

# STATE OF CONNECTICUT



*AUDITORS' REPORT  
JUDICIAL SELECTION COMMISSION  
FOR THE FISCAL YEARS ENDED JUNE 30, 2008, 2009 AND 2010*

**AUDITORS OF PUBLIC ACCOUNTS**  
JOHN C. GERAGOSIAN ❖ ROBERT M. WARD

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# STATE OF CONNECTICUT



## AUDITORS OF PUBLIC ACCOUNTS

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July 22, 2011

### **AUDITORS' REPORT JUDICIAL SELECTION COMMISSION FOR THE FISCAL YEARS ENDED JUNE 30, 2008, 2009 AND 2010**

We have examined the financial records of the Judicial Selection Commission (Commission) for the fiscal years ended June 30, 2008, 2009 and 2010. This report on that examination consists of the Comments, Recommendations and Certification which follow.

Financial statements pertaining to the operations and activities of the Judicial Selection Commission are presented on a Statewide Single Audit basis to include all state agencies, including the Judicial Selection Commission. This audit examination has been limited to assessing compliance with certain provisions of laws, regulations, and contracts and grants, and evaluating certain internal control policies and procedures established to ensure such compliance.

The Department of Administrative Services provided accounting, payroll and personnel services for the Judicial Selection Commission during the audited period. The scope of our audit did not extend to the evaluation of the relevant controls at the Commission.

## **COMMENTS**

### **FOREWORD:**

The Judicial Selection Commission was established under the authority of Article XXV of the Amendments to the Constitution of the State of Connecticut. Additional authority is provided in Section 51-44a of the General Statutes. Section 51-44a provides that the Commission shall seek, evaluate and recommend qualified candidates to the governor for consideration in nominating new judges. This section also provides that the Commission evaluate incumbent judges seeking re-nomination to the same court or nomination to a different court. Except for elected judgeships, the judges nominated by the governor for all state courts are made exclusively from the Commission's approved list.

The Commission has one employee. The Department of Administrative Services has performed many of the fiscal and administrative duties for the Commission since July 1996.

**Commission Members:**

Section 51-44a of the General Statutes provides for a Commission of 12 members. The members of the Commission shall serve for terms of three years and until their successors are appointed and have qualified or ninety days after the completion of their terms, whichever is earlier. In addition, not more than six of the members shall belong to the same political party. The governor shall appoint six members, one from each congressional district and one at-large member, three of whom shall be attorneys-at-law and three of whom shall not be attorneys-at-law. The president pro tempore of the Senate, the majority leader of the House of Representatives, and the minority leader shall each appoint one member who shall be an attorney-at-law. The speaker of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint one member who shall not be an attorney-at-law.

As of June 30, 2010, the members of the Commission were as follows:

Michael P. Thompson, Chairperson  
Kathy Bach  
Sally A. Bowman  
Timothy Brignole  
William Brimmer  
William Dyson  
Robert F. Frankel  
Deborah Hutton  
Michael P. Koskoff  
Enrico F. Melita  
Kathleen P. O'Connor  
Robert J. Ross

Karen Netherton became the manager of the Commission on July 20, 2007 and continued to serve in that capacity throughout the audited period.

**RÉSUMÉ OF OPERATIONS:**

A comparative summary of Commission expenditures from General Fund appropriations during the audited period is presented below:

	<u>2007-2008</u>	<u>2008-2009</u>	<u>2009-2010</u>
Personal Services	\$ 65,565	\$ 73,524	\$ 71,831
Other Expenses	18,940	18,165	12,791
Capital Equipment Purchase Fund	<u>1,648</u>	<u>0</u>	<u>0</u>
Total Expenditures	<u>\$ 86,153</u>	<u>\$ 91,689</u>	<u>\$ 84,622</u>

Personal services costs accounted for 76, 80, and 85 percent of expenditures during the fiscal years 2008, 2009, and 2010, respectively. The increasing percentages were a function of a reduction in other expenditures and increased personal services costs over the audited period. An additional \$1,648 was expended from the Capital Equipment Purchase Fund during the fiscal year ended June 30, 2008.

## CONDITION OF RECORDS

Our review of the Judicial Selection Commission for the fiscal years ended June 30, 2008, 2009 and 2010, did not reveal any areas requiring a recommendation.

### **Other Matters:**

In the prior audit report and the *2002 Annual Report to the Connecticut General Assembly*, it was noted, due to population shifts within the United States, the number of congressional districts within Connecticut was reduced from six to five. At that time, the Connecticut General Statutes Section 51-44a subsection (a), established the Judicial Selection Commission and directed that it be comprised of twelve members with two members appointed from each congressional district. Therefore, given the reduction in congressional districts from six to five, at the time of the prior audit report and the commencement of the next session of Congress in January 2003, the Composition of the Judicial Selection Commission conflicted with its enabling statute.

In 2003, the legislature addressed the conflict by passing Public Act No. 03-170. The Public Act states, “The Governor shall appoint six members, one from each congressional district and one at-large member...” In addition, three specified legislative leaders each appoint one attorney-at-law to the Commission, and three other specified legislative leaders each appoint one member who is not an attorney-at-law. The passing of Public Act No. 03-170 eliminated the conflict between the composition of the Judicial Selection Commission and its enabling statute.

**RECOMMENDATIONS**

*Status of Prior Audit Recommendations:*

Our prior report on the fiscal years ended June 30, 2001 and 2002 contained no recommendations.

*Current Audit Recommendations:*

Our current audit has not revealed any areas that would require a recommendation.

## INDEPENDENT AUDITORS' CERTIFICATION

As required by Section 2-90 of the General Statutes, we have audited the books and accounts of the Judicial Selection Commission for the fiscal years ended June 30, 2008, 2009 and 2010. This audit was primarily limited to performing tests of the Commission's compliance with certain provisions of laws, regulations, contracts and grant agreements and to understanding and evaluating the effectiveness of the Commission's internal control policies and procedures for ensuring that (1) the provisions of certain laws, regulations, contracts and grant agreements applicable to the Commission are complied with, (2) the financial transactions of the Commission are properly initiated, authorized, recorded, processed, and reported on consistent with management's direction, and (3) the assets of the Commission are safeguarded against loss or unauthorized use. The financial statement audits of the Judicial Selection Commission for the fiscal years ended June 30, 2008, 2009, and 2010, are included as a part of our Statewide Single Audits of the State of Connecticut for those fiscal years.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Judicial Selection Commission complied in all material or significant respects with the provisions of certain laws, regulations, contracts and grant agreements and to obtain a sufficient understanding of the internal controls to plan the audit and determine the nature, timing and extent of tests to be performed during the conduct of the audit.

### **Internal Control over Financial Operations, Safeguarding of Assets and Compliance:**

In planning and performing our audit, we considered the Judicial Selection Commission's internal control over its financial operations, safeguarding of assets, and compliance with requirements as a basis for designing our auditing procedures for the purpose of evaluating the Commission's financial operations, safeguarding of assets, and compliance with certain provisions of laws, regulations, contracts and grant agreements, but not for the purpose of providing assurance on the effectiveness of the Commission's internal control over those control objectives.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions to prevent, or detect and correct unauthorized, illegal or irregular transactions, on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that noncompliance which could result in significant unauthorized, illegal, irregular or unsafe transactions and/or material noncompliance with certain provisions of laws, regulations, contracts, and grant agreements that would be material in relation to the Commission's financial operations will not be prevented or detected and corrected on a timely basis.

Our consideration of internal control over financial operations, safeguarding of assets, and compliance with requirements was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial

operations, safeguarding of assets, and compliance with requirements that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over the Commission's financial operations, safeguarding of assets, or compliance with requirements that we consider to be material weaknesses, as defined above.

**Compliance and Other Matters:**

As part of obtaining reasonable assurance about whether the Judicial Selection Commission complied with laws, regulations, contracts and grant agreements, noncompliance with which could result in significant unauthorized, illegal, irregular or unsafe transactions or could have a direct and material effect on the results of the Commission's financial operations, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended for the information and use of the Governor, the State Comptroller, the Appropriations Committee of the General Assembly and the Legislative Committee on Program Review and Investigations. However, this report is a matter of public record and its distribution is not limited.

**CONCLUSION**

In conclusion, we wish to express our appreciation for the cooperation and courtesies extended to our representatives by the personnel of the Judicial Selection Commission and the Department of Administrative Services during the course of our examination.



Michael R. Adelson  
Principal Auditor

Approved:



John C. Geragosian  
Auditor of Public Accounts



Robert M. Ward  
Auditor of Public Accounts