

1 H.780; JUDICIAL NOMINATIONS AND APPOINTMENTS

2 SENATE CHANGES TO HOUSE BILL

3 Sec. 1. LEGISLATIVE INTENT

4 It is the intent of the General Assembly that if the Executive Director of  
5 Racial Equity designates another person to serve on the Judicial Nominating  
6 Board pursuant to 4 V.S.A. § 601(b)(1)(E), the person designated shall be an  
7 employee of the Agency of Administration who has experience with diversity,  
8 equity, and inclusion issues.

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

10 § 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

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

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

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

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



1                   OF THE PUBLIC UTILITY COMMISSION

2           (a)(1) Prior to submitting to the Governor the names of candidates for  
3 Justices of the Supreme Court, Superior Court judges, magistrates, and the  
4 Chair of the Public Utility Commission, the Judicial Nominating Board shall  
5 submit to the Court Administrator a list of all candidates, and ~~he or she~~ the  
6 Court Administrator shall disclose to the Board information solely about  
7 professional disciplinary action taken or pending concerning any candidate.

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

11          (b) ~~(1)~~ Whenever a vacancy occurs in the office of a Supreme Court Justice,  
12 a Superior Court judge, magistrate, or Chair of the Public Utility Commission,  
13 or when an incumbent does not declare that ~~he or she~~ the incumbent will be a  
14 candidate to succeed ~~himself or herself~~ themselves, the Board shall submit to  
15 the Governor the names of as many persons as it deems well qualified to be  
16 appointed to the office.

17           ~~(2)(A) A person may nominate another person to fill a vacancy in the~~  
18 ~~office of a Supreme Court Justice, a Superior Court judge, magistrate, or Chair~~  
19 ~~of the Public Utility Commission by submitting a form developed by the Court~~  
20 ~~Administrator pursuant to subdivision (B) of this subdivision (2).~~

1 ~~(B) The Court Administrator shall make available on the Judiciary~~  
2 ~~website a form that permits a person to nominate another person to fill a~~  
3 ~~vacancy in the office of a Supreme Court Justice, a Superior Court judge,~~  
4 ~~magistrate, or Chair of the Public Utility Commission. If a person is~~  
5 ~~nominated pursuant to this subdivision (2), the Court Administrator shall~~  
6 ~~provide the person nominated with information about the application process.~~

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

15 (2) A candidate for magistrate shall be a Vermont resident and an  
16 experienced lawyer who has practiced law in Vermont for at least five years;  
17 with at least three years in Vermont immediately preceding ~~his or her~~ the  
18 candidate's application to the Board. The Board may make exceptions to the  
19 requirement that the candidate's ~~three~~ five years of practice in Vermont be  
20 contiguous and immediately preceding the candidate's application for reasons  
21 including family, military, academic, or medical leave.

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

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

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

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

19           (3) Judicial temperament. A candidate shall possess an appropriate  
20 judicial temperament.

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

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

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

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

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

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

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

18           ~~(e) The Board shall consider the candidate's ties to the Vermont legal~~  
19 ~~community and the candidate's familiarity with the Vermont legal system.~~

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       ~~(a)~~ 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      ~~(b) Upon request from the Governor, the Judicial Nominating Board shall~~  
14      ~~reopen the search and provide the Governor with an additional list of persons it~~  
15      ~~deems well-qualified to be appointed to the office. A request from the~~  
16      ~~Governor for additional names pursuant to this subsection shall not be made~~  
17      ~~more than once.~~

18      Sec. 4. EFFECTIVE DATE

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