



General Assembly

January Session, 2007

Raised Bill No. 7430

LCO No. 6427

06427_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE JUDICIAL SELECTION COMMISSION.

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

1 Section 1. Section 51-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) There is established a Judicial Selection Commission comprised
4 of twelve members. Six of the members shall be attorneys-at-law and
5 six of the members shall not be attorneys-at-law. Not more than six of
6 the members shall belong to the same political party. None of the
7 members shall be an elected or appointed official of the state or hold
8 state-wide office in a political party.

9 (b) The members of the commission shall be appointed as follows:
10 The Governor shall appoint six members, one from each congressional
11 district and one at-large member, three of whom shall be attorneys-at-
12 law and three of whom shall not be attorneys-at-law; the president pro
13 tempore of the Senate shall appoint one member who shall be an
14 attorney-at-law; the speaker of the House of Representatives shall
15 appoint one member who shall not be an attorney-at-law; the majority

16 leader of the Senate shall appoint one member who shall not be an
17 attorney-at-law; the majority leader of the House of Representatives
18 shall appoint one member who shall be an attorney-at-law; the
19 minority leader of the Senate shall appoint one member who shall not
20 be an attorney-at-law; and the minority leader of the House of
21 Representatives shall appoint one member who shall be an attorney-at-
22 law.

23 (c) The members of the commission shall elect a chairperson from
24 among the members appointed by the Governor.

25 (d) (1) The members of the commission shall serve for terms of three
26 years.

27 (2) Members appointed on or after June 26, 2003, shall serve for
28 terms of three years and, notwithstanding the provisions of section 4-1,
29 until their successors are appointed and have qualified or ninety days
30 after the completion of their terms, whichever is earlier.

31 (3) Members serving on June 26, 2003, shall continue to serve as
32 members until the end of their terms and, notwithstanding the
33 provisions of section 4-1, until their successors are appointed and have
34 qualified or ninety days after the completion of their terms, whichever
35 is earlier, except that members serving on June 26, 2003, who have
36 completed their terms and are serving until their successors are
37 appointed and have qualified shall, notwithstanding the provisions of
38 section 4-1, continue to serve until their successors are appointed and
39 have qualified, but not later than January 1, 2004.

40 (4) Any vacancy in the membership of the commission shall be filled
41 for the unexpired portion of the term by the appointing authority. The
42 members of the commission shall receive no compensation for their
43 services but shall be reimbursed for any necessary expenses incurred
44 in the performance of their duties.

45 (5) No member of the commission may serve consecutive terms,

46 except that if, on or after June 26, 2003, a person is appointed a
47 member of the commission to fill a vacancy and complete an
48 unexpired term, such person may serve an additional term. If a
49 commission member is an attorney, no member of the commission
50 member's firm may serve a term consecutive to such commission
51 member.

52 (e) The commission shall evaluate incumbent judges who seek
53 reappointment to the same court and shall forward to the Governor for
54 consideration the names of incumbent judges who are recommended
55 for reappointment as provided in this subsection. The commission
56 shall adopt regulations in accordance with the provisions of chapter 54
57 concerning criteria by which to evaluate incumbent judges who seek
58 reappointment to the same court. [~~]; provided pending adoption of~~
59 such regulations, the commission shall use criteria established prior to
60 June 22, 1989, for the evaluation of such judges.] In evaluating the
61 reappointment of an incumbent judge, the commission shall consider
62 the legal ability, competence, integrity, character and temperament of
63 such judge and any other relevant information concerning such judge.
64 There shall be a presumption that each incumbent judge who seeks
65 reappointment to the same court qualifies for retention in judicial
66 office. The burden of rebutting such presumption shall be on the
67 commission. The commission shall investigate and interview each
68 incumbent judge who seeks reappointment and, prior to the expiration
69 of a term of office of such judge, shall recommend such incumbent
70 judge for nomination for reappointment by the Governor to the same
71 court unless, as provided in this subsection, recommendation of such
72 judge is denied. If a preliminary examination indicates further inquiry
73 is necessary before a recommendation of reappointment may be made,
74 the commission shall hold a hearing concerning the reappointment of
75 such judge. The commission shall send notice to the judge by certified
76 or registered mail, return receipt requested, not less than one hundred
77 eighty days prior to the convening of such legislative session which is
78 to consider the reappointment of the incumbent judge, (A) that a
79 hearing by the commission on such reappointment shall be held and of

80 the time, date and place of such hearing, which shall be not less than
81 thirty days nor more than forty-five days after the date of such notice
82 and (B) of specific claims made against the judge. The commission
83 shall make a record of all hearings conducted pursuant to this
84 subsection. The hearing may be open to the public at the request of the
85 judge. For purposes of conducting a hearing under this subsection, not
86 less than ten members of the commission shall be present and voting.
87 A judge appearing before such a hearing shall be entitled to counsel, to
88 present evidence and to cross-examine witnesses who appear
89 voluntarily. No judge shall be required to sign or execute any release
90 in order to proceed with the hearing. The commission shall not later
91 than twenty days after the close of such hearing render its decision
92 whether it shall recommend such incumbent judge for nomination for
93 reappointment by the Governor. Any affirmative vote of a majority
94 plus one of the members present and voting shall be required to deny
95 recommendation to the Governor for nomination of an incumbent
96 judge to the same court. A judge who has not received approval by the
97 commission may within ten days after receipt of the notice of decision,
98 which shall include a record of the numerical vote, request a rehearing
99 on the grounds that the conclusions of the commission are contrary to
100 the evidence presented at the hearing or the commission failed to
101 comply with the procedural or substantive requirements of this
102 section. The decision of the commission shall be final. There shall be no
103 right of appeal by any judge appearing before the commission, at law
104 or in equity, or any resort to any court following the decision of the
105 commission.

106 (f) Except as provided in subsection (e) of this section, the
107 commission shall seek qualified candidates for consideration by the
108 Governor for nomination as judges for the Superior Court, Appellate
109 Court and Supreme Court. The commission shall adopt regulations, in
110 accordance with the provisions of chapter 54, concerning criteria by
111 which to evaluate the qualifications of candidates, including
112 incumbent judges who seek appointment to a different court. The
113 commission shall investigate and interview the candidates, including

114 incumbent judges seeking appointment to a different court. A list of
115 such qualified candidates shall be compiled by the commission. Such
116 list shall be confidential and not open to the public or subject to
117 disclosure, except that the names of qualified candidates for the
118 position of associate judge or Chief Justice of the Supreme Court shall
119 be available to the public.

120 (g) The commission shall establish and maintain an Internet web
121 site. The commission shall post on the web site the address and
122 telephone number of the commission's office, the electronic mail
123 address for the commission and information concerning the duties and
124 procedures of the commission. Such information shall include, but not
125 be limited to, the procedure for filing an application to become a judge
126 of the Superior Court, Appellate Court or Supreme Court and a copy
127 of the application form.

128 (h) The commission shall give notice of the time and place of its
129 meetings, and make the agendas for such meetings available to the
130 public, in accordance with the provisions of chapter 14, except that an
131 agenda made available to the public shall not contain any personally
132 identifiable information that might identify candidates or incumbent
133 judges seeking appointment to the same court or appointment to a
134 different court. The commission shall post such notices and agendas on
135 its Internet web site and provide such notices and agendas to the
136 cochairpersons of the joint standing committee of the General
137 Assembly having cognizance of matters relating to the judiciary.

138 [(g)] (i) In connection with any inquiry concerning the
139 reappointment of an incumbent judge, the commission shall have the
140 power to issue subpoenas requiring the attendance of witnesses and
141 the production of any books or papers which in the judgment of the
142 commission are relevant to the inquiry. The commission may, upon
143 request of the judge whose reappointment is at issue, issue a subpoena
144 on behalf of such judge. If any person disobeys such process or, having
145 appeared in obedience thereto refuses to answer any pertinent

146 question put to him by the commission, or to produce any books and
147 papers pursuant thereto, the commission, on its own behalf or on
148 behalf of the judge, may apply to the superior court for the judicial
149 district of Hartford setting forth such disobedience to process or
150 refusal to answer, and said court may cite such person to appear before
151 said court to answer such question or to produce such books and
152 papers and, upon his refusal so to do shall commit him to a
153 community correctional center, there to remain until he so testifies.

154 [(h)] (j) (1) Judges of all courts, except those courts to which judges
155 are elected, shall be nominated by the Governor exclusively from the
156 list of candidates or incumbent judges submitted by the Judicial
157 Selection Commission. Any candidate or incumbent judge who is
158 nominated from such list by the Governor to be Chief Justice of the
159 Supreme Court, and who is appointed Chief Justice by the General
160 Assembly, shall serve a term of eight years from the date of
161 appointment. The Governor shall nominate a candidate for a vacancy
162 in a judicial position within forty-five days of the date the Governor
163 receives the recommendations of the commission. When considering
164 the nomination of an incumbent judge for reappointment to the same
165 court, the Governor may nominate the incumbent judge if the
166 commission did not deny recommendation for reappointment.
167 Whenever an incumbent judge is denied recommendation for
168 reappointment to the same court by the commission or is
169 recommended by the commission but not nominated by the Governor
170 for reappointment to the same court, or whenever a vacancy in a
171 judicial position occurs or is anticipated, the Governor shall choose a
172 nominee from the list of candidates compiled pursuant to subsection
173 (f) of this section. (2) Notwithstanding the provisions of subdivision (1)
174 of this subsection and subsection (f) of this section, the Governor may
175 nominate an associate judge of the Supreme Court to be Chief Justice
176 of the Supreme Court without such judge being investigated and
177 interviewed by the commission and being on the list of qualified
178 candidates compiled and submitted to the Governor by the
179 commission. An associate judge of the Supreme Court who has been

180 nominated by the Governor to be Chief Justice of the Supreme Court in
181 accordance with this subdivision, and who is appointed Chief Justice
182 by the General Assembly, shall serve an initial term as Chief Justice
183 equal to the remainder of such judge's term as an associate judge of the
184 Supreme Court.

185 [(i)] (k) A majority of the membership of the commission shall
186 constitute a quorum. The affirmative vote of at least a majority of the
187 members of the commission present and voting shall be required for
188 any action by the commission except (1) an affirmative vote of at least
189 a majority plus one of the members present and voting shall be
190 required for a new nominee to be recommended to the Governor for
191 nomination as a judge or for an incumbent judge to be recommended
192 to the Governor for nomination as a judge to a different court and (2)
193 an affirmative vote of a majority plus one of the members present and
194 voting shall be required to deny recommendation to the Governor for
195 nomination of an incumbent judge to the same court. No vote of the
196 commission on a new nominee shall be by secret ballot. The vote of the
197 commission on an incumbent judge may be by secret ballot.

198 [(j)] (l) Except as provided in subsections (e), [and (m)] (f), (h) and
199 (o) of this section, the investigations, deliberations, files and records of
200 the commission shall be confidential and not open to the public or
201 subject to disclosure, except that the criteria by which candidates or
202 incumbent judges who seek reappointment to the same court or
203 appointment to a different court are evaluated and the procedural
204 rules adopted by the commission shall be public.

205 [(k)] (m) The commission may employ such staff as is necessary for
206 the performance of its functions and duties.

207 [(l)] (n) No member of the commission who is an attorney-at-law
208 shall be considered for recommendation to the Governor for
209 nomination as a judge during his tenure on the commission or for a
210 period of two years following the termination of his tenure on the
211 commission.

212 [(m)] (o) In January of each year, the chairperson of the commission
213 shall report to the joint standing committee on judiciary the following
214 information: (1) The number of candidates interviewed for
215 appointment as new nominees, the number of incumbent judges
216 interviewed for reappointment to the same court and the number of
217 incumbent judges interviewed for appointment to a different court, (2)
218 the number of candidates who were recommended and denied
219 recommendation to the Governor as new nominees, the number of
220 incumbent judges recommended and denied recommendation for
221 appointment to the same court and the number of incumbent judges
222 recommended and denied recommendation for appointment to a
223 different court, and (3) the statistics regarding the race, gender,
224 national origin, religion and years of experience as members of the bar
225 of all such candidates.

226 [(n)] (p) The commission shall have the power to enter into such
227 contractual agreements as may be necessary for the discharge of its
228 duties concerning the investigation of candidates seeking appointment
229 to a judicial position and incumbent judges seeking reappointment to
230 the same court or appointment to a different court, within the limits of
231 appropriated funds and in accordance with established procedures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	51-44a

Statement of Purpose:

To provide that the names of candidates deemed qualified by the Judicial Selection Commission for nomination as associate judge or Chief Justice of the Supreme Court shall be public information, to require the commission to establish a web site with information about the office such as address, telephone number and how to apply to become a judge and to require the commission to provide notice of the time and place of its meetings.

[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.]