

Questions for Judicial Review Council Nominees

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Judicial Review Council

The Judicial Review Council investigates and resolves complaints or internal referrals about state judges, family support magistrates, and workers' compensation commissioners regarding misconduct, disability, or substance abuse. It consists of 12 regular members and 13 alternates. Six regular members and three alternates are members of the general public; judges and attorneys are each represented by three regular members and two alternates. Commissioners and family support magistrates are each represented by three alternates ([CGS § 51-51k](#)).

Every written complaint of misconduct is investigated. If, after investigation, the council does not have reason to believe that misconduct has occurred, it dismisses the complaint. If the council has reason to believe that misconduct may have occurred, it schedules a probable cause hearing to determine whether probable cause exists to believe that judicial misconduct has occurred. The hearing is confidential unless the judicial officer being investigated ("the respondent") requests that it be public ([CGS § 51-51l](#)).

The council dismisses a complaint when it does not find probable cause. It may issue an admonishment if there is no misconduct, but the judicial officer acted in a manner that (1) created the appearance of impropriety or (2) constitutes an unfavorable judicial practice. If the council finds probable cause, the council holds a public hearing ([CGS § 51-51l](#)). If, after the hearing, the judicial officer is found guilty of misconduct, the council may impose a range of sanctions such as public censure; suspension without pay for up to one year; recommend suspension or removal from office to the state Supreme Court or the governor, as applicable. The council may also exonerate the judicial officer from all charges ([CGS § 51-51n](#)).

Questions

1. Why do you want to serve on the council?
2. Do you think ordinary citizens know enough about the council and its purpose? If not, do you have suggestions on how public awareness can be improved?
3. By law, a complainant must file any complaint against a judge, workers' compensation commissioner, or family support magistrate within one year from the date the alleged conduct occurred, was discovered, or should have been discovered, except none may be brought more than three years from the date the alleged conduct occurred. The council's annual [report](#) shows that in FY 2019 seven complaints were dismissed as being barred by the statute of limitations. What do you think are the pros and cons of having a relatively short limitation period?
4. After investigation and a hearing, the council may censure, admonish, or exonerate a judicial officer or refer the matter to the Supreme Court or the governor with a recommendation for the officer's suspension or removal, as appropriate. In the council's annual [report](#), of the 60 complaints considered in FY 19, one resulted in a private admonishment and two resulted in public censure. Are there other types of sanctions the council should be able to impose?
5. The law provides for the removal, suspension, or censure of judges for incompetent performance of judicial duties ([GCS § 51-51i](#)). What type of evidence would you look for to determine whether a judge's performance was incompetent?
6. In your opinion, to what extent does a judge's, commissioner's, or magistrate's personal life affect his or her ability to adequately perform his or her duties? Would it be appropriate to sanction a respondent for something that occurred in his or her personal life, that does not result in the conviction of a felony or a misdemeanor involving moral turpitude?
7. How would you handle a referral that a respondent (i.e., judicial officer being investigated) had a substance abuse problem or mental infirmity?
8. The council's annual [report](#) (page 11) shows that 17.5 % of the allegations in the complaints disposed of in FY 19, alleged bias, discrimination, prejudice, or partiality. Do these complaints possibly reflect an insensitivity by some judicial officers to ethnic or racial minorities, members of religious minorities, and women?
9. In recent years, state courts have adopted policies to improve public access to court proceedings and records. Some argue that the public's confidence in the fairness of the council's deliberations has been undermined by procedures that require (a) its initial investigations be conducted in private, (b) exclusion of the public from probable cause hearings, and (c) various records be kept confidential. How legitimate is this concern? How would you balance the public's right to know against judicial confidentiality?
10. The council's annual [report](#) states that many complaints filed in the past years deal with issues that are outside the council's jurisdiction and more appropriate for an appellate

court. Is there a better way to inform people about what is, and is not, an appropriate matter to file with the council?

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