

1 H.601

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Judiciary; judicial nominations and appointments; criteria for  
6 appointment

7 Statement of purpose of bill as introduced: This bill proposes to establish in  
8 more detail the criteria for judicial appointments.

9 An act relating to criteria for judicial appointments

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 4 V.S.A. § 602 is amended to read:

12 § 602. DUTIES; JUSTICES, JUDGES, MAGISTRATES, AND THE CHAIR  
13 OF THE PUBLIC UTILITY COMMISSION

14 \* \* \*

15 (b) Whenever a vacancy occurs in the office of a Supreme Court Justice, a  
16 Superior Court judge, magistrate, or Chair of the Public Utility Commission, or  
17 when an incumbent does not declare that he or she will be a candidate to  
18 succeed himself or herself, the Board shall submit to the Governor the names  
19 of as many persons as it deems well qualified to be appointed to the office.

1           (c)(1) A candidate for judge or Justice shall be a Vermont resident and an  
2           experienced lawyer who has practiced law in Vermont for a minimum of  
3           ten years, with at least five years immediately preceding his or her application  
4           to the Board. The Board may make exceptions to the five-year requirement for  
5           absences from practice for reasons including family, military, academic, or  
6           medical leave.

7           (2) A candidate for magistrate shall be a Vermont resident and an  
8           experienced lawyer who has practiced law in Vermont for at least five years  
9           immediately preceding his or her application to the Board.

10          (3) A candidate for Chair of the Public Utility Commission shall not be  
11          required to be an attorney; however if the candidate is admitted to practice law  
12          in Vermont, the Judicial Nominating Board shall submit the candidate's name  
13          to the Court Administrator, and he or she shall disclose to the Board  
14          information solely about professional disciplinary action taken or pending  
15          concerning the candidate. If a candidate is not admitted to practice law in  
16          Vermont, but practices a profession requiring licensure, certification, or other  
17          professional regulation by the State, the Judicial Nominating Board shall  
18          submit the candidate's name to the State professional regulatory entity and that  
19          entity shall disclose to the Board any professional disciplinary action taken or  
20          pending concerning the candidate.

21          (d) A candidate shall possess the following attributes:

1           (1) Integrity. A candidate shall possess a record and reputation for  
2           excellent character and integrity and have a general reputation for honesty in  
3           the community.

4           (2) Legal knowledge and ability. A candidate shall possess a high  
5           degree of knowledge of established legal principles and procedures and have  
6           demonstrated a high degree of ability to interpret and apply the law to specific  
7           factual situations. Legal knowledge and ability includes intellectual capacity,  
8           professional and personal judgment, writing and analytical ability, knowledge  
9           of the law, and breadth of professional experience.

10          (3) Judicial temperament. A candidate shall possess an appropriate  
11          judicial temperament. Judicial temperament includes a candidate's  
12          compassion, decisiveness, open-mindedness, courtesy and civility, patience,  
13          and commitment to equal justice under law.

14          (4) Impartiality. A candidate shall exhibit an ability to make judicial  
15          determinations in a manner free of bias.

16          (5) Communication capability. A candidate shall possess demonstrated  
17          oral and written capacities, with reasonable accommodations, required by the  
18          position.

19          (6) Financial integrity. A candidate shall possess demonstrated financial  
20          probity.

21          (7) Work ethic. A candidate shall demonstrate diligence.

1           (8) Administrative capabilities. A candidate shall demonstrate  
2 management and organizational skills or experience required by the position.

3           (9) Courtroom experience. For Superior Court, a candidate shall have  
4 sufficient trial or other comparable experience that ensures knowledge of the  
5 Vermont Rules of Evidence and courtroom procedure. For the Environmental  
6 Division of the Superior Court, a candidate shall have experience in  
7 environmental and zoning law.

8           (10) Service to the law and contribution to the effective administration  
9 of justice. Service to the law and contribution to the effective administration  
10 of justice includes professionalism and a commitment to improving the  
11 availability of providing justice to all those within the jurisdiction.

12           (11) Other. A candidate shall possess other attributes the Board deems  
13 relevant as identified through its rules.

14 Sec. 2. EFFECTIVE DATE

15           This act shall take effect on passage.