

Sec. 51-44a. Judicial Selection Commission. Members. Duties. Nomination of judges by Governor. (a) There is established a Judicial Selection Commission comprised of twelve members. Six of the members shall be attorneys-at-law and six of the members shall not be attorneys-at-law. Not more than six of the members shall belong to the same political party. None of the members shall be an elected or appointed official of the state or hold state-wide office in a political party.

(b) The members of the commission shall be appointed as follows: 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 shall appoint one member who shall be an attorney-at-law; the speaker of the House of Representatives shall appoint one member who shall not be an attorney-at-law; the majority leader of the Senate shall appoint one member who shall not be an attorney-at-law; the majority leader of the House of Representatives shall appoint one member who shall be an attorney-at-law; the minority leader of the Senate shall appoint one member who shall not be an attorney-at-law; and the minority leader of the House of Representatives shall appoint one member who shall be an attorney-at-law.

(c) The members of the commission shall elect a chairperson from among the members appointed by the Governor.

(d) (1) The members of the commission shall serve for terms of three years.

(2) Members appointed on or after June 26, 2003, shall serve for terms of three years and, notwithstanding the provisions of section 4-1, until their successors are appointed and have qualified or ninety days after the completion of their terms, whichever is earlier.

(3) Members serving on June 26, 2003, shall continue to serve as members until the end of their terms and, notwithstanding the provisions of section 4-1, until their successors are appointed and have qualified or ninety days after the completion of their terms, whichever is earlier, except that members serving on June 26, 2003, who have completed their terms and are serving until their successors are appointed and have qualified shall, notwithstanding the provisions of section 4-1, continue to serve until their successors are appointed and have qualified, but not later than January 1, 2004.

(4) Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the appointing authority. The members of the commission shall receive no compensation for their services but shall be reimbursed for any necessary expenses incurred in the performance of their duties.

(5) No member of the commission may serve consecutive terms, except that if, on or after June 26, 2003, a person is appointed a member of the commission to fill a vacancy and complete an unexpired term, such person may serve an additional term. If a commission member is an attorney, no member of the commission member's firm may serve a term consecutive to such commission member.

(e) The commission shall evaluate incumbent judges who seek reappointment to the same court and shall forward to the Governor for consideration the names of incumbent judges who are recommended for reappointment as provided in this subsection. The commission shall adopt regulations in accordance with the provisions of chapter 54 concerning criteria by which to evaluate incumbent judges who seek reappointment to the same court; provided pending adoption of such regulations, the commission shall use criteria established prior to June 22, 1989, for the evaluation of such judges. In evaluating the reappointment of an incumbent judge, the commission shall consider the legal ability, competence, integrity, character and temperament of such judge and any other relevant information concerning such judge. There shall be a presumption that each incumbent judge who seeks reappointment to the same court qualifies for retention in judicial office. The burden of rebutting such presumption shall be on the commission. The commission shall investigate and interview each incumbent judge who seeks reappointment and, prior to the expiration of a term of office of such judge, shall recommend such incumbent judge for nomination for reappointment by the Governor to the same court unless, as provided in this subsection, recommendation of such judge is denied. If a preliminary examination indicates further inquiry is necessary before a recommendation of reappointment may be made, the commission shall hold a hearing concerning the reappointment of such judge. The commission shall send notice to the judge by certified or registered mail, return receipt requested, not less than one hundred eighty days prior to the convening of such legislative session which is to consider the reappointment of the incumbent judge, (A) that a hearing by the commission on such reappointment shall be held and of the time, date and place of such hearing, which shall be not less than thirty days nor more than forty-five days after the date of such notice and (B) of specific claims made against the judge. The commission shall make a record of all hearings conducted pursuant to this subsection. The hearing may be open to the public at the request of the judge. For purposes of conducting a hearing under this subsection, not less than ten members of the commission shall be present and voting. A judge appearing before such a hearing shall be entitled to counsel, to present evidence and to cross-examine witnesses who appear voluntarily. No judge shall be required to sign or execute any release in order to proceed with the hearing. The commission shall not later than twenty days after the close of such hearing render its decision whether it shall recommend such incumbent judge for nomination for reappointment by the Governor. Any affirmative vote of a majority plus one of the members present and voting shall be required to deny recommendation to the Governor for nomination of an incumbent judge to the same court. A judge who has not received approval by the commission may within ten days after receipt of the notice of decision, which shall include a record of the numerical vote, request a

rehearing on the grounds that the conclusions of the commission are contrary to the evidence presented at the hearing or the commission failed to comply with the procedural or substantive requirements of this section. The decision of the commission shall be final. There shall be no right of appeal by any judge appearing before the commission, at law or in equity, or any resort to any court following the decision of the commission.

(f) Except as provided in subsection (e) of this section, the commission shall seek qualified candidates for consideration by the Governor for nomination as judges for the Superior Court, Appellate Court and Supreme Court. The commission shall adopt regulations, in accordance with the provisions of chapter 54, concerning criteria by which to evaluate the qualifications of candidates, including incumbent judges who seek appointment to a different court. The commission shall investigate and interview the candidates, including incumbent judges seeking appointment to a different court. A list of such qualified candidates shall be compiled by the commission.

(g) In connection with any inquiry concerning the reappointment of an incumbent judge, the commission shall have the power to issue subpoenas requiring the attendance of witnesses and the production of any books or papers which in the judgment of the commission are relevant to the inquiry. The commission may, upon request of the judge whose reappointment is at issue, issue a subpoena on behalf of such judge. If any person disobeys such process or, having appeared in obedience thereto refuses to answer any pertinent question put to him by the commission, or to produce any books and papers pursuant thereto, the commission, on its own behalf or on behalf of the judge, may apply to the superior court for the judicial district of Hartford setting forth such disobedience to process or refusal to answer, and said court may cite such person to appear before said court to answer such question or to produce such books and papers and, upon his refusal so to do shall commit him to a community correctional center, there to remain until he so testifies.

(h) (1) Judges of all courts, except those courts to which judges are elected, shall be nominated by the Governor exclusively from the list of candidates or incumbent judges submitted by the Judicial Selection Commission. Any candidate or incumbent judge who is nominated from such list by the Governor to be Chief Justice of the Supreme Court, and who is appointed Chief Justice by the General Assembly, shall serve a term of eight years from the date of appointment. The Governor shall nominate a candidate for a vacancy in a judicial position within forty-five days of the date the Governor receives the recommendations of the commission. When considering the nomination of an incumbent judge for reappointment to the same court, the Governor may nominate the incumbent judge if the commission did not deny recommendation for reappointment. Whenever an incumbent judge is denied recommendation for reappointment to the same court by the commission or is recommended by the commission but not nominated by the Governor for reappointment to the same court, or whenever a vacancy in a judicial position occurs or is anticipated, the Governor shall choose a nominee from the list of candidates compiled pursuant to subsection (f) of this section. (2) Notwithstanding the provisions of subdivision (1) of this subsection and subsection (f) of this section, the Governor may nominate an associate judge of the Supreme Court to be Chief Justice of the Supreme Court without such judge being investigated and interviewed by the commission and being on the list of qualified candidates compiled and submitted to the Governor by the commission. An associate judge of the Supreme Court who has been nominated by the Governor to be Chief Justice of the Supreme Court in accordance with this subdivision, and who is appointed Chief Justice by the General Assembly, shall serve an initial term as Chief Justice equal to the remainder of such judge's term as an associate judge of the Supreme Court.

(i) A majority of the membership of the commission shall constitute a quorum. The affirmative vote of at least a majority of the members of the commission present and voting shall be required for any action by the commission except (1) an affirmative vote of at least a majority plus one of the members present and voting shall be required for a new nominee to be recommended to the Governor for nomination as a judge or for an incumbent judge to be recommended to the Governor for nomination as a judge to a different court and (2) an affirmative vote of a majority plus one of the members present and voting shall be required to deny recommendation to the Governor for nomination of an incumbent judge to the same court. No vote of the commission on a new nominee shall be by secret ballot. The vote of the commission on an incumbent judge may be by secret ballot.

(j) Except as provided in subsections (e) and (m) of this section, the investigations, deliberations, files and records of the commission shall be confidential and not open to the public or subject to disclosure except that the criteria by which candidates or incumbent judges who seek reappointment to the same court or appointment to a different court are evaluated and the procedural rules adopted by the commission shall be public.

(k) The commission may employ such staff as is necessary for the performance of its functions and duties.

(l) No member of the commission who is an attorney-at-law shall be considered for recommendation to the Governor for nomination as a judge during his tenure on the commission or for a period of two years following the termination of his tenure on the commission.

(m) On January 15, 2011, and annually thereafter, the chairperson of the commission shall report to the joint standing committee on judiciary the following information with respect to the prior calendar year: (1) The number of candidates interviewed for appointment as new nominees, the number of incumbent judges interviewed for reappointment to the same court and the number of incumbent judges interviewed for appointment to a different court, (2) the number of

candidates who were recommended and denied recommendation to the Governor as new nominees, the number of incumbent judges recommended and denied recommendation for appointment to the same court and the number of incumbent judges recommended and denied recommendation for appointment to a different court, (3) the statistics regarding the race, gender, national origin, religion and years of experience as members of the bar of all such candidates and incumbent judges interviewed, recommended and denied recommendation under subdivisions (1) and (2) of this subsection, and (4) as of January first in the year of such report, the number of candidates on the list compiled by the commission pursuant to subsection (f) of this section and the statistics regarding the race, gender, national origin, religion, years of experience as members of the bar and calendar year of recommendation of all such candidates.

(n) The commission shall have the power to enter into such contractual agreements as may be necessary for the discharge of its duties concerning the investigation of candidates seeking appointment to a judicial position and incumbent judges seeking reappointment to the same court or appointment to a different court, within the limits of appropriated funds and in accordance with established procedures.

(P.A. 85-586, S. 1, 3; P.A. 88-230, S. 1, 12; P.A. 89-238, S. 1, 4; P.A. 90-98, S. 1, 2; May Sp. Sess. P.A. 92-11, S. 42, 70; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 99-267, S. 2, 3; P.A. 00-109; 00-191, S. 12, 16; P.A. 01-195, S. 52, 181; P.A. 03-170, S. 1; P.A. 05-288, S. 171; P.A. 10-179, S. 149.)

History: P.A. 85-586 effective November 19, 1986, upon certification by the secretary of the state of the vote approving the constitutional amendment concerning the establishment of the commission. (See Volume 1, Article XXV of the Amendments to the Constitution of the State of Connecticut, for further information); P.A. 89-238 revised section re appointment and terms of members, evaluation, investigation and interview of incumbent judges who seek appointment to the same court, regulations re criteria by which to evaluate qualifications of judicial candidates, including incumbent judges, subpoena power of commission, nomination of incumbent judges, vote necessary for recommendation for nomination by commission or for denial of recommendation, and statistical report to judiciary committee re judicial candidates (Revisor's note: P.A. 88-230 authorized substitution of "judicial district of Hartford" for "judicial district of Hartford-New Britain" in the public and special acts of 1989, effective September 1, 1991); P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; May Sp. Sess. P.A. 92-11 made a technical change in Subsec. (g); P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-267 added Subsec. (h)(2) permitting the Governor to nominate an associate judge of the Supreme Court to be Chief Justice of the Supreme Court without investigation or interview of such judge by the commission or being on list of qualified candidates compiled by the commission and submitted to the Governor, effective July 8, 1999; P.A. 00-109 added Subsec. (n) to authorize the commission to enter into contractual agreements for the discharge of its duties concerning the investigation of judicial candidates; P.A. 00-191 amended Subsec. (h) by adding provisions that any candidate or incumbent judge who is nominated and appointed Chief Justice shall serve for a term of eight years from date of appointment and that an associate judge of the Supreme Court who is nominated and appointed Chief Justice shall serve an initial term as Chief Justice equal to the remainder of such judge's term as associate judge, effective May 26, 2000; P.A. 01-195 made a technical change in Subsec. (h) for purposes of gender neutrality, effective July 11, 2001; P.A. 03-170 amended Subsec. (a) by replacing provision re appointment of two persons from each congressional district, one of whom shall be an attorney-at-law and one of whom shall not be an attorney-at-law, with provision re six of the members shall be attorneys-at-law and six of the members shall not be attorneys-at-law, amended Subsec. (b) by replacing former provisions with new provisions re appointment of members, amended Subsec. (c) by making a technical change, and amended Subsec. (d) by replacing former Subdivs. (1) and (2) with new Subdivs. (1), (2) and (3) re terms of members, redesignating existing Subdiv. (3) as Subdivs. (4) and (5), replacing therein exception for provisions of Subdivs. (1) and (2) re serving consecutive terms with exception for person appointed to fill a vacancy and complete an unexpired term re serving an additional term, and making technical changes, effective June 26, 2003; P.A. 05-288 made technical changes in Subsec. (f), effective July 13, 2005; P.A. 10-179 amended Subsec. (m) by specifying date report is due annually and calendar year for which report is to provide required information, by requiring statistics provided under Subdiv. (3) to include incumbent judges interviewed, recommended and denied recommendation and by adding Subdiv. (4) re candidates on list compiled pursuant to Subsec. (f), effective May 7, 2010.