



OLR RESEARCH REPORT

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MAGISTRATES

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You asked for information about the position of magistrate in the Judicial Branch, including their appointment process, the number serving, their compensation and duties.

SUMMARY

Magistrates are non-judicial officers serving in the Judicial Branch. A magistrate is appointed by the chief court administrator to hear small claims, certain infractions, and motor vehicle and other violation cases. A magistrate must be a member of the bar for at least five years and apply for appointment consideration. Magistrates receive a per diem payment of \$150 for each day of service (CGS §§ 51-193l to -193u).

The term of office and number of magistrates are not set in the statutes. The Judicial Branch has determined that they serve three-year terms and are limited to serving no more than 90 days per fiscal year. Currently, 69 people serve as magistrates.

APPOINTMENT

The law authorizes the chief court administrator to appoint an attorney who has been admitted to the bar in this state for at least five years to the position of magistrate. A probate court judge who also has the same five year's practice in the state can submit his or her name to the probate court administrator, who submits a list of those applicants to the chief court administrator for inclusion on a list of available magistrates.

The chief court administrator can revoke a magistrate's appointment for any appropriate reason.

A magistrate is not permitted to serve in any Judicial District where the attorney, the attorney's firm, or a member of the firm has an appearance on file in a pending case. An attorney serving as a magistrate is not permitted to file an appearance in any matter in the state that can be heard by a magistrate.

Before serving as magistrates, attorneys must attend the chief court administrator's training and orientation program.

DUTIES

The law authorizes magistrates to hear and decide small claims matters including all uncontested and contested matters, motions to open judgment, motions to transfer to the regular civil docket, and motions concerning any post-judgment remedy resulting from a small claims judgment.

Magistrates can also hear (1) cases involving motor vehicle violations except operating a vehicle without a license or vehicle registration (CGS § 14-215), reckless driving (§ 14-222), negligent homicide with a motor vehicle or commercial vehicle (§ 14-222a), evading responsibility (§ 14-224), operating a vehicle while under the influence of liquor or drugs (§ 14-227a), and any other motor vehicle violation for which imprisonment is a potential penalty and (2) any violation. A violation is an offense (other than one expressly designated as an infraction) for which the penalty is only a fine.

Magistrates do not conduct jury trials.

COMPENSATION

By law, a magistrate receives \$150 per day for acting as a magistrate. The per diem salary was last increased in 1985 from \$100. Magistrates are limited to serving 90 days in a fiscal year, unless an emergency or extraordinary circumstance creates a scheduling problem and the chief court administrator approves an exception in writing.

OTHER RESOURCES

Application package for magistrate:

http://www.jud.ct.gov/external/super/magistrate_notice_0311.htm

Guidelines for Magistrates, effective July 1, 2011:

http://www.jud.ct.gov/external/super/Magistrates_PolicyGuidelines_0711.pdf

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