

Minutes of the Judicial Nominating Board Organizational Meeting, June 7, 2023

The Judicial Nominating Board for 2023-2024 held its organizational meeting on June 7, 2023.

Committee Members Present at the State House: Eleanor Spottswood, Esq., Jessica Burke, Esq., Rep. Rey Garofano, Rep. Kenneth Goslant.

Committee Members attending by Zoom: Dennise Casey, Mike Smith, Sen. Brian Campion, Sen. Robert Norris, Sen. Anne Watson, Rep. Barbara Rachelson. Joined late: Sarah Vangel, Esq.

Others present: Mike Ferrant, House Staff

A full recording of the meeting can be found here: <https://www.youtube.com/watch?v=jssVU-k4M7o>

1. At 4:33 p.m. the Former Chair from the 2021-2022 Judicial Nominating Committee, Eleanor Spottswood called the meeting to order.

2. Introductions. Each member was asked to give a brief introduction.

3. Election of Officers.

a. Chair Spottswood had previously emailed the following descriptions of each officer to the Board:

- **Chair:** Organizes, schedules, and runs all meetings. Performs or coordinates the following tasks: sends notices of judicial vacancies to the Bar, collects and collates judicial applications, collects and reviews Board members' conflict check information, assigns and follows up on reference checks, distributes judicial application and other materials to Board, schedules applicants' interview times, coordinates meeting space and payment with Judiciary, coordinates updates to website with Judiciary, signs Board members' per diem and expense requests, fields questions from Board members and judicial applicants, takes care of miscellaneous administrative tasks as needed.
- **Vice Chair:** Fills in for Chair as needed. Assists in above tasks as coordinated with Chair.
- **Secretary:** Takes minutes during occasional public meetings (most meetings are not public). Counts and verifies in-person Board votes.

b. Nominations were opened for the Chair position. Eleanor Spottswood was nominated by Ken Goslant for the chair position. Seconded by Dennise Casey. There were no other nominations. The vote was taken, and Eleanor Spottswood was unanimously elected to be chair.

c. Nominations were opened for the Vice Chair position, Jessica Burke was nominated by Rey Garofano and seconded by Brian Campion. There were no other nominations. The vote was taken, and Jessica Burke was unanimously elected to be Vice Chair.

d. Nominations were opened for the Secretary position. Barbara Rachelson was nominated by Brian Campion and seconded by Dennise Casey. There were no other nominations. The vote was taken, and Barbara Rachelson was unanimously nominated to be Secretary.

4. The Chair shared with the Committee that we have one substantive item for today's agenda: "outstanding vacancies." The Chair shared the following background with the Board:

In December 2022, the previous JNB sent the Governor a list of names of well-qualified candidates for four Superior Court judicial vacancies. The Governor has appointed candidates to two of those four vacancies. Two vacancies remain. The Judiciary now has an additional three Superior Court vacancies for which we will need to conduct interviews this summer. Per the Judiciary, vacancies are advertised specific to certain counties within which a judge can expect to sit. The three new vacancies are in the same geographic locations as three of the vacancies for which the JNB conducted interviews last December, including the two positions for which the Governor has not yet appointed. According to current JNB rules, the JNB interviews every candidate that applies for every vacancy and sends the Governor a separate list of candidates for each vacancy. Recognizing that this means a lot of repetitive interviews (of both successful and unsuccessful candidates), the JNB has occasionally voted to suspend its rules and allow all recently successful candidates to appear on the list for a subsequent vacancy without re-interviewing those candidates. However, the JNB always conducts interviews of any new candidates for a new vacancy.

The previous JNB proposed new rules that will change the practice of interviewing every candidate every time, but the new rules are still making their way through the notice-and-comment process and are not yet in effect.

The Chair shared that Chief Judge Zonay has reached out with a request that when the JNB interviews candidates for the three new vacancies, would we allow the Governor to consider any new successful candidates for the two old vacancies. Judge Zonay's request stems from an understanding that the Governor is not satisfied with the candidates he has for the two vacancies for which he has not appointed, and that Judge Zonay has an acute interest in seeing these vacancies filled quickly.

Judge Zonay's request, if granted by the JNB, raises the question of what to tell the successful candidates from the December 2022 list that have not been appointed—specifically, will they be considered well qualified for the new vacancies without being re-interviewed? Judge Zonay's request, if not granted by the JNB, raises the question of what happens if the Governor tries to appoint to the old vacancies from the new list anyway.

To summarize, the questions to be decided today include:

1. Will the JNB agree to Judge Zonay's request to allow new applicants to be considered for the old vacancies?

And if so,

2. Will the JNB allow the successful candidates from December 2022 to be considered for the new vacancies without the need to re-apply and re-interview?

The Chair explained that unfortunately, we need to decide these questions today, if possible, because the answers will affect the notices of vacancies.

The Board discussed the above information.

Motion was made by Senator Ann Watson and seconded by Secretary Jessica Burke:

Senator Watson moved that the JNB:

- 1. Allow new applicants to be considered for old vacancies, and that**
- 2. Successful candidates from December 2022 be considered for the new vacancies without having to reapply and interview.**

The motion passed unanimously.

5. **Scheduling future meeting dates:** The Chair announced that the Board was likely to need at least four days for interviews for anticipated Superior Court and PUC Chair vacancies, to be scheduled approximately two months after the vacancies are posted. Additionally, a date first needed to be scheduled for one day orientation for all JNB members. After week-by-week review of Board members' availability, the following dates were scheduled, and people are asked to hold those dates for the JNB.

Tuesday, August 15th Judicial Nominating Board Orientation
Wednesday, August 29th: Interviews of Candidates
Thursday, August 30th: Interviews of Candidates
Thursday, September 14th: Interviews of Candidates
Friday, September 15th: Interviews of Candidates

6. The Chair adjourned the meeting at approximately 5:40 p.m.

Minutes submitted by: Barbara Rachelson, Secretary.