

## Questions for Judicial Review Council Nominees

By: James Orlando, Chief Attorney  
February 11, 2025 | 2025-R-0042

### Judicial Review Council ([CGS §§ 51-51k to -51n](#))

The Judicial Review Council investigates and resolves complaints or internal referrals about state judges, family support magistrates, and administrative law judges regarding alleged misconduct, disability, or substance abuse. It consists of 12 regular members and 13 alternates. Of the regular members, six are members of the general public, three are Superior Court judges, and three are attorneys. Of the alternate members, three are members of the general public, two are Superior Court judges, two are attorneys, three are administrative law judges, and three are family support magistrates.

The council investigates every written complaint of misconduct. If, after investigation, the council determines that no 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 open to the public.

The council dismisses a complaint when it does not find probable cause. It may issue an admonishment if (1) there is no misconduct but (2) the judicial officer acted in a manner that created the appearance of impropriety or constitutes an unfavorable judicial practice. If the council finds probable cause, the council must hold a public hearing. If, after that 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, or recommending 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.

## Questions

1. Why do you want to serve on the council?
2. Do you believe the council has been effective? Why or why not? What would you do to improve it?
3. According to the council's most recent [administrative report](#), of the 165 complaints disposed of during FY 24, most were dismissed, with the most common reason being no factual basis after an investigation (143); the second most common reason for dismissal was the statute of limitations (15). The council issued two admonishments. How would you respond to some members of the public who express concerns about the high dismissal rate and the infrequency with which the council conducts probable cause hearings?
4. Over the last three years, the number of complaints submitted to the council has increased from 102 (FY 22) to 165 (FY 23) to 225 (FY 24). Do you believe there is any significance to this?
5. By law, the council's investigation of a judicial officer must remain confidential unless the officer requests that it be open to the public ([CGS § 51-51l](#), as amended by [PA 23-46](#), § 21). What are your thoughts on this law? How would you balance the public's right to know against judicial confidentiality?
6. The law provides for the removal, suspension, or censure of judges for incompetent performance of judicial duties ([CGS § 51-51i](#)). What type of evidence would you look for to determine whether a judge's performance was incompetent?
7. The law also provides for these sanctions against judges for temperament that adversely affects the "orderly carriage of justice." What type of temperament would you consider this to be?
8. How would you handle a referral that a respondent (i.e., judicial officer being investigated) had a substance abuse problem or mental infirmity?
9. The council's 2023 [annual report](#) states that many complaints deal with issues more appropriate for an appellate court. Is there a better way to inform the public of the council's jurisdiction?
10. One of the council's duties is to make recommendations when a judge has been nominated to serve on a different court or when a judge, family support magistrate, or administrative law judge is up for reappointment ([CGS § 51-51q](#)). Under what circumstances should the council withhold its recommendation for appointment or reappointment?

JO:ms