



STATE OF CONNECTICUT

JUDICIAL SELECTION COMMISSION

165 CAPITOL AVENUE

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HARTFORD, CT 06106

MICHAEL P. THOMPSON

CHAIRPERSON

MONDAY MARCH 7, 2011, LOB, ROOM 2B, 11:00AM

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**RE: GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE:
PUBLIC HEARING ON S.B. 1010**

GOOD MORNING CO-CHAIRS SENATOR SLOSSBERG AND REPRESENTATIVE MORIN AND DISTINGUISHED MEMBERS OF THE JOINT COMMITTEE ON GOVERNMENT ADMINISTRATION AND ELECTIONS.

I WOULD LIKE TO THANK THE COMMITTEE FOR THE OPPORTUNITY TO SPEAK TO YOU THIS MORNING 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 TODAY 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 AND THE LEGISLATURE 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.

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 S.B. 1010, 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 S.B. 1010 AND 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. HAVING A DAS EMPLOYEE MANAGE THE JSC ON A PART-TIME BASIS WOULD NEGATIVELY AFFECT THE COMMISSION'S ABILITY TO PERFORM ITS INTEGRAL ROLE IN THE JUDICIAL PROCESS.

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.

MICHAEL THOMPSON
CHAIRPERSON
JUDICIAL SELECTION COMMISSION