STATE OF CONNECTICUT
JUDICIAL SELECTION COMMISSION
165 CAPITOL AVENUE
ROOM 241
HARTFORD, CT 06106

MICHAEL P. THOMPSON
CHAIRPERSON

TEL: (860) 713-5300
FAX: (860) 713-7200

THURSDAY MARCH 3, 2011, LOB, ROOM 2C, 6:00 – 6:30 PM

RE: APPROPRIATIONS COMMITTEE STATE AGENCY BUDGET PRESENTATIONS

GOOD EVENING CO-CHAIRS SENATOR HARP AND REPRESENTATIVE WALKER AND DISTINGUISHED MEMBERS OF THE JOINT COMMITTEE ON APPROPRIATIONS.

I WOULD LIKE TO THANK THE COMMITTEE FOR THE OPPORTUNITY TO SPEAK TO YOU THIS EVENING REGARDING THE JUDICIAL SELECTION COMMISSION.

MY NAME IS MICHAEL THOMPSON, I AM CURRENTLY CHAIR OF THE JUDICIAL SELECTION COMMISSION. I SERVE IN THAT CAPACITY VOLUNTARILY. I AM A LAWYER IN PRIVATE PRACTICE IN STAMFORD, AND WAS APPOINTED TO A THREE YEAR TERM ON THE COMMISSION BY GOVERNOR RELL.

WITH ME HERE TONIGHT IS KAREN NETHERTON, THE MANAGER OF THE JSC AND ITS SOLE STAFF MEMBER. KAREN HAS BEEN IN STATE GOVERNMENT FOR OVER 21 YEARS, SERVING IN HER CURRENT ROLE FOR 4 YEARS. PRIOR TO JOINING THE JSC, MS. NETHERTON WORKED AT THE APPELLATE COURT IN VARIOUS CAPACITIES FOR 10 YEARS.

WE ARE COGNIZANT OF THE DIFFICULT TASK THIS COMMITTEE FACES AND THE AMOUNT OF DUE DILIGENCE THE COMMITTEE HAS ALREADY UNDERTAKEN THE PAST FEW WEEKS. AS SUCH, MY COMMENTS WILL BE BRIEF.

I WILL PROVIDE A SHORT SUMMARY OF THE FUNCTION AND PURPOSE OF JSC AND THEN DISCUSS WHAT OUR BUDGET HAS BEEN THE PAST FEW YEARS AND HOW THAT MONEY HAS BEEN SPENT. I WILL CONCLUDE BY REVIEWING OUR FUTURE BUDGET NEEDS.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO INTERRUPT. KAREN AND I ARE HAPPY TO ANSWER THEM AND APPRECIATE THE OPPORTUNITY TO ADDRESS THE COMMITTEE.

I. WHAT IS THE PURPOSE OF THE JUDICIAL SELECTION COMMISSION

IN 1986, THE JUDICIAL SELECTION COMMISSION WAS ESTABLISHED BY AMENDMENT TO THE STATE CONSTITUTION (XXV) AND THE CONNECTICUT GENERAL STATUTES (51-44A).

THE COMMISSION HAS TWO PURPOSES:

(a) TO EVALUATE, INVESTIGATE AND RECOMMEND QUALIFIED CANDIDATES FOR CONSIDERATION BY THE GOVERNOR FOR NOMINATION TO THE BENCH; AND

(b) TO RECOMMEND TO THE GOVERNOR SITTING JUDGES FOR REAPPOINTMENT TO THE SAME COURT OR ELEVATION TO A DIFFERENT COURT

AS YOU ARE AWARE, THE CONNECTICUT CONSTITUTION PROVIDES THAT ALL JUDGES OF THE SUPERIOR, APPELLATE AND SUPREME COURTS ARE APPOINTED BY THE GENERAL ASSEMBLY UPON NOMINATION BY THE GOVERNOR.

THE GOVERNOR CAN ONLY NOMINATE PERSONS TO BE JUDGES FROM THE APPROVED LISTS OF CANDIDATES CREATED AND MAINTAINED BY THE JUDICIAL SELECTION COMMISSION.

II. CREATURE OF STATUTE

A. COMPOSITION

BY STATUTE, SECTION 51-44A, THE JUDICIAL SELECTION COMMISSION IS COMPOSED OF 12 MEMBERS ALL OF WHOM SERVE VOLUNTARILY AND RECEIVE NO COMPENSATION. THE COMMISSION IS MADE UP OF SIX LAWYERS AND SIX "NON-LAWYERS".

SIX OF THE COMMISSIONERS ARE APPOINTED BY THE GOVERNOR – ONE FROM EACH CONGRESSIONAL DISTRICT AND ONE AT LARGE MEMBER.

THE REMAINING SIX COMMISSIONERS ARE APPOINTED BY VARIOUS LEGISLATIVE LEADERS. THERE CAN BE NO MORE THAN SIX COMMISSIONERS FROM ANY ONE POLITICAL PARTY. EACH MEMBER IS APPOINTED FOR A THREE YEAR TERM.

B. MONTHLY MEETINGS

THE COMMISSION GENERALLY MEETS ONCE A MONTH. EACH MEETING - ATTENDED BY VOLUNTEER MEMBERS - TYPICALLY LASTS A FULL DAY.

UNDER OUR GOVERNING STATUTE, THE JSC MUST MAKE RECOMMENDATIONS FOR REAPPOINTMENT OF JUDGES AT LEAST 180 DAYS BEFORE THE LEGISLATURE CONSIDERING SUCH REAPPOINTMENT CONVENES. AS A RESULT, WE REVIEW APPLICATIONS AND INTERVIEW JUDGES SEEKING REAPPOINTMENT IN THE FIRST HALF OF EACH YEAR (27 THIS YEAR) SO THAT BY THE END OF JUNE ALL REAPPOINTMENT RECOMMENDATIONS ARE MADE.

THE SECOND HALF OF THE YEAR IS SPENT REVIEWING APPLICATIONS, CONDUCTING DUE DILIGENCE AND INTERVIEWING CANDIDATES WHO WOULD LIKE TO BECOME A JUDGE.

C. ROLE OF MANAGER CANNOT BE OVERSTATED

THE ROLE OF THE JUDICIAL SELECTION COMMISSION'S MANAGER CANNOT BE OVERSTATED. THE MANAGER COORDINATES THE ENTIRE PROCESS FOR THOSE APPLYING TO BECOME A JUDGE AND FOR THOSE JUDGES SEEKING REAPPOINTMENT OR ELEVATION.

IN ORDER TO DO THAT, THE MANAGER'S JOB RESPONSIBILITIES ARE EXTENSIVE. [SEE LIST IN PACKET OF INFORMATION PROVIDED TO THE COMMITTEE].

FOR INSTANCE, IN ADDITION TO COORDINATING MEETINGS AND COMMUNICATING WITH COMMISSION MEMBERS, THE MANAGER OF THE JUDICIAL SELECTION UNDERTAKES A GREAT DEAL OF WORK THROUGHOUT THE YEAR INCLUDING: THE PROCESSING OF A SIGNIFICANT AMOUNT OF APPLICATIONS; LIAISING WITH APPLICANTS, SITTING JUDGES, THE STATE GRIEVANCE COMMITTEE, BAR ASSOCIATIONS AND THE PUBLIC; HANDLING SENSITIVE, CONFIDENTIAL PERSONNEL RECORDS; ENSURING EACH APPLICATION IS COMPLETE AND ACCURATE; SCHEDULING APPLICANT INTERVIEWS; ASSIGNING DUE DILIGENCE TO COMMISSIONERS; PREPARING MEETING FILES FOR EACH COMMISSIONER; AND COMPLETING ALL THE FOLLOW-UP TASKS AFTER EACH MEETING.

ALL OF THAT WORK, AND MUCH MORE, IS HANDLED BY MS. NETHERTON ALONE.

WITHOUT HER, THIS ALL VOLUNTEER COMMISSION COULD NOT PROPERLY FUNCTION.

III. BUDGET/EXPENSES

A. BUDGET HISTORY

OVER THE PAST THREE YEARS, THE JSC'S BUDGET HAS CONTINUED TO DECREASE AS ILLUSTRATED BELOW:

FY 2008-09 = $118,572
$99,959 (Personal Services) (84%)
$22,613 (Expenses) (16%)

2009/2010 = $91,689
$73,524 (Personal Services) (80%)
$18,165 (Expenses) (20%)

2010/2011 = $87,044
$69,493 (Personal Services) (80%)
$17,456 (Expenses) (20%)
$ 95 (Equipment)

A TWENTY-FIVE PERCENT DECREASE HAS OCCURRED FROM FY 2008/09 THROUGH FY 2010/11. EIGHTY PERCENT OF THE CURRENT YEAR BUDGET RELATES TO PERSONNEL COSTS, WHILE TWENTY PERCENT GOES TO OPERATING EXPENSES.

THE AVERAGE COST PER MEETING IS APPROXIMATELY $750.00. THIS IS OUR LARGEST EXPENSE. OUR NEXT LARGEST EXPENSE IS POSTAGE, WHICH AVERAGES $150.00 PER MONTH.

B. COST REDUCTION EFFORTS

DESPITE A VERY STREAMLINED BUDGET, WE ARE CERTAINLY AWARE OF THE NEED TO CONTROL COSTS. OVER THE PAST TWO YEARS, WE HAVE INITIATED SEVERAL COST REDUCTION EFFORTS:

1. FEWER MEETINGS

2008 - 12
2009 - 11
2010 - 08

THE COMMISSION HAS BEEN ABLE TO HAVE FEWER MEETINGS WITHOUT AFFECTING THE COMMISSION'S WORK BY INTERVIEWING MORE APPLICANTS PER MEETING AND WORKING LONGER DAYS. THIS HAS RESULTED IN SIGNIFICANT SAVINGS, PARTICULARLY IN 2010.

2. RE-USE OF OFFICE SUPPLIES

BEGINNING LAST YEAR, THE FOLDERS, ENVELOPES AND OTHER MATERIALS USED TO DISTRIBUTE INFORMATION TO COMMISSIONERS ARE COLLECTED AFTER EACH MEETING AND RE-USED THE FOLLOWING MONTH

3. HAND DELIVER DOCUMENTS TO GOVERNOR'S OFFICE AND LEGISLATURE WHERE POSSIBLE AND UTILIZE INTERDEPARTMENTAL MAIL TO THE FULLEST EXTENT

4. MS. NETHERTON TURNED IN HER STATE PHONE TO SAVE MONEY AND USES HER PERSONAL PHONE FOR WORK PURPOSES

WHILE WE ARE WORKING WITH LESS, THE LEGISLATURE HAS ASKED US TO DO MORE – INCREASING OUR REPORTING REQUIREMENTS THIS PAST LEGISLATIVE SESSION – WHICH IN TURN INCREASES OUR OPERATING COSTS.

NONETHELESS, WE TAKE PRIDE IN THE FACT THAT WE HAVE MET OUR BUDGET AND WILL WORK TO CONTINUE TO DO SO IN THE FUTURE.

IV. WHAT ARE OUR FUTURE NEEDS

AS IT CONSIDERS OUR BUDGET, WE ASK THE COMMITTEE TO KEEP IN MIND THAT THE JUDICIAL SELECTION COMMISSION IS A VERY UNIQUE ENTITY IN STATE GOVERNMENT. MANDATED BY THE STATE CONSTITUTION. [SEE AMENDMENT XXV].

IN FACT, WE ARE ONLY ONE OF THREE "COMMISSIONS" MENTIONED IN THE STATE CONSTITUTION (RE-DISTRICTING AND THE COMMISSION TO APPOINT A STATE'S ATTORNEY FOR EACH JUDICIAL DISTRICT ARE THE OTHER TWO).

THIS HIGHLIGHTS THE IMPORTANCE GIVEN TO THE COMMISSION BY THE LEGISLATURE AND EMPHASIZES THE NEED TO ENSURE THE COMMISSION FUNCTIONS PROPERLY.

UNFORTUNATELY, IF YOU LOOK AT THE PROPOSED BUDGET FOR FY 2012 AND 2013, JUDICIAL SELECTION GETS CONSOLIDATED INTO THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE FULL-TIME STAFF MEMBER JOB IS ELIMINATED. THIS WOULD SEEM TO BE PENNY WISE AND POUND FOOLISH.

JUDICIAL SELECTION PLAYS A UNIQUE ROLE WITHIN THE THREE BRANCHES OF GOVERNMENT – PARTICULARLY THE JUDICIAL BRANCH. IT IS VERY IMPORTANT TO HAVE A STAFF PERSON DEDICATED TO MAKING SURE THAT PROSPECTIVE JUDICIAL CANDIDATES AND JUDGES SEEKING REAPPOINTMENT OR ELEVATION GET THE ASSISTANCE THEY NEED IN ORDER TO PROPERLY COMPLETE THEIR

APPLICATION AND HAVE A FULL AND FAIR HEARING IN FRONT OF THE COMMISSION.

MS. NETHERTON DOES A LOT OF WORK TO MAKE THAT HAPPEN. THINGS THAT A PART-TIME PERSON WOULD NOT, IN MY OPINION, BE ABLE TO DO.

IN ADDITION, THE GOVERNOR'S OFFICE AND LEGISLATURE, ESPECIALLY THE JUDICIARY COMMITTEE, DEPEND ON THE JUDICIAL SELECTION COMMISSION TO PROVIDE THEM WITH AS MUCH INFORMATION AS POSSIBLE AND WE COULD NOT DO THAT WITHOUT A FULL TIME STAFF PERSON HELPING US.

AS PREVIOUSLY DESCRIBED, MS. NETHERTON AND HER PREDECESSORS HAVE PLAYED A MUCH DIFFERENT ROLE THAN THEY WOULD FOR OTHER STATE COMMISSIONS OR BOARDS WHERE SOMEONE MIGHT FILL A PURELY ADMINISTRATIVE FUNCTION TO HELP SET UP MEETINGS AND TAKE MINUTES, ETC.

AS CHAIR, I DEVOTE MORE THAN 20 HOURS A MONTH TO ADMINISTRATIVE MATTERS RELATED TO THE COMMISSION. WITHOUT A FULL-TIME STAFF MEMBER, MY JOB - AND THE JOB OF EACH COMMISSION MEMBER VOLUNTEERING HIS/HER TIME AS A PUBLIC SERVICE - WOULD BECOME OVERLY BURDENSOME.

V. RECOMMENDATION

I WOULD THEREFORE RECOMMEND THAT, IN ORDER TO PERFORM THE WORK NECESSARY TO FULFILL ITS UNIQUE ROLE IN STATE GOVERNMENT, THE BUDGET OF THE JUDICIAL SELECTION COMMISSION STAY THE SAME.

IF ADDITIONAL DECREASES ARE NECESSARY, I WOULD RECOMMEND CUTTING EXPENSES FURTHER, IF POSSIBLE, BUT MAINTAINING THE CURRENT FULL-TIME STAFF MEMBER EVEN IF JUDICIAL SELECTION IS MERGED INTO THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

IN CLOSING, KAREN AND I WOULD LIKE TO THANK YOU FOR YOUR EFFORTS.

WE WISH YOU LUCK AS YOU WORK YOUR WAY THROUGH A VERY DIFFICULT PROCESS.

AGAIN, WE ARE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

MICHAEL THOMPSON
CHAIRPERSON
JUDICIAL SELECTION COMMISSION

JUDICIAL SELECTION COMMISSION
PRIMARY AGENCY OPERATIONS AND FUNCTIONS

NEW APPLICANT

Process new applications – new attorney candidates
Send recommendation letters to candidate's references
Address questions concerning process and application with candidate
Coordinate with candidate to insure application is complete and accurate
Schedule interview meetings and assign due diligence to Commissioners
Prepare files for 12 members of the Judicial Selection Commission
Mail files to 12 members of the Judicial Selection Commission for due diligence of candidate
Send interview letter to candidate scheduling meeting with the Judicial Selection Commission
Send letters of decision of Judicial Selection Commission to candidates after interview
Process application materials post-interview
Notify Governor and send Governor's legal counsel file of new approved candidate
Update Excel list of approved candidates for appointment

JUDGES' REAPPOINTMENT AND ELEVATION

Send reappointment letters to judges notifying them of their reappointment
Notifications:
  All courts - post notices of judges with expiring terms
  Place notices in CT Law Tribune and Law Journal
Address questions concerning process, applications, judicial decisions, with judges
Process documents
Schedule reappointment of judges interviews
All members assigned due diligence regarding reappointment of a judge
Contact Judicial Review Council, Governor, Judiciary Committee, Connecticut Bar Association and judge's physician for input on each judge
Process documents/investigation concerning judges seeking elevation to the Appellate Court, Supreme Court or Chief Justice of the Supreme Court
Send letters of decision of Judicial Selection Commission to judges
Notify Governor and send reappointment and/or elevation file to Governor's legal counsel
Update Excel lists for Governor

JUDGES DENIED RECOMMENDATION OF REAPPOINTMENT

Coordinate all aspects with Chairperson of the Judicial Selection Commission if a public hearing is required pursuant to Section 51-44a

ADDITIONAL RESPONSIBILITIES

Attend monthly interview meetings in New Haven for new candidates 7:00 a.m. – 5:00 p.m. or later
Prepare monthly minutes after each Judicial Selection Commission meeting
Prepare annual report and insure statutory reporting requirements are met
Periodically meet with State of Connecticut auditors
Order supplies
Authorize all accounts payable
Process contracts – leased equipment, etc.
Maintain and update website
Send new Commissioner letter with applicable statutes, Regs. and information contact questionnaire
Update Members List for current Commissioners
Processing and orientation of new Commissioners
Exit process of retiring Commissioners
Attend Bar Association meetings
Attend legislative meetings concerning budget
Attend additional meetings for reappointment of incumbent judges
Attend special meetings concerning updating Regs. and applications (evening meetings)

STATE OF CONNECTICUT

JUDICIAL SELECTION COMMISSION

To: Sen. Eric Coleman
Rep. Gerald Fox, III
Co-Chairmen
Legislative Judiciary Committee
Room 2500
Legislative Office Building
Hartford, CT 06106

From: Michael P. Thompson, Chairperson
Judicial Selection Commission
165 Capitol Avenue, Room 241
Hartford, CT 06106

Re: Judicial Selection Commission Annual Report
Candidate Information - 2010

Date: January 14, 2011

As mandated by CGS Sec. 51-44a, enclosed herewith is the Annual Report of the Judicial Selection Commission from January 1, 2010 through December 31, 2010.

If there are any questions regarding this report, please call Michael P. Thompson, Chairperson of the Judicial Selection Commission.

cc: Hon. Barbara Quinn
Hon. Patrick L. Carroll, III
Ms. Christine Graesser
Mr. Gratien Meda
Mr. Steve Hunt
Andrew McDonald, Esq.

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ANNUAL REPORT OF THE JUDICIAL SELECTION COMMISSION

January 1, 2010 through December 31, 2010

Due to budget constraints, the Judicial Selection Commission did not conduct interview meetings during February, April, August and November, 2010. Our yearly total numbers for the interviews will be reflected below.

Pursuant to recent amendments to our governing statute, the Judicial Selection Commission is required, for the first time this year, to provide by January 1st "the number of candidates on the list compiled by the Commission pursuant to subsection (f) of [section 51-44a of the General Statutes] and the statistics regarding the race, gender, national origin, religion and years of experience as members of the bar and calendar year of recommendation of all such candidates." As of January 1, 2011, there are: 201 qualified candidates on the Superior Court List; 40 qualified candidates on the Appellate Court List; 20 qualified candidates on the Supreme Court List, and 5 qualified candidates on the Supreme Court Chief Justice List. The Commission currently is compiling the remaining information, most of which can only be provided on a voluntary basis by each candidate. The Commission will supplement this report once it has received a response from each candidate to its letter seeking the statutorily requested information. In any event, the supplemental information will be provided no later than June 30, 2011 based on the responses received as of that date.

The total number of candidates interviewed for 2010 were forty-seven (47). The information contained in this report is reflected only from candidates who submitted the Voluntary Information Form from our website with their application. We explained to applicants this form was used solely for statistical purposes, which would enable our report to reflect accurate information to the Judiciary Committee. For the year 2010 we received 100% participation from the candidates the Judicial Selection Commission interviewed.

Total number of candidates who submitted Voluntary Information Form	**47**
Total number of candidates who did not submit Voluntary Information Form	**0**

CANDIDATES FOR JUDICIAL APPOINTMENT

1.	Number of candidates interviewed for appointment as new nominees	**38**
	Number of candidates who submitted Voluntary Information Form	**38**
	Number of candidates who did not submit Voluntary Information Form	**0**

Statistics

Gender	Male	28
	Female	10
	Not answered	0
Race	Caucasian	21
	White	9
	African-American	2
	Asian	2
	Italian-American	1
	Hispanic	2
	Not answered	1

Religion	Catholic	6
	Roman Catholic	10
	Christian	4
	Jewish	7
	Greek Orthodox	2
	Protestant	3
	Presbyterian	1
	Episcopalian	1
	Catholic-Budhist	1
	Not answered	3
National Origin	American	8
	USA	16
	Irish	2
	Irish-American	2
	Italian-American	1
	Puerto Rico	1
	Italian-American, Swedish-American	1
	Italian-Irish	1
	Eastern European	1
	Korean	1
	Republic of Korea	1
	Italian-Polish	1
	Anglo-American	1
	Not answered	1
Practicing Law	Under 10 years	1
	10 - 14 years	3
	15 - 20 years	11
	Over 20 years	22
	Not answered	1

2. Number of incumbent judges interviewed for reappointment to the same court **6**
Number of incumbent judges who submitted Voluntary Information Form **6**
Number of incumbent judges who did not submit Voluntary Information Form **0**

Statistics

Gender	Male	3
	Female	3
	Not answered .	0

Race	Caucasian	4
	White	1
	African-American	1
	Not answered	0
Religion	Catholic	1
	Roman Catholic	2
	Jewish	1
	Unitarian	1
	Episcopalian	1
	Not answered	0
National Origin	American	2
	U.S.A.	3
	Irish-American	1
	Not answered	0
Practicing Law	Under 10 years	0
	10 - 14 years	0
	15 - 20 years	0
	Over 20 years	6
	Not answered	0

3. Number of incumbent judges interviewed for appointment to a different court **3**
Number of incumbent judges who submitted Voluntary Information Form **3**
Number of incumbent judges who did not submit Voluntary Information Form **0**

Statistics

Gender	Male	1
	Female	2
	Not answered .	0
Race	Caucasian	1
	White	1
	African-American	1
	Not answered	0
Religion	Catholic	1
	Roman Catholic	1
	Jewish	1
	Not answered	0

ANNUAL REPORT OF THE JUDICIAL SELECTION COMMISSION

January 1, 2010 through December 31, 2010

National Origin	American	1
	USA	1
	Eastern European	1
	Not answered	0
Practicing Law	Under 10 years	0
	10 - 14 years	0
	15 - 20 years	0
	Over 20 years	3
	Not answered	0

4. Number of candidates who were recommended to the Governor as new nominees – **26**

5. Number of candidates who were denied recommendation to the Governor as new nominees – **12**

6. Number of incumbent judges recommended for reappointment to the same court - **6**

7. Number of incumbent judges denied recommendation for reappointment to the same court - **0**

8. Number of incumbent judges recommended for appointment to a different court - **2**

9. Number of incumbent judges denied recommendation for appointment to a different court – **1**

10. Number of incumbent judges interviewed for appointment as Supreme Court Chief Justice - **0**

11. Number of incumbent judges recommended for appointment as Supreme Court Chief Justice - **0**

12. Number of incumbent judges denied recommendation for appointment as Supreme Court Chief Justice - **0**

Connecticut General Statutes Annotated Currentness
Title 51. Courts
Chapter 872. Judges (Refs & Annos)
§ 51-44a. Judicial Selection Commission. Members. Duties. Nomination of judges by Governor

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

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

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

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

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

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

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

(5) No member of the commission may serve consecutive terms, except that if, on or after June 26, 2003, a person is appointed a member of the commission to fill a vacancy and complete an unexpired term, such person may serve an additional term. If a commission member is an attorney, no member of the commission member's firm may serve a term consecutive to such commission member.

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(e) The commission shall evaluate incumbent judges who seek reappointment to the same court and shall forward to the governor for consideration the names of incumbent judges who are recommended for reappointment as provided in this subsection. The commission shall adopt regulations in accordance with the provisions of chapter 54 [FN1] concerning criteria by which to evaluate incumbent judges who seek reappointment to the same court; provided pending adoption of such regulations, the commission shall use criteria established prior to June 22, 1989, for the evaluation of such judges. In evaluating the reappointment of an incumbent judge, the commission shall consider the legal ability, competence, integrity, character and temperament of such judge and any other relevant information concerning such judge. There shall be a presumption that each incumbent judge who seeks reappointment to the same court qualifies for retention in judicial office. The burden of rebutting such presumption shall be on the commission. The commission shall investigate and interview each incumbent judge who seeks reappointment and, prior to the expiration of a term of office of such judge, shall recommend such incumbent judge for nomination for reappointment by the governor to the same court unless, as provided in this subsection, recommendation of such judge is denied. If a preliminary examination indicates further inquiry is necessary before a recommendation of reappointment may be made, the commission shall hold a hearing concerning the reappointment of such judge. The commission shall send notice to the judge by certified or registered mail, return receipt requested, not less than one hundred eighty days prior to the convening of such legislative session which is to consider the reappointment of the incumbent judge, (A) that a hearing by the commission on such reappointment shall be held and of the time, date and place of such hearing, which shall be not less than thirty days nor more than forty-five days after the date of such notice and (B) of specific claims made against the judge. The commission shall make a record of all hearings conducted pursuant to this subsection. The hearing may be open to the public at the request of the judge. For purposes of conducting a hearing under this subsection, not less than ten members of the commission shall be present and voting. A judge appearing before such a hearing shall be entitled to counsel, to present evidence and to cross-examine witnesses who appear voluntarily. No judge shall be required to sign or execute any release in order to proceed with the hearing. The commission shall not later than twenty days after the close of such hearing render its decision whether it shall recommend such incumbent judge for nomination for reappointment by the governor. Any affirmative vote of a majority plus one of the members present and voting shall be required to deny recommendation to the governor for nomination of an incumbent judge to the same court. A judge who has not received approval by the commission may within ten days after receipt of the notice of decision, which shall include a record of the numerical vote, request a rehearing on the grounds that the conclusions of the commission are contrary to the evidence presented at the hearing or the commission failed to comply with the procedural or substantive requirements of this section. The decision of the commission shall be final. There shall be no right of appeal by any judge appearing before the commission, at law or in equity, or any resort to any court following the decision of the commission.

(f) Except as provided in subsection (e) of this section, the commission shall seek qualified candidates for consideration by the Governor for nomination as judges for the Superior Court, Appellate Court and Supreme Court. The commission shall adopt regulations, in accordance with the provisions of chapter 54, concerning criteria by which to evaluate the qualifications of candidates, including incumbent judges who seek appointment to a different court. The commission shall investigate and interview the candidates, including incumbent judges seeking appointment to a different court. A list of such qualified candidates shall be compiled by the commission.

(g) In connection with any inquiry concerning the reappointment of an incumbent judge, the commission shall have the power to issue subpoenas requiring the attendance of witnesses and the production of any books or papers which in the judgment of the commission are relevant to the inquiry. The commission may, upon request of the judge whose reappointment is at issue, issue a subpoena on behalf of such judge. If any person disobeys such process or, having appeared in obedience thereto refuses to answer any pertinent question put to him by the commission, or to produce any books and papers pursuant thereto, the commission, on its own behalf or on behalf of the judge, may apply to the superior court for the judicial district of Hartford setting forth such disobedience to process or refusal to answer, and said court may cite such person to appear before said court to answer such question or to produce such

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books and papers and, upon his refusal so to do shall commit him to a community correctional center, there to remain until he so testifies.

(h) (1) Judges of all courts, except those courts to which judges are elected, shall be nominated by the Governor exclusively from the list of candidates or incumbent judges submitted by the Judicial Selection Commission. Any candidate or incumbent judge who is nominated from such list by the Governor to be Chief Justice of the Supreme Court, and who is appointed Chief Justice by the General Assembly, shall serve a term of eight years from the date of appointment. The Governor shall nominate a candidate for a vacancy in a judicial position within forty-five days of the date the Governor receives the recommendations of the commission. When considering the nomination of an incumbent judge for reappointment to the same court, the Governor may nominate the incumbent judge if the commission did not deny recommendation for reappointment. Whenever an incumbent judge is denied recommendation for reappointment to the same court by the commission or is recommended by the commission but not nominated by the Governor for reappointment to the same court, or whenever a vacancy in a judicial position occurs or is anticipated, the Governor shall choose a nominee from the list of candidates compiled pursuant to subsection (f) of this section. (2) Notwithstanding the provisions of subdivision (1) of this subsection and subsection (f) of this section, the Governor may nominate an associate judge of the Supreme Court to be Chief Justice of the Supreme Court without such judge being investigated and interviewed by the commission and being on the list of qualified candidates compiled and submitted to the Governor by the commission. An associate judge of the Supreme Court who has been nominated by the Governor to be Chief Justice of the Supreme Court in accordance with this subdivision, and who is appointed Chief Justice by the General Assembly, shall serve an initial term as Chief Justice equal to the remainder of such judge's term as an associate judge of the Supreme Court.

(i) A majority of the membership of the commission shall constitute a quorum. The affirmative vote of at least a majority of the members of the commission present and voting shall be required for any action by the commission except (1) an affirmative vote of at least a majority plus one of the members present and voting shall be required for a new nominee to be recommended to the governor for nomination as a judge or for an incumbent judge to be recommended to the governor for nomination as a judge to a different court and (2) an affirmative vote of a majority plus one of the members present and voting shall be required to deny recommendation to the governor for nomination of an incumbent judge to the same court. No vote of the commission on a new nominee shall be by secret ballot. The vote of the commission on an incumbent judge may be by secret ballot.

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

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

(*l*) No member of the commission who is an attorney-at-law shall be considered for recommendation to the governor for nomination as a judge during his tenure on the commission or for a period of two years following the termination of his tenure on the commission.

(m) In January of each year, the chairperson of the commission shall report to the joint standing committee on judiciary the following information: (1) The number of candidates interviewed for appointment as new nominees, the number of incumbent judges interviewed for reappointment to the same court and the number of incumbent judges interviewed for appointment to a different court, (2) the number of candidates who were recommended and denied recommendation to the governor as new nominees, the number of incumbent judges recommended and denied recommendation for appointment to the same court and the number of incumbent judges recommended and denied rec-

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ommendation for appointment to a different court, and (3) the statistics regarding the race, gender, national origin, religion and years of experience as members of the bar of all such candidates.

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

CREDIT(S)

(1985, P.A. 85-586, § 1, eff. Nov. 19, 1986; 1988, P.A. 88-230, § 1; 1989, P.A. 89-238, § 1, eff. June 22, 1989; 1990, P.A. 90-98, § 1; 1992, May Sp.Sess., P.A. 92-11, § 42, eff. June 1, 1992; 1993, P.A. 93-142, § 4, eff. June 14, 1993; 1995, P.A. 95-220, § 4, eff. July 1, 1995; 1999, P.A. 99-267, § 2, eff. July 8, 1999; 2000, P.A. 00-109; 2000, P.A. 00-191, § 12, eff. May 26, 2000; 2001, P.A. 01-195, § 52, eff. July 11, 2001; 2003, P.A. 03-170, § 1, eff. June 26, 2003; 2005, P.A. 05-288, § 171, eff. July 13, 2005.)

[FN1] C.G.S.A. § 4-166 et seq.

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

Codification

Gen.St., Rev. to 1991, changed the section heading from "Judicial selection commission. Composition. Duties" to "Judicial selection commission. Composition. Duties. Evaluation of incumbent judges who seek reappointment. Annual report to general assembly".

On and after Sept. 1, 1998, the terms "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" wherever appearing, have been changed to "judicial district of Hartford" pursuant to 1988, P.A. 88-230, § 1, as amended by 1990, P.A. 90-98, § 1; 1993, P.A. 93-142, § 4; 1995, P.A. 95-220, § 4. See C.G.S.A. § 51-344a.

Section heading was changed to conform to Gen.St., Rev. to 2001.

Amendments

1989 Amendment. 1989, P.A. 89-238, § 1, in subsec. (b), decreased the number of nonattorney commission members to be appointed by the president pro tempore of the senate and the speaker of the house of representatives each from two to one and provided that the majority leaders of the senate and house shall each appoint one nonattorney member; added subsecs. (d)(1) and (d)(2); redesignated former subsec. (d) as subsec. (d)(3), deleted provision which fixed the term of members at six years, and stated, subject to subsecs. (d)(1) and (d)(2), that no member may serve consecutive terms and, if an attorney member, no member of his firm may serve a consecutive term; added subsec. (e); redesignated former subsec. (e) as (f) and made provisions subject to subsec. (e), required evaluation criteria to be adopted in regulations pursuant to chapter 54, and included incumbent judges seeking appointment to a different court, and deleted requirement of an affirmative vote of a majority of members present and voting plus one for recommendation to the governor; deleted former subsec. (f), which mandated that the governor choose nominees from

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the list compiled under subsec. (e); added subsec. (g); redesignated former subsec. (g) as (h), included incumbent reference to judges in the list submitted by the judicial selection commission, allowed the governor to reappoint incumbent judges who have not been denied recommendation for reappointment, and required the governor to choose from the list compiled in subsec. (f) when an incumbent judge is denied recommendation for reappointment or when a vacancy occurs; redesignated former subsec. (h) as (i), substituted provisions allowing affirmative majority vote for any action, except for votes on recommendation of new nominees or for denial of recommendation for an incumbent judge, which exceptions require the vote of a majority plus one for former provisions requiring a majority plus one vote in all actions, prohibited secret ballots on votes for new nominees and allowed secret ballots on votes for incumbent judges; redesignated former subsec. (j) as (i), made provisions subject to subsecs. (e) and (m), and provided that criteria for evaluation shall be public; redesignated former subsec. (j) as (k); redesignated subsec. (k) as (*l*) and made provisions applicable to attorney members of the commission instead of all commission members; deleted former subsec. (*l*), which made this section applicable in like manner to recommendation and nomination of workers' compensation commissioners; and added subsec. (m).

1992 Amendment. 1992, May Sp.Sess., P.A. 92-11, § 42, in subsec. (g), substituted "superior court for the judicial district" for "superior court of the judicial district".

1999 Amendment. 1999, P.A. 99-267, § 2, designated subdiv. (h)(1) and added subdiv. (h)(2).

2000 Amendments. 2000, P.A. 00-109, added new subsec. (n).

2000, P.A. 00-191, § 12, in subdiv. (h)(1), added the second sentence; and in subdiv. (h)(2), added the last sentence.

2001 Amendment. 2001, P.A. 01-195, § 52, made technical corrections.

2003 Amendment. 2003, P.A. 03-170, § 1, rewrote subsecs. (a) through (d), which prior thereto read:

"(a) There is established a Judicial Selection Commission comprised of twelve members. Two persons shall be appointed from each congressional district, one of whom shall be an attorney-at-law and one of whom shall not be an attorney-at-law. Not more than six of the members shall belong to the same political party. None of the members shall be an elected or appointed official of the state or hold state-wide office in a political party.

"(b) The members of the commission shall be appointed as follows: The Governor shall appoint six members, one from each congressional district, who shall be attorneys-at-law; the president pro tempore of the Senate and the speaker of the House of Representatives shall each appoint one member who shall not be an attorney-at-law; the majority leader of the Senate and the majority leader of the House of Representatives shall each appoint one member who shall not be an attorney-at-law; and the minority leader of the Senate and the minority leader of the House of Representatives shall each appoint one member, who shall not be an attorney-at-law.

"(c) The members of the commission shall elect a chairman from among the members appointed by the Governor.

"(d) (1) The members first appointed by the Governor prior to June 22, 1989, shall complete their terms of office. Of the members appointed by the Governor for terms commencing November 20, 1992, two members shall serve for a term of one year, two members shall serve for a term of two years and two members shall serve for a term of three years. Thereafter, the members of the commission so appointed shall serve for terms of three years. At the expiration of the terms of the members appointed for terms commencing November 20, 1992, such members shall be eligible for appointment to a consecutive term.

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"(2) The terms of office of the members first appointed by the legislative leaders prior to June 22, 1989, shall expire on September 30, 1989. Such members shall be eligible for appointment to a term commencing October 1, 1989. Of the members whose terms commence October 1, 1989, the president pro tempore of the Senate and the speaker of the House of Representatives shall each appoint one member for a term of three years; the majority leader of the Senate and the majority leader of the House of Representatives shall each appoint one member for a term of one year; and the minority leader of the Senate and the minority leader of the House of Representatives shall each appoint one member for a term of two years. Thereafter, the members so appointed shall serve for terms of three years.

"(3) Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the appointing authority. The members of the commission shall receive no compensation for their services but shall be reimbursed for any necessary expenses incurred in the performance of their duties. Except as provided in subdivisions (1) and (2) of this subsection, no member may serve consecutive terms, and if a member is an attorney, no member of his firm may serve a term consecutive to such member."

2005 Amendment. 2005, P.A. 05-288, § 171, in subsec. (f), made nonsubstantive changes.

Effective Dates

1985 Act. 1985, P.A. 85-586, § 3, provided:

"This act shall take effect upon certification by the secretary of the state of the vote approving the constitutional amendment concerning the establishment of a commission to recommend candidates to the governor for nomination as judges [Nov. 19, 1986]."

1988 Act. 1988, P.A. 88-230, § 12, as amended by 1990, P.A. 90-98, § 2; 1993, P.A. 93-142, § 7, eff. June 14, 1993; 1995, P.A. 95-220, § 5, eff. July 1, 1995, provided:

"This act shall take effect September 1, 1998."

CROSS REFERENCES

"Judicial district of Hartford-New Britain" deemed to refer to "judicial district of Hartford" on and after September 1, 1998, see C.G.S.A. § 51-344a.

ADMINISTRATIVE CODE REFERENCES

Judicial Selection Commission, see Regs. Conn. State Agencies, § 51-44a-1 et seq.

LIBRARY REFERENCES

2005 Main Volume

Judges 3.
Westlaw Topic No. 227.
C.J.S. Judges §§ 20 to 29.

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NOTES OF DECISIONS

Bill of attainder, validity 3
Confidentiality 6
Construction with other laws 4
Due process, validity 2
Reapportionment, effect 7
Revolving door period 8
Standing 5
Validity 1-3
Validity - In general 1
Validity - Bill of attainder 3
Validity - Due process 2

1. Validity--In general

Proposed legislation that would restructure the commission in a manner resulting in a reduction in the length of terms of some commission members was not unconstitutional; since the legislature, not the constitution, created the positions, the legislature could alter or abolish these positions in the public interest. Op.Atty.Gen. No. 89-016 (June 21, 1989), 1989 Conn. Op. Atty. Gen. 86, 1989 WL 505904.

2. ---- Due process, validity

Nonattorney members of Connecticut Judicial Selection Commission did not have constitutionally protected "property interest" in serving out their full terms, of which they could not be deprived without due process. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Constitutional Law 4175

Even assuming that nonattorney members of Connecticut Judicial Selection Commission had constitutionally protected property interest in serving their full terms, they received all of process which was due when legislature enacted legislation shortening their terms in accordance with proper procedures. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Constitutional Law 4175

Procedural due process claims brought by nonattorney members of Connecticut Judicial Selection Commission, that they had protected property interest in serving their full terms and that legislature could not constitutionally shorten their terms once they began to hold office, were so insubstantial that district court was without subject matter jurisdiction to address them. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Federal Courts 13; Constitutional Law 975

3. ---- Bill of attainder, validity

Legislation which shortened terms of nonattorney members of Connecticut Judicial Selection Commission was not a "bill of attainder," where legislation likewise reduced terms of all nonattorneys serving on commission at anytime in future; legislation was not impermissibly particularized, notwithstanding that current nonattorney members of Commission were singled out for immediate removal from office. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Constitutional Law 1100(6)

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4. Construction with other laws

Connecticut Judicial Selection Commission and its nonattorney members were not so identified with state that action by Commission and members challenging legislation's constitutionality had to be dismissed, on ground that state had no authority to sue itself, and that action presented no justiciable case or controversy. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Constitutional Law 695; States 190; Constitutional Law 980

Connecticut statute providing that all suits by state officers be brought by Attorney General or under his direction did not apply to action by Connecticut Judicial Selection Commission and its nonattorney members, so as to prevent them from challenging legislation which shortened members' terms with counsel other than Attorney General. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. States 202

5. Standing

Connecticut Judicial Selection Commission and its nonattorney members had standing to bring action challenging constitutionality of legislation which shortened members' terms and which modified balloting procedures employed, notwithstanding lack of any express statutory authorization to sue. Connecticut Judicial Selection Com'n v. Larson, D.Conn.1989, 745 F.Supp. 88. Constitutional Law 703; Constitutional Law 709

6. Confidentiality

The confidentiality provisions of § 51-44a do not limit evidentiary options at a hearing conducted by the Judicial Selection Commission. Op.Atty.Gen. No. 94-021 (Aug. 12, 1994), 1994 WL 515853.

7. Reapportionment, effect

Where C.G.S.A. § 51-44a requires the Judicial Selection Commission to consist of twelve members, with two members appointed from each of six congressional districts, and where, as a result of the 2000 census, Connecticut's congressional districts were reduced to five, C.G.S.A. § 51-44a should be construed to permit appointments based on the six congressional districts in existence prior to the 2001 reapportionment. Op.Atty.Gen. No. 03-002 (Feb. 5, 2003), 2003 WL 1906466.

8. Revolving door period

In the absence of statutory or regulatory definition, "consideration" of a candidate begins within the meaning of C.G.S.A. § 51-44a(*l*) when the candidate's application is filed with the Judicial Selection Commission; thus, candidate was impermissibly "considered" by the Judicial Selection Commission prior to the expiration of the two-year revolving door period where his tenure on the commission ended on August 31, 2001 and candidate applied to the commission on July 9, 2003; the term "considered" denotes a process that may begin as early as the date the application is filed and sets in motion the process of review and evaluation leading to a decision by the Commission whether to recommend the candidate for appointment. Op.Atty.Gen. No. 04-003 (March 22, 2004), 2004 WL 575136.

The legislature may refuse to confirm a nominee if it determines that the nominee's application was prematurely considered by the Commission prior to the expiration of the two-year revolving door period following termination of the candidate's tenure on the commission in violation of C.G.S.A. § 51-44a(*l*), but there is no statutory requirement

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that it do so; the prohibition is directory rather than mandatory, the legislature specified no sanction or specific consequence for a violation of such provisions, and it is for the political branches to enforce, if they choose. Op.Atty.Gen. No. 04-003 (March 22, 2004), 2004 WL 575136.

In the absence of a specific legislatively imposed sanction, if the Governor believes that a candidate has been improperly or prematurely considered by the commission prior to the expiration of the two-year revolving door period following termination of the candidate's tenure on the commission in violation of C.G.S.A. § 51-44a(*l*), the Governor may refuse to nominate such person or withdraw the nomination for a judgeship, but is not required to do so; by declining to specify a consequence for such violation of law, the legislature reserved for itself or the Governor the full discretion to assess each case based on all the circumstances, qualifications of the individual and other relevant factors. Op.Atty.Gen. No. 04-003 (March 22, 2004), 2004 WL 575136.

C. G. S. A. § 51-44a, CT ST § 51-44a

Current through 2009 Jan. Reg. Sess. public acts approved by the Gov. on or before May 25, 2009, with effective dates on or prior to July 1, 2009.

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Conn. Agencies Regs. § 51-44a-6

REGULATIONS OF CONNECTICUT STATE AGENCIES
TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
MERIT SELECTION OF JUDGES
ARTICLE I. GENERAL PROVISIONS

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The Connecticut Regulations titles are current with material Published in Conn.L.J. through 09/18/2006.

Sec. 51-44a-6. Definitions

The definitions provided by section 51-44a of the General Statutes govern the interpretation and application of sections 51-44a-1 to 51-44a-21, inclusive, of these regulations. In addition, and except as otherwise required by the context:

(1) "Candidates for judicial office" means persons who have submitted complete applications for consideration for appointment as a judge and judges who have submitted completed applications for reappointment to the same court or appointment to a different court.

(2) "Commission" means the Judicial Selection Commission of the State of Connecticut.

(3) "Commissioner" means a person appointed to serve as a member of the commission when acting as such.

(4) "Chair" means the commissioner elected to preside at all meetings and any hearing of the commission pursuant to section 51-44a of the General Statutes. The members of the commission may, by vote, designate a vice chair or another commissioner to serve as chair in the event the commissioner elected chair is for any reason unable to serve.

(5) "Interview" means the portion of the commission procedures, as authorized by section 51-44a of the General Statutes, in which the commission meets with and interviews a candidate for judicial office.

(6) "Preliminary examination" means the procedure used by the commission, including any background investigation; public comment; comment from the Connecticut Bar Association Judiciary Committee, the Judicial Branch Chief Court Administrator, the Statewide Grievance Committee, and any report and recommendation from the Judicial Review Council; applications and related documents submitted to the commission; and an interview of a candidate by which the commission makes a decision whether or not to recommend a candidate for consideration for judicial appointment or to conduct a hearing as provided in section 51-44a(e) of the General Statutes.

(7) "Hearing" means the proceedings by which the commission makes further inquiry concerning an incumbent judge following a preliminary examination, as provided in section 51-44a(e) of the General Statutes.

(Effective December 22, 1994.)

Regs. Conn. State Agencies § 51-44a-6, CT ADC § 51-44a-6

CT ADC § 51-44a-6
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Conn. Agencies Regs. § 51-44a-8

REGULATIONS OF CONNECTICUT STATE AGENCIES
TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
MERIT SELECTION OF JUDGES
ARTICLE II. PROCEDURE FOR CONSIDERATION OF CANDIDATES FOR JUDICIAL OFFICE

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Sec. 51-44a-8. Solicitation of candidates

(a) As provided in section 51-44a(f) of the General Statutes, the commission shall seek qualified candidates for consideration by the Governor for nomination as judges for the Superior Court, Appellate Court and Supreme Court.

(b) All candidates seeking consideration for appointment to judicial office, including incumbent judges seeking reappointment, or appointment to a different court, shall complete the appropriate application forms promulgated by the commission.

(c) The commission shall seek such background information as it deems appropriate, including interviews with the bar, judges, and the general public on each candidate for judicial office, including incumbent judges seeking reappointment, or appointment to a different court, and including any transcript of a relevant public hearing, inquiry or proceeding prior to conducting an interview with the candidate.

(d) Prior to conducting an interview with judges seeking reappointment or appointment to a different court, the commission will obtain from the Judicial Review Council, pursuant to section 51-51q of the General Statutes, its recommendation concerning appointment or reappointment, including the report of any complaint filed against any such judge, the disposition of such complaint, and any investigation of such judge by the Judicial Review Council, provided the Judicial Selection Commission shall not consider any investigation of the Judicial Review Council which resulted in the exoneration of a judge.

(e) Prior to conducting an interview with judges seeking reappointment or appointment to a different court, the commission will solicit comment from:

(1) The Connecticut Bar Association Judiciary Committee;

(2) The Judicial Branch Chief Court Administrator; and

(3) The practicing bar, by publishing notice in appropriate legal periodicals, including, but not limited to, the Connecticut Law Journal, the Connecticut Law Tribune, and the Connecticut Trial Lawyers publication. These notices will be placed in the periodicals sufficiently far in advance to insure that comments will be received before the first interview.

(Effective December 22, 1994.)

Regs. Conn. State Agencies § 51-44a-8, CT ADC § 51-44a-8

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Conn. Agencies Regs. § 51-44a-16

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TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
FORMAL REQUIREMENTS
ARTICLE III. CONFIDENTIALITY AND PUBLIC INFORMATION

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Sec. 51-44a-16. Public information

(a) The blank application forms for consideration for appointment as a new judge, for appointment to a different court, and for reappointment as a judge are public information.

(b) In January of each year, the chair of the commission shall report to the joint standing committee on judiciary as required in section 51-44a(m) of the General Statutes. This reports are public information.

(c) In order to prepare the annual report to the joint standing committee on judiciary, voluntary information regarding gender, race, religion, national origin, and years of experience as a member of the Connecticut Bar is requested of candidates. This data is used solely for the purpose of preparing the report to the joint standing committee on the judiciary, and is not public information.

(d) Where the commission determines, based on its preliminary examination, that further inquiry is necessary for a judge seeking reappointment to the same court and decides to conduct a hearing, the judge may request the hearing be open to the public, in which case the hearing will be open to the public.

(Effective December 22, 1994.)

Regs. Conn. State Agencies § 51-44a-16, CT ADC § 51-44a-16

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Conn. Agencies Regs. § 51-44a-17

REGULATIONS OF CONNECTICUT STATE AGENCIES
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JUDICIAL SELECTION COMMISSION
FORMAL REQUIREMENTS
ARTICLE III. CONFIDENTIALITY AND PUBLIC INFORMATION

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Sec. 51-44a-17. Confidential information

Except as provided in subsections (e) and (m) of section 51-44a of the General Statutes and section 51-44a-17 of these regulations, all investigations, deliberations, files, minutes, and records of the commission shall be confidential and not open to the public or subject to disclosure, pursuant to section 51-44a(j) of the General Statutes.

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Regs. Conn. State Agencies § 51-44a-17, CT ADC § 51-44a-17

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Conn. Agencies Regs. § 51-44a-18

REGULATIONS OF CONNECTICUT STATE AGENCIES
TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
FORMAL REQUIREMENTS
ARTICLE IV. QUALIFICATIONS AND CRITERIA

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Sec. 51-44a-18. Purpose of judicial selection commission in evaluating candidates for judicial office and judges for reappointment to the same court or to a different court

The Judicial Selection Commission believes that the fundamental role of judges in our system of law calls for judges to be individuals of the highest personal integrity, professional experience and ability who also possess uncommon qualities of temperament, intelligence, and character. In evaluating candidates for judicial office and judges for reappointment to the same or a different court, the Judicial Selection Commission shall apply the standards and criteria contained in sections 51-44a-20 through 51-44a-21, inclusive, of these regulations.

(Effective December 22, 1994.)

Regs. Conn. State Agencies § 51-44a-18, CT ADC § 51-44a-18

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Conn. Agencies Regs. § 51-44a-19

REGULATIONS OF CONNECTICUT STATE AGENCIES
TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
FORMAL REQUIREMENTS
ARTICLE IV. QUALIFICATIONS AND CRITERIA

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Sec. 51-44a-19. Minimum qualifications

(a) The following are the minimum qualifications for a candidate for judicial office.

(1) The candidate has a reputation for truth, faithfulness, honesty, integrity, and fair dealing.

(2) The candidate possesses "judicial temperament," which means that he or she possesses those personal qualities of patience, industry, courteousness, demeanor and faithfulness to the duties of the office which are essential in a good jurist.

(3) The candidate possesses legal ability that is exemplified by professional excellence, a degree of intellect and a technical proficiency equal to that required by the highest standards of the practicing bar.

(4) The candidate's physical or mental health is such that the candidate can fulfill the duties of the office with reasonable accommodation.

(b) The following considerations militating against recommendation will be given such weight as the Judicial Selection Commission believes appropriate, according to the circumstances:

(1) Conviction of any crime since the candidate's admission to the bar.

(2) Censure by any grievance committee or court short of suspension or disbarment.

(3) Personal conduct and characteristics that are prejudicial to the performance of his or her duties as a judge.

(Effective December 22, 1994)

Regs. Conn. State Agencies § 51-44a-19, CT ADC § 51-44a-19

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Conn. Agencies Regs. § 51-44a-20

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TITLE 51. COURTS
JUDICIAL SELECTION COMMISSION
FORMAL REQUIREMENTS
ARTICLE IV. QUALIFICATIONS AND CRITERIA

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Sec. 51-44a-20. Criteria for candidates for judicial office

The following criteria shall be considered in evaluating candidates for judicial office:

(1) Does the candidate possess the statutory qualifications for office?

(2) Does the candidate possess the minimum qualifications under sections 51- 44a-1 to 51-44a-21, inclusive, of these regulations for judicial appointment?

(3) Does the prospect possess legal ability that is exemplified by professional excellence, a degree of intellect and a technical proficiency equal to that required by the highest standards of the practicing bar?

(4) Is the candidate generally intelligent and knowledgeable?

(5) Is the candidate capable of making up his or her mind and rendering decisions?

(6) Is the candidate prompt in the performance of duties and obligations?

(7) Would the candidate be an impartial judge rather than an advocate?

(8) Could the candidate act without being duly affected by criticism, partisan demands, public clamor or considerations of personal popularity or notoriety?

(9) Does the candidate possess the qualities of honesty and integrity?

(10) Could the candidate, as a judge, be fair, impartial, and free from prejudice and bias?

(11) Is the candidate courteous and considerate?

(12) Is the candidate patient, attentive and temperate?

(13) Would the candidate respect the confidence inherent in the office of a judge?

(14) Is the candidate free of tendencies which would indicate the possibility of abuse of the power or prestige of office?

(15) Is the candidate free from activities or relationships which might tend to interfere with the candidate's performance as a judge?

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Conn. Agencies Regs. § 51-44a-20

(16) Would the candidate conscientiously perform the duties of a judge?

(17) Is the candidate industrious and well organized?

(18) Is the candidate courageous?

(19) Can the candidate live and carry out family obligations on the judicial salary? If not, what are or would be other sources of income?

(20) Given that the essential functions of being a judge are the ability to preside over a court, to analyze cases, and to render decisions based on the law and facts, can the candidate perform these essential functions with or without reasonable accommodation?

(21) Does the candidate have the ability to express himself or herself clearly and to write clear and concise opinions?

(22) Is the candidate's personal conduct compatible with judicial dignity?

(23) Could the candidate conduct judicial proceedings with appropriate dignity and decorum and within the canons of the Code of Judicial Conduct?

(Effective December 22, 1994)

Regs. Conn. State Agencies § 51-44a-20, CT ADC § 51-44a-20

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ARTICLE XXV

Selection, nomination, appointment and removal of judges. Judicial selection commission

Section 2 of article twenty of the amendments to the constitution is amended to read as follows:

Judges of all courts, except those courts to which judges are elected, shall be nominated by the governor exclusively from candidates submitted by the judicial selection commission. The commission shall seek and recommend qualified candidates in such numbers as shall by law be prescribed. Judges so nominated shall be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly and the supreme court may also remove them as is provided by law.

General Assembly

Amendment

February Session, 2010

LCO No. **5717**

SB0049405717SD0

Offered by:
SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.
SEN. MCDONALD, 27th Dist.
SEN. STILLMAN, 20th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. HARP, 10th Dist.

To: Senate Bill No. **494** File No. Cal. No.

"AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2011."

In line T627, strike "314,314" and insert "316,286" in lieu thereof

In line T628, strike "39,441" and insert "37,469" in lieu thereof

In line T639, strike "86,202,393" and insert "87,252,393" in lieu thereof

In line T647, strike "37,412,000" and insert "37,912,000" in lieu thereof

In line T652, strike "3,844,989,000" and insert "3,843,439,000" in lieu thereof

In line T667, strike "4,619,548" and insert "4,692,848" in lieu thereof

In line T676, strike "50,272,657" and insert "50,399,357" in lieu thereof

In line T689, strike "3,239,013" and insert "3,039,013" in lieu thereof

In line T939, strike "[85,514,152]" and insert "85,514,152" in lieu thereof, and strike "83,014,152"

In line T941, strike "183,237,447" and insert "180,737,447" in lieu thereof

In line T1079, strike "-2,380" and insert "-374,000" in lieu thereof

In line T1081, strike "-7,899,008" and insert "-9,066,200" in lieu thereof

In line T1083, strike "-3,098,612" and insert "-1,559,800" in lieu thereof

In line T1397, strike "32,230,000" and insert "33,330,000" in lieu thereof

In line T1400, strike "74,084,730" and insert "75,184,730" in lieu thereof

After line 1413, insert the following:

T1	DEPARTMENT OF EDUCATION	
T2	Magnet Schools	1,100,000

In line T1419, strike "74,084,730" and insert "75,184,730" in lieu thereof

In line 23, after "in" insert "section 1 of public act 09-3 of the June special session, as amended by"

In line 24, after "session" insert ", section 58 of public act 09-6 of the September special session, sections 1, 9 and 13 of public act 09-1 of the December special session and section 1 of public act 10-3,"

In line 28, after "session" insert ", as amended by section 4 of public act 09-7 of the September special session,"

In line 42, after "to" insert "the resources of"

In line 321, strike "[per month per]" and insert "per month [per]" in lieu thereof

Strike line 450 in its entirety and insert the following in lieu thereof:

"receive a grant in the following amount in each of the fiscal years ending June 30, 2010, and June"

In line T1427, strike "Year" and insert "Years 2010 and"

In line 941, after "Fund" insert "for the fiscal year ending June 30, 2011"

Strike section 44 in its entirety and insert the following in lieu thereof:

"Sec. 44. Section 13b-61c of the 2010 supplement to the general statutes, as amended by section 15 of public act 10-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the fiscal year ending June 30, 2010, the Comptroller shall transfer the sum of seventy-one million two hundred thousand dollars from the resources of the General Fund to the Special Transportation Fund.

(b) For the fiscal [years] year ending June 30, 2011, [and June 30, 2012,] the Comptroller shall transfer the sum of one hundred [twenty-four million fifty thousand] seven million five hundred fifty thousand dollars from the resources of the General Fund to the Special Transportation Fund.

(c) For the fiscal year ending June 30, 2012, the Comptroller shall transfer the sum of one hundred twenty-four million fifty thousand dollars from the resources of the General Fund to the Special Transportation Fund.

[(c)] (d) For the fiscal year ending June 30, 2013, and annually thereafter, the Comptroller shall transfer the sum of one hundred

seventy-two million eight hundred thousand dollars from the resources of the General Fund to the Special Transportation Fund."

Strike section 45 in its entirety and insert the following in lieu thereof:

"Sec. 45. (*Effective from passage*) Not later than June 30, 2010, the State Comptroller shall transfer up to $140,000,000 of unappropriated surplus in the General Fund for the fiscal year ending June 30, 2010, for use as General Fund revenue for the fiscal year ending June 30, 2011."

Strike lines 1144 to 1147, inclusive, and insert the following in lieu thereof:

"[(c) The Commissioner of Social Services shall seek a federal waiver for the Medicaid managed care plan. Implementation of the Medicaid managed care plan shall not occur before July 1, 1995.]"

In line 1148, insert opening and closing brackets around "(d)" and insert "(c)"

In line 1152, insert opening and closing brackets around "(e)" and insert "(d)"

In line 1154, after "care" insert "management"

In line 1155, insert opening and closing brackets around "(f)" and insert "(e)"

In line 1174, insert opening and closing brackets around "Medicaid"

In line 1309, strike "2011" and insert "2010" in lieu thereof

In line 1339, after "for" insert "General Fund"

In line 1416, after "the" insert "Capitol Region Education Council or the"

Strike sections 61 and 62 in their entirety and renumber the

remaining sections accordingly

Strike section 76 in its entirety and renumber the remaining sections accordingly

In line 2416, after "5027" insert ", as amended by House Amendment Schedule A"

Strike subdivision (14) of subsection (b) of section 90 in its entirety and insert the following in lieu thereof:

"(14) Any nonprofit facility, institution or provider that has a contract with, or is certified or licensed to provide a service for, a state agency or department for a service that would otherwise require a certificate of need. The provisions of this subdivision shall not apply to a short-term acute care general hospital or children's hospital, or a hospital or other facility or institution operated by the state that provides services that are eligible for reimbursement under Title XVIII or XIX of the federal Social Security Act, 42 USC 301, as amended;"

Strike subparagraph (B) of subdivision (4) of subsection (c) of section 134 in its entirety and insert the following in lieu thereof:

"(B) The proceeds of any economic recovery revenue bonds shall be used for the purposes approved by the department in the financing order, including, but not limited to, funding the economic recovery transfer, provided such proceeds shall not be applied to purchase generation assets or to purchase or redeem stock or to pay dividends to shareholders or operating expenses other than taxes resulting from the receipt of such proceeds."

Strike section 142 in its entirety and insert the following in lieu thereof:

"Sec. 142. (*Effective from passage*) Notwithstanding section 511 of public act 09-3 of the June special session, after the accounts for the fiscal year ending June 30, 2010, are closed, if the Comptroller determines there exists an unappropriated surplus in the General

Fund, the amount of any such surplus shall first be used to reduce the obligations to be incurred by sections 128 to 137, inclusive, of this act, and any amount remaining beyond that shall be used to reduce the obligations of the state under the financing plan authorized under section 88 of public act 09-3 of the June special session."

After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Section 4-73 of the general statutes is amended by adding subsection (g) as follows (*Effective July 1, 2010*):

(NEW) (g) The appropriations recommended for the judicial branch of the state government shall be the estimates of expenditure requirements transmitted to the Secretary of the Office of Policy and Management by the Chief Court Administrator pursuant to section 4-77 and the recommended adjustments and revisions of such estimates shall be the recommended adjustments and revisions, if any, transmitted by said administrator pursuant to section 4-77.

Sec. 502. (*Effective July 1, 2010*) The sum of $13,954,489 appropriated in section 11 of public act 09-3 of the June special session, as amended by sections 3 and 20 of public act 09-7 of the September special session, section 58 of public act 09-6 of the September special session, section 9 of public act 09-1 of the December special session and section 1 of public act 10-3, to the Department of Administrative Services, for Other Expenses, shall be transferred to the State Insurance Risk Management Board Operations account in said department for the fiscal year ending June 30, 2011.

Sec. 503. (*Effective July 1, 2010*) The sum of $2,717,500 appropriated in section 12 of public act 09-3 of the June special session to the Department of Administrative Services, for Other Expenses, shall be transferred to the State Insurance Risk Management Board Operations account in said department for the fiscal year ending June 30, 2011.

Sec. 504. (*Effective from passage*) Notwithstanding any provision of

the general statutes, no funds shall be made available before July 1, 2011, for the purposes of the State Contracting Standards Board established under section 4e-2 of the general statutes.

Sec. 505. Subsection (m) of section 51-44a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) [In January of each year] On January 15, 2011, and annually thereafter, the chairperson of the commission shall report to the joint standing committee on judiciary the following information with respect to the prior calendar year: (1) The number of candidates interviewed for appointment as new nominees, the number of incumbent judges interviewed for reappointment to the same court and the number of incumbent judges interviewed for appointment to a different court, (2) the number of candidates who were recommended and denied recommendation to the Governor as new nominees, the number of incumbent judges recommended and denied recommendation for appointment to the same court and the number of incumbent judges recommended and denied recommendation for appointment to a different court, [and] (3) the statistics regarding the race, gender, national origin, religion and years of experience as members of the bar of all such candidates and incumbent judges interviewed, recommended and denied recommendation under subdivisions (1) and (2) of this subsection, and (4) as of January first in the year of such report, the number of candidates on the list compiled by the commission pursuant to subsection (f) of this section and the statistics regarding the race, gender, national origin, religion, years of experience as members of the bar and calendar year of recommendation of all such candidates."