissioner shall serve as a member
27 of the council in lieu of one of the members who is a judge of the
28 Superior Court, as designated by the executive director, when the
29 subject of a complaint or investigation is a compensation
30 commissioner. An alternate member who is a family support
31 magistrate shall serve as a member of the council in lieu of one of the
32 members who is a judge of the Superior Court, as designated by the
33 executive director, when the subject of a complaint or investigation is a
34 family support magistrate. An alternate member shall have the same
35 power as the member he or she is temporarily replacing during the
36 absence or disqualification of the member.

37 (c) On and after December 1, 1992, members shall be appointed in
38 accordance with subsection (a) as follows: One judge shall be
39 appointed for a term of two years, one judge shall be appointed for a
40 term of three years and one judge shall be appointed for a term of four
41 years; one attorney shall be appointed for a term of two years, one
42 attorney shall be appointed for a term of three years and one attorney
43 shall be appointed for a term of four years; two lay members shall be
44 appointed for terms of two years, two lay members shall be appointed
45 for terms of three years, and two lay members shall be appointed for
46 terms of four years. Thereafter members shall serve for terms of four
47 years. Members may continue in office until a successor is appointed
48 and qualified. No member appointed on or after December 1, 1992,
49 may serve consecutive terms, and if the member is an attorney, no
50 member of his or her firm may serve a term consecutive to such

51 member, provided no member may serve for more than two terms.
52 Vacancies on the council shall be filled for the unexpired portion of
53 any term in the same manner as the original appointment. Any
54 member who is a judge, family support magistrate or compensation
55 commissioner and retires from full-time active service as a judge,
56 family support magistrate or compensation commissioner shall
57 automatically cease to be a member of the council, and a vacancy shall
58 be deemed to occur. Alternate members shall be appointed for terms of
59 three years and shall not serve consecutive terms as alternate
60 members.

61 (d) No member of the council, except a judge, family support
62 magistrate or compensation commissioner, may hold any elected or
63 appointed position with compensation within the state or United
64 States, or be a selectman or chief executive officer of any municipality,
65 or a full or part-time employee of the Judicial Department or Workers'
66 Compensation Commission, or a member of a national or state central
67 committee, or a chairperson of any political party.

68 (e) (1) The Judicial Review Council shall employ an executive
69 director, a full-time attorney and such other staff as is necessary for the
70 performance of its functions and duties.

71 (2) The executive director may investigate any complaint filed
72 pursuant to section 51-51l, as amended by this act, and present
73 evidence obtained pursuant to any such investigation to the council.

74 (f) The Judicial Review Council shall develop a concise brochure
75 written in plain language to provide the public with information
76 concerning the purpose, authority, jurisdiction and process of the
77 Judicial Review Council. The council shall distribute the brochure to all
78 court administrative offices and to any person who files a complaint
79 pursuant to section 51-51l.

80 (g) The Judicial Review Council shall establish and maintain an
81 Internet web site. The council shall post on the web site the address

82 and telephone number of the council's office, the electronic mail
83 address for the council and information concerning the purpose,
84 authority, jurisdiction and process of the council. Such information
85 shall include, but not be limited to, the procedure for filing a complaint
86 against a judge, compensation commissioner or family support
87 magistrate, a copy of the complaint form, the statutory grounds for the
88 censure, suspension or removal from office of a judge, compensation
89 commissioner or family support magistrate, the code of judicial
90 conduct or a link thereto, relevant statutory and regulatory provisions
91 or a link thereto, the process of investigating and disposing of
92 complaints and the dispositions available to the council. The Judicial
93 Branch web site shall include a link to the Judicial Review Council web
94 site under the heading "Complaints against Judges".

95 (h) The council shall give notice of the time and place of its
96 meetings, and make the agendas for such meetings available to the
97 public, in accordance with the provisions of chapter 14. The council
98 shall post such notices and agendas on its Internet web site and
99 provide such notices and agendas to the cochairpersons of the joint
100 standing committee of the General Assembly having cognizance of
101 matters relating to the judiciary.

102 (i) Upon the request of any person subject to the provisions of this
103 chapter and the concurring vote of a majority of the members of the
104 council present and voting, the council shall issue advisory opinions
105 with regard to whether conduct contemplated by such person would
106 be conduct under section 51-51i that could subject such person to
107 admonishment, censure, suspension or removal from office under this
108 chapter. The council shall publish such advisory opinions in the
109 Connecticut Law Journal. Advisory opinions rendered by the council,
110 until amended or revoked, shall be binding on the council and shall be
111 deemed to be final decisions of the council for purposes of appeal to
112 the Superior Court, in accordance with the provisions of section 4-175
113 or 4-183. Any advisory opinion concerning any person subject to the
114 provisions of this chapter who requested the opinion and who acted in

115 reliance thereon, in good faith, shall be binding upon the council, and
116 it shall be an absolute defense in any proceeding brought under the
117 provisions of this chapter that the respondent acted in reliance upon
118 such advisory opinion.

119 [(g)] (j) The Judicial Review Council shall submit to the Governor,
120 the Judicial Department, the joint standing committee of the General
121 Assembly having cognizance of matters relating to the Judicial Review
122 Council, and the judges of the Superior Court annually on or before
123 September first, a report of its activities for the previous fiscal year,
124 including the number of complaints received and the number of each
125 type of complaint disposition, including the number of dismissals, the
126 number of admonishments and the number of cases in which probable
127 cause was found.

128 [(h)] (k) The Commissioner of Public Works shall provide the
129 Judicial Review Council office space for the conduct of duties of the
130 council.

131 [(i)] (l) The Judicial Review Council shall adopt regulations, in
132 accordance with the provisions of chapter 54, to establish rules and
133 procedures for the council in the discharge of its duties under this
134 chapter and to provide standards for the identification of and
135 procedures for the treatment of conflicts of interest for council
136 members, which standards shall require that any professional or
137 ethical codes of conduct shall apply to any professional member of the
138 council subject to such codes of conduct.

139 Sec. 2. Section 51-51l of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective October 1, 2007*):

141 (a) Except as provided in subsection (d) of this section, the Judicial
142 Review Council shall investigate every written complaint brought
143 before it alleging conduct under section 51-51i, and may initiate an
144 investigation of any judge, compensation commissioner or family
145 support magistrate if (1) the council has reason to believe conduct

146 under section 51-51i has occurred, or (2) previous complaints indicate a
147 pattern of behavior which would lead to a reasonable belief that
148 conduct under section 51-51i has occurred. The council shall, not later
149 than five days after such initiation of an investigation or receipt of such
150 complaint, notify by registered or certified mail any judge,
151 compensation commissioner or family support magistrate under
152 investigation or against whom such complaint is filed. A copy of any
153 such complaint shall accompany such notice. The council shall also
154 notify the complainant of its receipt of such complaint not later than
155 five days thereafter. Any investigation to determine whether or not
156 there is probable cause that conduct under section 51-51i has occurred
157 shall be confidential and any individual called by the council for the
158 purpose of providing information shall not disclose [his] such
159 individual's knowledge of such investigation to a third party prior to
160 the decision of the council on whether probable cause exists, unless the
161 respondent requests that such investigation and disclosure be open,
162 provided information known or obtained independently of any such
163 investigation shall not be confidential. The judge, compensation
164 commissioner or family support magistrate shall have the right to
165 appear and be heard and to offer any information which may tend to
166 clear [him] such judge, compensation commissioner or family support
167 magistrate of probable cause to believe he or she is guilty of conduct
168 under section 51-51i. The judge, compensation commissioner or family
169 support magistrate shall also have the right to be represented by legal
170 counsel and examine and cross-examine witnesses. In conducting its
171 investigation under this subsection, the council may request that a
172 court furnish to the council a record or transcript of court proceedings
173 made or prepared by a court reporter, assistant court reporter or
174 monitor and the court shall, upon such request, furnish such record or
175 transcript.

176 (b) The Judicial Review Council shall, not later than three business
177 days after the termination of such investigation, notify the
178 complainant, if any, and the judge, compensation commissioner or
179 family support magistrate that the investigation has been terminated

180 and the results thereof. If the council finds that conduct under section
181 51-51i has not occurred, but the judge, compensation commissioner or
182 family support magistrate has acted in a manner which gives the
183 appearance of impropriety or constitutes an unfavorable judicial or
184 magisterial practice, the council may issue an admonishment to the
185 judge, compensation commissioner or family support magistrate
186 recommending a change in judicial or magisterial conduct or practice.
187 If an admonishment is issued, the council shall (1) notify the joint
188 standing committee of the General Assembly having cognizance of
189 matters relating to the judiciary that an admonishment was issued and
190 provide said committee with the substance of the admonishment,
191 including copies of the complaint file, and (2) inform the complainant,
192 if any, that an admonishment was issued if the admonishment is the
193 result of misconduct alleged in the complaint. Except as provided in
194 subdivision (1) of this subsection, the substance of the admonishment
195 shall not be disclosed to any person or organization.

196 (c) If a preliminary investigation indicates that probable cause exists
197 that the judge, compensation commissioner or family support
198 magistrate is guilty of conduct under section 51-51i, the investigatory
199 records of the council including any complaint, transcripts of
200 evidentiary proceedings, statements and other documentary evidence
201 obtained or compiled during the investigation shall be open for public
202 inspection.

203 ~~[(c)]~~ (d) If a preliminary investigation indicates that probable cause
204 exists that the judge, compensation commissioner or family support
205 magistrate is guilty of conduct under section 51-51i, the council shall
206 hold a hearing concerning the conduct or complaint. [All hearings held
207 pursuant to this subsection shall be open.] A judge, compensation
208 commissioner or family support magistrate appearing before such a
209 hearing shall be entitled to counsel, to present evidence and to cross-
210 examine witnesses. The council shall make a record of all proceedings
211 pursuant to this subsection. After all evidence and arguments have
212 been presented at such hearing, the council shall determine whether

213 the judge, compensation commissioner or family support magistrate is
214 guilty of conduct under section 51-51i. The council shall not later than
215 thirty days after the close of such hearing publish its findings together
216 with a memorandum of its reasons therefor. All proceedings of the
217 council held pursuant to this subsection, including all hearings and
218 meetings and the deliberations of the council in making its findings,
219 shall be open to the public.

220 [(d)] (e) No complaint against a judge, compensation commissioner
221 or family support magistrate alleging conduct under section 51-51i
222 shall be brought under this section but within one year from the date
223 the alleged conduct occurred or was discovered or in the exercise of
224 reasonable care should have been discovered, except that no such
225 complaint may be brought more than three years from the date the
226 alleged conduct occurred.

227 [(e)] (f) Notwithstanding the provisions of subsections (a) and (b) of
228 this section, the council shall disclose any information concerning
229 complaints received by the council on and after January 1, 1978,
230 investigations, and disposition of such complaints to the legislative
231 program review and investigations committee when requested by the
232 committee in the course of its functions, in writing and upon a
233 majority vote of the committee, provided no names or other
234 identifying information shall be disclosed.

235 [(f)] (g) On and after December 19, 1991, any judge, compensation
236 commissioner or family support magistrate who has been the subject
237 of an investigation by the Judicial Review Council as a result of a
238 complaint brought before such council may request that such
239 complaint, investigation and the disposition of such complaint be open
240 to public inspection.

241 [(g)] (h) Whenever a complaint against a judge, compensation
242 commissioner or family support magistrate is pending before the
243 Judicial Review Council within the final year of the term of office of
244 such judge, compensation commissioner or family support magistrate,

245 the Judicial Review Council shall designate such complaint as
246 privileged and shall conduct an expedited investigation and hearing so
247 that its duties with respect to such complaint are completed in
248 sufficient time to enable the Judicial Review Council to make its
249 recommendation concerning any such judge to the Judicial Selection
250 Commission and the Governor under section 51-51q in a timely
251 manner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	51-51k
Sec. 2	<i>October 1, 2007</i>	51-51l

Statement of Purpose:

To require the Judicial Review Council to establish a web site, provide notice of its meetings, issue advisory opinions, make its investigatory records public in certain situations and conduct its deliberations in public when deciding whether to discipline a judge, compensation commissioner or family support magistrate.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]