An act relating to judicial nominations and appointments

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

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(g) Except as provided in subsection (h) of this section, proceedings of the Board, including the names of candidates considered by the Board and information about any candidate submitted by the Court Administrator or by any other source, shall be confidential.

(h) The following shall be public:

(1) operating procedures of the Board;
standard application forms and any other forms used by the Board, provided they do not contain personal information about a candidate or confidential proceedings;

(3) all proceedings of the Board prior to the Board’s receipt of the first candidate’s completed application; and

(4) at the time the Board sends the names of the candidates to the Governor:

(A) the total number of applicants for the vacancy and the total number of candidates sent to the Governor; and

(B) aggregate demographic data for all applicants for the vacancy, including gender, sexual orientation, race, and ethnicity.

Sec. 2. 4 V.S.A. § 602 is amended to read:

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

(a)(1) Prior to submitting to the Governor the names of candidates for Justices of the Supreme Court, Superior Court judges, magistrates, and the Chair of the Public Utility Commission, the Judicial Nominating Board shall submit to the Court Administrator a list of all candidates, and he or she shall disclose to the Board information solely about professional disciplinary action taken or pending concerning any candidate.
(2) From the list of candidates, the Judicial Nominating Board shall select by majority vote, provided that a quorum is present, well-qualified candidates for the position to be filled. The results of the vote shall be ranked according to the number of favorable votes received by each candidate, and the Board shall conduct a final vote using the rankings as a basis to develop a list of names to submit to the Governor that satisfies the numerical criteria of subsection (b) of this section.

(b) Whenever a vacancy occurs in the office of a Supreme Court Justice, a Superior Court judge, magistrate, or Chair of the Public Utility Commission, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the Board shall submit to the Governor the a list of names consisting of as many persons as it deems well qualified to be appointed to the office not less than two of the persons and not more than 25 percent of the persons who applied for the vacancy.

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

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

(d) A candidate shall possess the following attributes:

(1) Integrity. A candidate shall possess a record and reputation for excellent character and integrity.

(2) Legal knowledge and ability. A candidate shall possess a high degree of knowledge of established legal principles and procedures and have demonstrated a high degree of ability to interpret and apply the law to specific factual situations.
(3) Judicial temperament. A candidate shall possess an appropriate judicial temperament.

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

(5) Communication capability. A candidate shall possess demonstrated oral and written capacities, with reasonable accommodations, required by the position. For the Supreme Court, a candidate shall possess superior writing ability.

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

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

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

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

(10) Other. A candidate shall possess other attributes the Board deems relevant as identified through its rules.
Sec. 3. 4 V.S.A. § 602a is amended to read:

§ 602a. DUTIES; PUBLIC UTILITY COMMISSION MEMBERS

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(c) A candidate shall possess the attributes provided in subsection 602(d) of this title, provided that the candidate shall not be required to satisfy the “legal knowledge and ability” requirement of subdivision 602(d)(2) of this title.

Sec. 4. 4 V.S.A. § 603 is amended to read:

§ 603. APPOINTMENT OF JUSTICES, JUDGES, MAGISTRATES, PUBLIC UTILITY COMMISSION CHAIR, AND MEMBERS

Whenever the Governor appoints a Supreme Court Justice, a Superior Judge, a magistrate, the Chair of the Public Utility Commission, or a member of the Public Utility Commission, he or she shall select from the list of names of qualified well-qualified persons submitted by the Judicial Nominating Board pursuant to law. The names of candidates submitted and not selected shall remain confidential. The Governor shall make the appointment within 60 days after receiving the list from the Board. The Governor shall not refuse to make an appointment from the list or request that the Board submit additional names.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.