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1	S.114
2	Introduced by Senators Flory, Collamore, Mullin, and Rodgers
3	Referred to Committee on
4	Date:
5	Subject: Judiciary; judicial nominations and appointments
6	Statement of purpose of bill as introduced: This bill proposes to make several
7	technical clarifying amendments to the statutes governing the Judicial
8	Nominating Board.
9	An act relating to the Judicial Nominating Board
10	It is hereby enacted by the General Assembly of the State of Vermont:
11	Sec. 1. 4 V.S.A. § 601 is amended to read:
12	§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION
13	* * *
14	(b) The Board shall consist of 11 members who shall be selected as
15	follows:
16	(1) The Governor shall appoint two members who are not attorneys
17	at law.
18	(2) The Senate shall elect three of its members, not all of whom shall be
19	members of the same party, and only one of whom may be an attorney at law.

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1	(3) The House shall elect three of its members, not all of whom shall be
2	members of the same party, and only one of whom may be an attorney at law.
3	(4) Attorneys at law admitted to practice before the Supreme Court of
4	Vermont, and residing in the State, shall elect three of their number as
5	members of the Board. The Supreme Court shall regulate the manner of their
6	nomination and election.
7	(5) The members of the Board shall serve for terms of two years. All
8	appointments or elections shall be occur between January 1 and February 4 15,
9	and be effective on February 15, of each odd-numbered year, except to fill a
10	vacancy. Each appointment or election shall be effective on February 15 of
11	each odd-numbered year. A House vacancy that occurs when the General
12	Assembly is adjourned shall be filled by the Speaker of the House and a Senate
13	vacancy that occurs when the General Assembly is adjourned shall be filled by
14	the Senate Committee on Committees. Members A member shall serve until
15	their successors are elected or appointed the effective date of his or her
16	successor's appointment or election. Members shall serve no more than three
17	consecutive terms in any capacity.
18	(6) The members shall elect their own chair, who will serve for a term of
19	two years.
20	* * *

1	(e) A quorum of the Board shall consist of eight members. <u>Members may</u>
2	participate in meetings through electronic or other means consistent with the
3	procedures in 1 V.S.A. § 312(a)(2), except that a member who attends a
4	meeting by electronic or other means shall not participate in a vote on a
5	candidate.
6	* * *
7	(g) Except as provided in subsection (h) of this section, proceedings and
8	records of the Board, including the names of candidates considered by the
9	Board and information about any candidate submitted by the Court
10	Administrator or by any other source, shall be confidential. Records of the
11	Board shall be stored with and maintained by the Judicial Branch.
12	(h) The following shall be public:
13	(1) operating procedures <u>and rules</u> of the Board;
14	(2) standard application forms and any other forms used by the Board,
15	provided they do not contain personal information about a candidate or
16	confidential proceedings;
17	(3) all proceedings of the Board prior to the Board's receipt of the first
18	candidate's completed application that do not involve consideration of a
19	candidate; and

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1	(4) at the time the Board sends the names of the candidates to the
2	Governor, the total number of applicants for the vacancy and the total number
3	of candidates sent to the Governor.
4	Sec. 2. 4 V.S.A. § 602 is amended to read:
5	§ 602. DUTIES; JUSTICES, JUDGES, MAGISTRATES, AND THE CHAIR
6	OF THE PUBLIC SERVICE BOARD
7	(a)(1) Prior to submitting to the Governor the names of candidates for
8	Justices of the Supreme Court, Superior Court judges, and magistrates, and the
9	Chair of the Public Service Board, the Judicial Nominating Board shall submit
10	to the Court Administrator a list of all candidates, and he or she shall disclose
11	to the Board information solely about professional disciplinary action taken or
12	pending concerning any candidate.
13	(2) From the list of candidates, the Judicial Nominating Board shall
14	select by majority vote, provided that a quorum is present, well-qualified
15	candidates for the position to be filled.
16	(b) Whenever a vacancy occurs in the office of a Supreme Court Justice, a
17	Superior Court judge, or a magistrate, or Chair of the Public Service Board, or
18	when an incumbent does not declare that he or she will be a candidate to
19	succeed himself or herself, the Board shall submit to the Governor the names
20	of as many persons as it deems well qualified to be appointed to the office.
21	When an incumbent does not declare that he or she will be a candidate to

1	succeed himself or herself, the Board shall submit the names to the Governor
2	who will be in office when the incumbent's term expires.
3	(c)(1) A candidate for judge or Justice shall be a Vermont resident and an
4	experienced lawyer who is a judge or has practiced law in Vermont for a
5	minimum of ten years, with at least five years immediately preceding his or her
6	application to the Board. The Board may make exceptions to the five-year
7	requirement for absences from practice for reasons including family, military,
8	academic, or medical leave.
9	(2) A candidate for magistrate shall be a Vermont resident and an
10	experienced lawyer who has practiced law in Vermont for at least five years
11	immediately preceding his or her application to the Board.
12	(3) A candidate for Chair of the Public Service Board shall not be
13	required to be an attorney; however, if the candidate is admitted to practice law
14	in Vermont, the Judicial Nominating Board shall submit the candidate's name
15	to the Court Administrator, and he or she shall disclose to the Board
16	information solely about professional disciplinary action taken or pending
17	concerning the candidate. If a candidate is not admitted to practice law in
18	Vermont, but practices a profession requiring licensure, certification, or other
19	professional regulation by the State, the Judicial Nominating Board shall
20	submit the candidate's name to the State professional regulatory entity and that

1	entity shall disclose to the Board any professional disciplinary action taken or
2	pending concerning the candidate.
3	* * *
4	Sec. 3. 4 V.S.A. § 603 is amended to read:
5	§ 603. APPOINTMENT OF JUSTICES, JUDGES, MAGISTRATES,
6	PUBLIC SERVICE BOARD CHAIRS, AND MEMBERS
7	(a) Whenever the governor Governor appoints a supreme court justice, a
8	superior Supreme Court Justice, a Superior Court judge, a magistrate, a chair
9	of the public service board Public Service Board, or a member of the public
10	service board Public Service Board, he or she shall select from the list of
11	names of qualified persons submitted by the judicial nominating board Judicial
12	Nominating Board pursuant to law. The names of candidates submitted and
13	not selected shall remain confidential.
14	(b) Upon request from the Governor, the Judicial Nominating Board shall
15	reopen the search and provide the Governor with an additional list of persons it
16	deems well qualified to be appointed to the office. A request from the
17	Governor for additional names pursuant to this subsection shall not be made
18	more than once.
19	Sec. 4. EFFECTIVE DATE
20	This act shall take effect on passage.