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S.114

Introduced by Senators Flory, Collamore, Mullin, and Rodgers

Referred to Committee on

Date:

Subject: Judiciary; judicial nominations and appointments

Statement of purpose of bill as introduced: This bill proposes to make several technical clarifying amendments to the statutes governing the Judicial Nominating Board.

An act relating to the Judicial Nominating Board

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

Sec. 1. 4 V.S.A. § 601 is amended to read:

§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

* * *

(b) The Board shall consist of 11 members who shall be selected as follows:

(1) The Governor shall appoint two members who are not attorneys at law.

(2) The Senate shall elect three of its members, not all of whom shall be members of the same party, and only one of whom may be an attorney at law.

1 (e) A quorum of the Board shall consist of eight members. Members may
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 and rules 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

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.