



# OLR RESEARCH REPORT

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## **QUESTIONS FOR JUDICIAL REVIEW COUNCIL PUBLIC MEMBER NOMINEE**

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### **JUDICIAL REVIEW COUNCIL**

The Judicial Review Council investigates and resolves complaints involving misconduct, disability, or substance abuse of state judges, family support magistrates, and workers' compensation commissioners. It consists of 12 regular members and 13 alternates. Six regular members and three alternates represent the interests of the general public; judges and practicing attorneys are each represented by three regular and two alternate members. Commissioners and family support magistrates are each represented by three alternates.

Virtually all complaints are dismissed without investigation. When one does go forward, the council investigates to determine whether there is probable cause to believe that judicial misconduct has occurred. The investigation is confidential unless the judicial officer being investigated ("the respondent") requests that it be public.

If the council determines that the evidence has not established probable cause, the complaint is dismissed. If the council determines that no misconduct has occurred, but that the judicial officer has acted in a manner that creates the appearance of impropriety or constitutes an unfavorable judicial practice, it may issue an admonishment to the judicial officer.

If the preliminary investigation indicates that probable cause exists that the judicial officer is guilty of misconduct, the council holds a public hearing to determine the respondent's guilt or innocence. If the judicial officer is found guilty of misconduct, the council may impose a range of sanctions: public censure, suspension without pay for a period of up to one year, or a referral of the matter to the state Supreme Court or the governor with a recommendation of suspension for more than one year or removal from office.

## **QUESTIONS**

1. What made you interested in serving as a Judicial Review Council member?
2. Do you think ordinary citizens know enough about the council's existence and duties to be able to effectively bring complaints? If not, do you have suggestions for better publicizing the council?
3. Council members who are judges or attorneys bring a unique perspective to the group that reflects their exposure to the court system and frequent interactions with judicial personnel. Have you had experience with the state's courts? Do you think that the perspectives of public members are as valuable as those of judges and attorneys?
4. Among the things the council considers in its deliberations are whether the evidence submitted and its own records show that the respondent has engaged in a pattern of inappropriate behavior. In your opinion, can a single event justify a finding of guilt?
5. Statutes subject respondents to removal, suspension, or censure when their temperament adversely affects the "orderly carriage of justice." What type of temperament would you consider this to be?
6. Do you believe that frequent, demeaning references to ethnic, racial, or religious minorities or women should be grounds for action? If so, what would you recommend as a sanction?

7. In the last several years, state courts have turned their attention to improving public access to court proceedings and records. On the other hand, some argue that the public's confidence in the quality and fairness of the council's deliberations are undermined by procedures that require (1) its initial investigations to be conducted in secret, (2) exclusion of the public from probable cause hearings, and (3) various documents and records to be kept confidential. How would you balance the conflicting beliefs in the public's right to know against the right of judicial confidentiality?
8. How would you handle a complaint alleging that the respondent has a substance abuse problem?

SP:tjo