



OLR RESEARCH REPORT

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QUESTIONS FOR JUDICIAL REVIEW COUNCIL NOMINEES

By: Christopher Reinhart, Chief Attorney

You asked for questions for a member of the Judicial Review Council.

JUDICIAL REVIEW COUNCIL (CGS § 51-51K)

The Judicial Review Council investigates complaints against judges, workers' compensation commissioners, and family support magistrates and makes recommendations regarding their reappointment and, in the case of judges, appointment to a higher court. The council can admonish, censure, or suspend any of them for up to one year; recommend to the Supreme Court a longer suspension or removal from office for a judge or magistrate; or recommend to the governor removal from office of a compensation commissioner.

The council must investigate complaints and, if it finds probable cause, hold hearings. Its proceedings are, for the most part, confidential unless the subject of the investigation wants them public.

QUESTIONS FOR JUDICIAL REVIEW COUNCIL APPOINTEE

1. How has your background prepared you for this position?
2. Do you believe that lay members of the council differ from judge or attorney members in the way they should approach their responsibilities? If so, how?
3. Do you believe the council has been effective? Why or why not? What would you do to improve it?
4. The statutes provide for the removal, suspension, or censure of judges, magistrates, or commissioners whose temperament adversely affects the orderly carriage of justice. What type of temperament would you consider this to be?
5. The statutes provide for removal, suspension, or censure of judges for incompetent performance of judicial duties. What type of evidence would you look for to determine whether a judge's performance was incompetent?
6. Do you believe that exoneration, removal, suspension, censure, and private admonishment provide the council with an adequate array of options, or should the council be able to impose other types of sanctions?
7. Do you believe that inappropriate or demeaning references to ethnic or racial minorities, members of religious minorities, or women should be grounds for action?
8. Do you believe the investigative process should be more open to the public or more protective of the rights of the accused? How would you balance the public's right to know versus the right of judicial confidentiality?
9. Would it be appropriate to sanction a judge for something based on his or her personal life, whether or not it affected official duties?
10. How would you handle a complaint that a judge, magistrate, or commissioner had a substance abuse problem?
11. Do you think ordinary citizens know enough about the Judicial Review Council's existence and duties to be able to effectively bring complaints? If not, do you have suggestions?

12. How would you determine whether a judge legitimately used his or her contempt power to control the courtroom or unfairly used it to abuse a defendant or an attorney?
13. In addition to considering complaints from others, the council can initiate its own investigations. Under what circumstances should the council do so?
14. Under what circumstances should the council withhold its recommendation for appointment or reappointment?
15. The council was merged into the newly created Office of Governmental Accountability last year. How has this merger affected the council's operations? What have been the benefits and challenges of the merger? Does the council retain sufficient independence?

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