

No. R-53. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

(J.R.S.18)

By Senator Nitka,

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Brian J. Grearson, and Judge Nancy J. Waples and three Magistrates that they be retained for another six year term, Magistrate Christine A. (Doremus) Hoyt, Magistrate Joseph M. Lorman and Magistrate Brian Valentine, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 11, 2021, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 18, 2021, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, and

Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 25, 2021, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and three Magistrate, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at 17 V.S.A. §2531, et seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Thursday, April 1, 2021 at 2:00 P.M. (or as otherwise ordered by the Joint Assembly) so that ballots

may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.