



General Assembly

Substitute Bill No. 5380

February Session, 2024



AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION AND DECISIONS RENDERED BY SAID COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) There is established a Judicial Selection Commission, within the
4 Office of Governmental Accountability established under section 1-300.
5 [Said] (1) Until December 31, 2024, the commission shall be comprised
6 of twelve members. Six of the members shall be attorneys-at-law and six
7 of the members shall not be attorneys-at-law. Not more than six of the
8 members shall belong to the same political party. None of the members
9 shall be an elected or appointed official of the state or hold state-wide
10 office in a political party. (2) On and after January 1, 2025, the
11 commission shall be comprised of eleven members, appointed in
12 accordance with the provisions of subdivision (2) of subsection (b) of
13 this section. Nine of the members shall be attorneys-at-law and two of
14 the members shall not be attorneys-at-law. Not more than six of the
15 members shall belong to the same political party. None of the members
16 shall be an elected or appointed official of the state or hold state-wide
17 office in a political party.

18 (b) The members of the commission shall be appointed as follows:

19 [The] (1) Until December 31, 2024, the Governor shall appoint six
20 members, one from each congressional district and one at-large
21 member, three of whom shall be attorneys-at-law and three of whom
22 shall not be attorneys-at-law; the president pro tempore of the Senate
23 shall appoint one member who shall be an attorney-at-law; the speaker
24 of the House of Representatives shall appoint one member who shall
25 not be an attorney-at-law; the majority leader of the Senate shall appoint
26 one member who shall not be an attorney-at-law; the majority leader of
27 the House of Representatives shall appoint one member who shall be an
28 attorney-at-law; the minority leader of the Senate shall appoint one
29 member who shall not be an attorney-at-law; and the minority leader of
30 the House of Representatives shall appoint one member who shall be an
31 attorney-at-law. (2) On and after January 1, 2025, (A) the Governor shall
32 appoint five members, one from each congressional district, three of
33 whom shall be attorneys-at-law with not less than ten years of active
34 practice in Connecticut state courts, and two of whom shall not be
35 attorneys-at-law; (B) the president pro tempore of the Senate shall
36 appoint one member who shall be an attorney-at-law with not less than
37 ten years of active practice in Connecticut state courts; (C) the speaker
38 of the House of Representatives shall appoint one member who shall be
39 an attorney-at-law with not less than ten years of active practice in
40 Connecticut state courts; (D) the majority leader of the Senate shall
41 appoint one member who shall be an attorney-at-law with not less than
42 ten years of active practice in Connecticut state courts; (E) the majority
43 leader of the House of Representatives shall appoint one member who
44 shall be an attorney-at-law with not less than ten years of active practice
45 in Connecticut state courts; (F) the minority leader of the Senate shall
46 appoint one member who shall be an attorney-at-law with not less than
47 ten years of active practice in Connecticut state courts; and (G) the
48 minority leader of the House of Representatives shall appoint one
49 member who shall be an attorney-at-law with not less than ten years of
50 active practice in Connecticut state courts. (3) Each nomination for
51 appointment as a member of the Judicial Selection Commission shall be
52 referred, without debate, to the joint standing committee of the General
53 Assembly having cognizance of matters relating to the judiciary, which

54 shall report on each appointment not later than thirty days after the date
55 of reference. Each appointment by the General Assembly of a member
56 of the Judicial Selection Commission shall be by concurrent resolution.
57 If the General Assembly is not in session at the time that a person is
58 appointed to be a member of the Judicial Selection Commission, such
59 person shall serve as an acting member of the Judicial Selection
60 Commission until the General Assembly meets and confirms the
61 nomination of such person to be a member of the Judicial Selection
62 Commission, in accordance with the provisions of subdivision (2) of this
63 subsection.

64 (c) [The] (1) Prior to December 31, 2024, members of the commission
65 shall elect a chairperson from among the members appointed by the
66 Governor. (2) On and after January 1, 2025, members of the commission,
67 appointed in accordance with the provisions of subdivision (2) of
68 subsection (b) of this section, shall elect a chairperson from among the
69 members appointed. Notwithstanding the provisions of subdivision (4)
70 of subsection (d) of this section, a member serving on the commission
71 on December 31, 2024, who meets the requirements prescribed in
72 subsection (b) of this section, may be reappointed to the commission.

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

75 (2) [Members appointed on or after June 26, 2003, shall serve for terms
76 of three years and, notwithstanding the provisions of section 4-1, until
77 their successors are appointed and have qualified or ninety days after
78 the completion of their terms, whichever is earlier.] (A) The term of any
79 member appointed pursuant to subdivision (1) of subsection (b) of this
80 section shall end on December 31, 2024. (B) Members appointed on or
81 after January 1, 2025, shall serve for a term of three years from the date
82 of confirmation by both houses of the General Assembly and until their
83 successors are appointed and have qualified.

84 [(3) Members serving on June 26, 2003, shall continue to serve as
85 members until the end of their terms and, notwithstanding the

86 provisions of section 4-1, until their successors are appointed and have
87 qualified or ninety days after the completion of their terms, whichever
88 is earlier, except that members serving on June 26, 2003, who have
89 completed their terms and are serving until their successors are
90 appointed and have qualified shall, notwithstanding the provisions of
91 section 4-1, continue to serve until their successors are appointed and
92 have qualified, but not later than January 1, 2004.]

93 [(4)] (3) Any vacancy in the membership of the commission shall be
94 filled for the unexpired portion of the term by the appointing authority.
95 The members of the commission shall receive no compensation for their
96 services but shall be reimbursed for any necessary expenses incurred in
97 the performance of their duties.

98 [(5)] (4) No member of the commission may serve consecutive terms,
99 except that if [, on or after June 26, 2003,] a person is appointed a member
100 of the commission to fill a vacancy and complete an unexpired term,
101 such person may serve an additional term. If a commission member is
102 an attorney, no member of the commission member's firm may serve a
103 term consecutive to such commission member.

104 (e) The commission shall evaluate incumbent judges who seek
105 reappointment to the same court and shall forward to the Governor for
106 consideration the names of incumbent judges who are recommended
107 for reappointment as provided in this subsection. The commission shall
108 adopt regulations in accordance with the provisions of chapter 54
109 concerning criteria by which to evaluate incumbent judges who seek
110 reappointment to the same court; provided pending adoption of such
111 regulations, the commission shall use criteria established prior to June
112 22, 1989, for the evaluation of such judges. In evaluating the
113 reappointment of an incumbent judge, the commission shall consider
114 the legal ability, competence, integrity, character and temperament of
115 such judge and any other relevant information concerning such judge.
116 There shall be a presumption that each incumbent judge who seeks
117 reappointment to the same court qualifies for retention in judicial office.
118 The burden of rebutting such presumption shall be on the commission.

119 The commission shall investigate and interview each incumbent judge
120 who seeks reappointment and, prior to the expiration of a term of office
121 of such judge, shall recommend such incumbent judge for nomination
122 for reappointment by the Governor to the same court unless, as
123 provided in this subsection, recommendation of such judge is denied. If
124 a preliminary examination indicates further inquiry is necessary before
125 a recommendation of reappointment may be made, the commission
126 shall hold a hearing concerning the reappointment of such judge. The
127 commission shall send notice to the judge by certified or registered mail,
128 return receipt requested, not less than one hundred eighty days prior to
129 the convening of such legislative session which is to consider the
130 reappointment of the incumbent judge, (A) that a hearing by the
131 commission on such reappointment shall be held and of the time, date
132 and place of such hearing, which shall be not less than thirty days nor
133 more than forty-five days after the date of such notice and (B) of specific
134 claims made against the judge. The commission shall make a record of
135 all hearings conducted pursuant to this subsection. The hearing may be
136 open to the public at the request of the judge. For purposes of
137 conducting a hearing under this subsection, not less than ten members
138 of the commission shall be present and voting. A judge appearing before
139 such a hearing shall be entitled to counsel, to present evidence and to
140 cross-examine witnesses who appear voluntarily. No judge shall be
141 required to sign or execute any release in order to proceed with the
142 hearing. The commission shall not later than twenty days after the close
143 of such hearing render its decision whether it shall recommend such
144 incumbent judge for nomination for reappointment by the Governor.
145 [Any affirmative vote of a majority plus one of the members present and
146 voting shall be required to deny recommendation to the Governor for
147 nomination of an incumbent judge to the same court.] A judge who has
148 not received approval by the commission may within ten days after
149 receipt of the notice of decision, which shall include a record of the
150 numerical vote, request a rehearing on the grounds that the conclusions
151 of the commission are contrary to the evidence presented at the hearing
152 or the commission failed to comply with the procedural or substantive
153 requirements of this section. The decision of the commission following

154 a rehearing shall be final. There shall be no right of appeal by any judge
155 appearing before the commission, at law or in equity, or any resort to
156 any court following the decision of the commission.

157 (f) Except as provided in subsection (e) of this section, the commission
158 shall seek qualified candidates for consideration by the Governor for
159 nomination as judges for the Superior Court, Appellate Court and
160 Supreme Court. The commission shall adopt regulations, in accordance
161 with the provisions of chapter 54, concerning criteria by which to
162 evaluate the qualifications of candidates, including incumbent judges
163 who seek appointment to a different court. The commission shall
164 investigate and interview the candidates, including incumbent judges
165 seeking appointment to a different court. A list of such qualified
166 candidates shall be compiled by the commission. No candidate shall
167 remain on the list of qualified candidates for more than ten years. A
168 decision of the commission denying a recommendation to a candidate
169 or judge shall include a summary of the specific facts established
170 through evaluation of the candidate or judge and a record of the
171 commission's numerical vote on the candidate or judge. A candidate or
172 judge may request a rehearing on the grounds that the conclusions of
173 the commission are contrary to the evidence presented at the hearing or
174 the commission failed to comply with the procedural or substantive
175 requirements of this section. The rehearing shall occur not later than
176 thirty days after the date of the request and the candidate or judge shall
177 be entitled to be present during such rehearing. The decision of the
178 commission following a rehearing shall be final. There shall be no right
179 of appeal by any candidate or judge appearing before the commission,
180 at law or in equity, or any resort to any court following the decision of
181 the commission.

182 (g) In connection with any inquiry concerning the reappointment of
183 an incumbent judge, the commission shall have the power to issue
184 subpoenas requiring the attendance of witnesses and the production of
185 any books or papers which in the judgment of the commission are
186 relevant to the inquiry. The commission may, upon request of the judge
187 whose reappointment is at issue, issue a subpoena on behalf of such

188 judge. If any person disobeys such process or, having appeared in
189 obedience thereto refuses to answer any pertinent question put to [him]
190 such person by the commission, or to produce any books and papers
191 pursuant thereto, the commission, on its own behalf or on behalf of the
192 judge, may apply to the superior court for the judicial district of
193 Hartford setting forth such disobedience to process or refusal to answer,
194 and said court may cite such person to appear before said court to
195 answer such question or to produce such books and papers and, upon
196 [his] refusal so to do shall commit [him] such person to a community
197 correctional center, there to remain until [he] such person so testifies.

198 (h) (1) Judges of all courts, except those courts to which judges are
199 elected, shall be nominated by the Governor exclusively from the list of
200 candidates or incumbent judges submitted by the Judicial Selection
201 Commission. Any candidate or incumbent judge who is nominated
202 from such list by the Governor to be Chief Justice of the Supreme Court,
203 and who is appointed Chief Justice by the General Assembly, shall serve
204 a term of eight years from the date of appointment. The Governor shall
205 nominate a candidate for a vacancy in a judicial position within forty-
206 five days of the date the Governor receives the recommendations of the
207 commission. When considering the nomination of an incumbent judge
208 for reappointment to the same court, the Governor may nominate the
209 incumbent judge if the commission did not deny recommendation for
210 reappointment. Whenever an incumbent judge is denied
211 recommendation for reappointment to the same court by the
212 commission or is recommended by the commission but not nominated
213 by the Governor for reappointment to the same court, or whenever a
214 vacancy in a judicial position occurs or is anticipated, the Governor shall
215 choose a nominee from the list of candidates compiled pursuant to
216 subsection (f) of this section. (2) Notwithstanding the provisions of
217 subdivision (1) of this subsection and subsection (f) of this section, the
218 Governor may nominate an associate judge of the Supreme Court to be
219 Chief Justice of the Supreme Court without such judge being
220 investigated and interviewed by the commission and being on the list of
221 qualified candidates compiled and submitted to the Governor by the

222 commission. An associate judge of the Supreme Court who has been
223 nominated by the Governor to be Chief Justice of the Supreme Court in
224 accordance with this subdivision, and who is appointed Chief Justice by
225 the General Assembly, shall serve an initial term as Chief Justice equal
226 to the remainder of such judge's term as an associate judge of the
227 Supreme Court.

228 (i) A majority of the membership of the commission shall constitute a
229 quorum. The affirmative vote of at least a majority of the members of
230 the commission present and voting shall be required for any action by
231 the commission. [except (1) an affirmative vote of at least a majority plus
232 one of the members present and voting shall be required for a new
233 nominee to be recommended to the Governor for nomination as a judge
234 or for an incumbent judge to be recommended to the Governor for
235 nomination as a judge to a different court and (2) an affirmative vote of
236 a majority plus one of the members present and voting shall be required
237 to deny recommendation to the Governor for nomination of an
238 incumbent judge to the same court.] No vote of the commission on a
239 new nominee shall be by secret ballot. The vote of the commission on an
240 incumbent judge may be by secret ballot.

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

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

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

254 (m) On [January 15, 2011, and annually thereafter] or before January
 255 fifteenth annually, the chairperson of the commission shall report to the
 256 joint standing committee on judiciary the following information with
 257 respect to the prior calendar year: (1) The number of candidates
 258 interviewed for appointment as new nominees, the number of
 259 incumbent judges interviewed for reappointment to the same court and
 260 the number of incumbent judges interviewed for appointment to a
 261 different court, (2) the number of candidates who were recommended
 262 and denied recommendation to the Governor as new nominees, the
 263 number of incumbent judges recommended and denied
 264 recommendation for appointment to the same court and the number of
 265 incumbent judges recommended and denied recommendation for
 266 appointment to a different court, (3) the statistics regarding the race,
 267 gender, national origin, religion, areas of professional experience and
 268 years of experience as members of the bar of all such candidates and
 269 incumbent judges interviewed, recommended and denied
 270 recommendation under subdivisions (1) and (2) of this subsection, and
 271 (4) as of January first in the year of such report, the number of candidates
 272 on the list compiled by the commission pursuant to subsection (f) of this
 273 section and the statistics regarding the race, gender, national origin,
 274 religion, areas of professional experience, years of experience as
 275 members of the bar and calendar year of recommendation of all such
 276 candidates.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	51-44a

Statement of Legislative Commissioners:

In Subsec. (b)(2), in Subparas. (C), (D) and (F), "shall not be" was changed to "shall be" for internal consistency with Subsec. (a)(2), in Subsec. (b), "Claims Commissioner" was changed to "Judicial Selection Commission" for accuracy, and in Subsec. (c)(2), "Notwithstanding the provisions of subdivision (4) of subsection (d) of this section," was added for clarity and internal consistency.

JUD *Joint Favorable Subst.*