

Judicial Selection Process

By: Duke Chen, Principal Analyst
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Issue

Summarize the judicial selection process. (This report expands and updates OLR Report [2001-R-0130](#).)

Summary

Selecting Connecticut judges is a multi-step process. First it involves lawyers applying to the Judicial Selection Commission, which compiles a list of qualified candidates. Then, when there are judicial vacancies, the governor makes judicial nominations from the list of candidates and submits them for legislative confirmation.

Once the judicial nominations are received by the General Assembly during regular session, it immediately refers them to the Judiciary Committee. The committee holds a public hearing at which the nominees and other interested parties testify. The committee must report its recommendations to the General Assembly within 30 legislative days after the referral but no later than seven legislative days before adjournment. Both chambers must conduct a roll call vote on each judge.

Special rules apply if the governor makes a nomination when the General Assembly is not in session, as discussed below.

Appointments are for eight-year terms ([CGS § 51-44a\(h\)](#)). Judges must be re-nominated and re-appointed for additional terms or elevation to a higher court.

Application Process

By law, the Judicial Selection Commission must seek qualified candidates for gubernatorial nomination as judges and may adopt regulations concerning criteria for evaluating the qualifications ([CGS § 51-44a\(f\)](#)). As such, according to the [application](#), applicants must supply, among other things, information on their legal experience; business connections; civic, legal, and financial affairs; and standard biographical data. The information sought in the standard biographical questions include the applicant's date and place of birth, citizenship, military service, education, and school rank.

In addition to the application for judicial appointment, applicants must fill out a [financial affidavit](#) to disclose certain financial information.

Judicial Selection Commission

The 12-member Judicial Selection Commission is comprised of six attorneys and six non-attorneys and must determine which applicants are qualified. The commission must investigate, interview, deliberate, and vote on applicants ([CGS § 51-44a\(e\) & \(f\)](#)).

The regulations specify that prior to interviewing candidates, the commission may seek background information on the candidates as it deems appropriate. This may include (1) interviews with the bar, judges, and the general public and (2) transcripts of relevant public hearings, inquiries, or proceedings ([Conn. Agencies Regs. § 51-44a-8](#)). Anyone who submits information to the commission must sign a statement authorizing the commission to release it. The commission must interview each candidate ([Conn. Agencies Regs. § 51-44a-9](#)).

After beginning an interview, the commission may, upon a vote of a majority present and voting, continue the interview in order to obtain additional information before voting on the candidate ([Conn. Agencies Regs. § 51-44a-10](#)).

Gubernatorial Nomination

The governor must nominate a candidate for a judicial vacancy within 45 days of the date he receives the Judicial Selection Commission's recommendation ([CGS § 51-44a\(h\)](#)). The governor sends the nomination to the legislature, which must refer it, without debate, to the Judiciary Committee ([CGS § 2-40\(a\)](#)).

In general, the governor's nominations must be made on or before May 1. However, if a vacancy results from a death occurring between May 1st and the session's adjournment, the governor must

make a nomination as soon as possible thereafter and the nomination must be immediately referred to the Judiciary Committee ([CGS § 4-2](#)).

Judiciary Committee Process

The Judiciary Committee must act when the governor nominates someone during the legislative session. Before it holds a public hearing on a judicial nomination, the committee may, at the request of its chairperson, 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\(c\)](#)).

The committee must report to the General Assembly on the nomination within 30 legislative days from the time of referral, but no later than seven legislative days before the General Assembly adjourns ([CGS § 2-40\(a\)](#)). The committee must send its report to the General Assembly whether it approves or disapproves a nomination. There are no statutory standards for approving or disapproving nominees either for the Judiciary Committee or the legislature as a whole.

Action by House and Senate

Judicial appointments are by concurrent resolution and a roll call vote is required on each resolution in each house. 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 failed to be approved by affirmative concurrent action of both houses, the governor must make another nomination ([CGS § 2-43](#)).

Appointments when General Assembly is 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 of this submission, 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 appointee until the committee approves the appointment. If the committee cannot complete its investigation and act on it 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\(b\)](#)). Presumably, an interim judicial appointment must be approved at the next legislative session in order to become permanent.

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