



OLR RESEARCH REPORT

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APPOINTMENT PROCESS FOR CONNECTICUT SUPREME COURT JUSTICES

By: Christopher Reinhart, Chief Attorney

You asked about the process for appointing a Connecticut Supreme Court justice.

SUMMARY

Appointments for a Connecticut Supreme Court justice must follow the same process as for other judicial appointments: the Judicial Selection Commission (JSC) compiles a list of qualified candidates, the governor nominates someone from the JSC list, and the General Assembly approves the nomination. The law provides one exception to this process and allows the governor to nominate a sitting Supreme Court associate justice to be the chief justice without a JSC investigation and interview or the justice's inclusion on the JSC's candidate list.

As for all judges, appointments for a Supreme Court justice are for eight-year terms, justices must be renominated and reappointed for additional terms, and they must retire at age 70 but can continue as referees after they retire.

JUDICIAL SELECTION COMMISSION PROCESS

The Connecticut Constitution requires all judges, except those who are elected (only probate judges are elected), to be nominated by the governor from a list of candidates compiled by the JSC (Connecticut

Constitution Art. V, § 2). The law requires the JSC to seek and recommend qualified candidates. The JSC must adopt regulations concerning criteria by which to evaluate the qualifications of candidates, including incumbent judges who seek appointment to a different court (the regulations are available at: http://www.ct.gov/jsc/lib/jsc/documents/judicial_selection_commission_regulations_from_colp.pdf).

The law requires the commission to investigate and interview the candidates, including incumbent judges seeking appointment to a different court. A majority plus one of the JSC members present and voting must vote to recommend a new nominee to the governor or an incumbent judge for nomination to a different court (CGS § [51-44a\(h\)](#)).

GOVERNOR'S NOMINATION

The governor is required to nominate a candidate for a judicial vacancy within 45 days of the date he receives the commission's recommendations (CGS § [51-44a](#)). He must choose a nominee from the JSC's list except that he may nominate a sitting Supreme Court associate justice to be the chief justice without a JSC investigation and interview or the justice's inclusion on the JSC's candidate list. In this case, the associate justice serves the remainder of his or her current term as the chief justice (CGS § [51-44a\(h\)\(2\)](#)).

The governor must refer each nomination to the legislature (Connecticut Constitution Art. V, § 2). In general, the governor's nominations must be made on or before May 1st. But if a vacancy results from a death occurring on or after May 1st but before the session adjourns, he may make a nomination as soon as possible thereafter and the nomination must be referred immediately to the Judiciary Committee (CGS § [4-2](#)).

JUDICIARY COMMITTEE PROCESS

The legislature refers the governor's nomination to the Judiciary Committee (CGS § [2-40\(a\)](#)). At the request of its chairpersons, the committee may hire someone to investigate the nominee's suitability for judicial office. The investigator must report the findings to the committee, but the findings and report are confidential and not subject to public disclosure (CGS § [2-40\(c\)](#)). If the nominee is a sitting judge, the committee also receives (1) judicial performance evaluation information from the Judicial Branch and (2) recommendations and complaint files from the Judicial Review Council (the council investigates alleged misconduct and can discipline judges)(CGS §§ [2-40a](#) and [51-51q](#)).

The committee holds a public hearing at which the nominee and other interested parties testify. The committee votes on the nominee at a committee meeting and reports its recommendation to the General Assembly within 30 legislative days but no later than seven legislative days before adjournment (CGS § [2-40](#)).

ACTION BY HOUSE AND SENATE

Judicial appointments are by concurrent resolution. A roll call vote is required on each resolution in each chamber. There must be a special resolution for each nominee (CGS § [2-42](#)). Within five days after the governor is notified that a judicial nomination has not been approved by affirmative concurrent action of both houses, he must make another nomination (CGS § [2-43](#)).

APPOINTMENTS WHEN GENERAL ASSEMBLY NOT IN SESSION

The governor may not fill a vacancy when the General Assembly is not in session unless he first submits the proposed appointee's name to the Judiciary Committee. Within 45 days, the committee may hold a special meeting to approve or disapprove the proposed appointee by majority vote. The governor may not administer the oath of office to the interim appointee until the committee approves the appointment. If the committee cannot complete its investigation and act on the appointment within the 45-day period, it may extend the period by 15 days, but it must notify the governor in writing of the extension. The committee is deemed to have approved the appointment if it fails to act within the 45-day or 15-day extension period (CGS § [2-40\(b\)](#)).

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