

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5380

AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION

Title: COMMISSION AND DECISIONS RENDERED BY SAID COMMISSION.

Vote Date: 3/26/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/18/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

People believe that there is a lack of transparency around the judicial selection process and the operations of the Judicial Selection Commission (JSC). The JSC does not currently release data on the professional backgrounds of applicants and approved candidates. This bill would require the JSC to release anonymous statistical data on the professional backgrounds of both applicants and approved candidates. It would allow legislators and advocates to monitor the JSC's consideration of applicants from various backgrounds and confirm that there is relative parity between overall applicants and approved applicants regarding professional backgrounds. The bill also restructures the JSC membership and qualifications to be a member of the JSC. The bill also requires the JSC to issue a decision on a denial as well as grant the applicant the right to appeal, among other things.

SUBSTITUTE LANGUAGE:

The substitute language changes the length of time a candidate remains on the list from eight years to ten years.

RESPONSE FROM ADMINISTRATION/AGENCY:

Leander Dolphin, Chairperson, Judicial Selection Commission: She testified in general about the bill. She supports the proposed change that would limit the length of time a candidate should remain on the list since many of the candidates remain on the list for over a decade and much can happen during that time that would impact their eligibility or desire to be nominated. She also supports changes that would eliminate gender-specific references and include the reporting of experience when looking at the annual demographics report. She opposes the proposed change to the number and composition of commissioners within the commission; she stated that there has never been any issue with the even number of

commissioners, and the change would reduce the number of non-practicing attorneys as well as attorneys with varied legal experiences. She also opposes a reset of the entire commission membership at once. Finally, she opposes the proposal for candidates to be given appeals and hearing rights that would create an adversarial position between the commission and said candidates.

NATURE AND SOURCES OF SUPPORT:

Marisa Bellair, President, CT Trial Lawyers Association: She testified in support, providing comments on a few sections. She supports subsection (A) which would seek to change the makeup of the commission to include attorneys that have ten years of active practice in Connecticut. She also supports subsection (F) as it would seek to restrict the length candidates are to remain on the list to eight years which would help to remove candidates who are no longer eligible or uninterested.

Kathy Flaherty, Executive Director, Connecticut Legal Rights Project: She testified in support, stating that this bill would increase transparency in the judicial selection process and would report on the diversity of legal experience among qualified candidates. She believes the bench is made up of prosecutors and corporate attorneys with a severe lack of public defenders, legal aid, civil rights, and labor attorneys and this would help increase diversity on the bench.

Steve Kennedy, Organizing and Network Director, People's Parity Project: He testified in support on the grounds that it would seek to bring more professional diversity to the court system but recommended some changes. He believes there is a disparity on the bench with prosecutors and corporate attorneys making up a majority of the judges appointed. He testified that part of the difficulty in evaluating the root causes of the bench imbalance is due to the lack of transparency surrounding the judicial selection process. He opposes subsections (A) and (B) which would eliminate positions reserved for non-lawyers as he believes "that having significant non-lawyer feedback in the judicial selection process is important and should be maintained."

Jess Zaccagnino, Policy Counsel, ACLU-CT: She testified in support on the grounds that the professional background of judges plays a significant role on case outcomes and believes this bill would seek to facilitate more professional diversity. She testified that the People's Parity Project authored a 2022 study that found there is a "significant lack of attention to the number of judges with pro-people backgrounds such as in legal aid, public defense, and civil rights." She stated that this would be a good step towards equitable reorientation of pro-people candidates. She also supports subsections (F) and (M) which would promote more oversight in the judicial selection process. She opposes subsections (A) and (B) which would seek to eliminate a significant amount of non-lawyer commissioner positions as she believes they are an important independent regulatory measure to ensure equity within the process.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Murray Cento

Date: 3-22-24