

1 H.780

2 An act relating to judicial nominations and appointments

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

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

5 § 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

6 (a) The Judicial Nominating Board is created for the nomination of
7 Supreme Court Justices, Superior judges, magistrates, and the Chair and
8 members of the Public Utility Commission.

9 (b)(1) The Board shall consist of ~~44~~ 12 members who shall be selected as
10 follows:

11 ~~(1)(A)~~ (A) The Governor shall appoint two members ~~who are not attorneys,~~
12 one of whom may be an attorney at law.

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

16 ~~(3)(C)~~ (C) The House shall elect three of its members, not all of whom shall
17 be members of the same party, and only one of whom may be an attorney at
18 law.

19 ~~(4)(D)~~ (D) Attorneys at law admitted to practice before the Supreme Court
20 of Vermont, and residing in the State, shall elect three of their number as
21 members of the Board. The Supreme Court shall regulate the manner of their
22 nomination and election.

1 (2) From the list of candidates, the Judicial Nominating Board shall
2 select by three-fourths majority vote, provided that a quorum is present, well-
3 qualified candidates for the position to be filled.

4 (b) Whenever a vacancy occurs in the office of a Supreme Court Justice, a
5 Superior Court judge, magistrate, or Chair of the Public Utility Commission, or
6 when an incumbent does not declare that ~~he or she~~ the incumbent will be a
7 candidate to succeed ~~himself or herself~~ themselves, the Board shall submit to
8 the Governor the names of as many persons as it deems well qualified to be
9 appointed to the office.

10 (c)(1) A candidate for judge or Justice shall be a Vermont resident and an
11 experienced lawyer who has practiced law ~~in Vermont~~ for a minimum of
12 ~~ten~~ 10 years, with at least five years in Vermont immediately preceding ~~his or~~
13 ~~her~~ the candidate's application to the Board. The Board may make exceptions
14 to the ~~five-year~~ requirement for ~~absences from practice~~ that the candidate's
15 five years of practice in Vermont be contiguous and immediately preceding the
16 candidate's application for reasons including family, military, academic, or
17 medical leave.

18 (2) A candidate for magistrate shall be a Vermont resident and an
19 experienced lawyer who has practiced law in Vermont for at least five years
20 immediately preceding ~~his or her~~ the candidate's application to the Board. The
21 Board may make exceptions to the requirement that the candidate's five years

1 of practice in Vermont be contiguous and immediately preceding the
2 candidate's application for reasons including family, military, academic, or
3 medical leave.

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

15 (d) A candidate shall possess the following attributes:

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

18 (2) Legal knowledge and ability. A candidate shall possess a high
19 degree of knowledge of established legal principles and procedures and have
20 demonstrated a high degree of ability to interpret and apply the law to specific
21 factual situations.

1 (3) Judicial temperament. A candidate shall possess an appropriate
2 judicial temperament.

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

5 (5) Communication capability. A candidate shall possess demonstrated
6 oral and written capacities, with reasonable accommodations, required by the
7 position.

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

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

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

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

18 (10) Other. A candidate shall possess other attributes the Board deems
19 relevant as identified through its rules.

1 (e) The Board shall consider the extent to which a candidate would
2 contribute to a Judicial branch that has diverse backgrounds and a broad range
3 of lived experience.

4 Sec. 3. 4 V.S.A. § 603 is amended to read:

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

7 Whenever the Governor appoints a Supreme Court Justice, a Superior
8 Judge, a magistrate, the Chair of the Public Utility Commission, or a member
9 of the Public Utility Commission, ~~he or she~~ the Governor shall select from the
10 list of names of ~~qualified~~ well-qualified persons submitted by the Judicial
11 Nominating Board pursuant to law. The names of candidates submitted and
12 not selected shall remain confidential.

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on July 1, 2024.