

06 - COMPOSITION AND CRITERIA OF THE JUDICIAL NOMINATING BOARD

PROPOSAL FOR LEGISLATION AND/OR GOVERNMENT STRUCTURE CHANGE

(1) Re-introduce the JNB-related provisions of H.401, our Equity Package

KEY FINDINGS

- This proposal was already approved and supported by the Governor in the '21-'22 session.
- The Vermont bench is not diverse enough to be reflective of the current or future population we need it to serve.
- The current process for selecting judges disproportionately excludes attorneys who are younger, of color, or newer to the state.

PROPOSAL

Solution

Change the composition of the JNB to be more inclusive in membership and to ensure an equity lens is applied in selections. Change the criteria for nominating attorneys to be more reflective of the modern profession and its changing demographic.

Expected Results

A more diverse bench, which has been statistically proven to lead to less disparity in case outcomes.

Advances Strategic Plan & Act 186 Population-Level Outcomes

- **Modernize & Improve Government Efficiency:** Diversifies the bench to be more reflective of the current or future population we need it to serve. Also makes the selection process more aligned with the realities of legal practice.
- **Protect the Vulnerable:** Creates positive downstream impacts by making judges a more inclusive group who are expected to fewer unjustifiably biased decisions.
- **Act 186 Population-level outcomes:** Vermont has open, effective, and inclusive government at the State and local levels.

Risks & Hurdles

Claims that this would “lower standards,” which always what is claimed when people propose including more women or non-White people into a given field.

Allies

- Current and prospective judges. Current and prospective attorneys in and outside of VT. The VT Supreme Court’s DEI Committee. The VT Bar Association. The HRC. VT Legal Aid. The DGO and AGO and State’s Attorneys office.

Investment

\$ 0

NEXT STEPS

If approved, update and re-introduce the same bill language we introduced last biennium as H.401.