

§ 5252. Appointment; compensation.

Vermont Statutes

Title 13. CRIMES AND CRIMINAL PROCEDURE

Part 2. CRIMINAL PROCEDURE GENERALLY

Chapter 163. PUBLIC DEFENDERS

Subchapter 3. OFFICE OF DEFENDER GENERAL

Current through 2014 Legislative Session

§ 5252. Appointment; compensation

- (a) The defender general shall be appointed by the governor subject to the advice and consent of the senate.
- (b) There shall be included in the qualifications for appointment that the defender general shall be an attorney-at-law who has been engaged in the practice of law or as a judge in the state of Vermont for a period of at least five out of the 10 years preceding his or her appointment. Further, he or she shall be an attorney or judge who has spent a substantial part of his or her last five years in the practice of criminal law or presiding over the adjudication of criminal cases.
- (c) The defender general shall be appointed for a term of four years and until his or her successor is appointed and qualified.
- (d) [Repealed.]

Cite as 13 V.S.A. § 5252

History. Added 1971, No. 161 (Adj. Sess.), § 6, eff. date, see note; amended 1973, No. 266 (Adj. Sess.), § 3; 1975, No. 227 (Adj. Sess.), § 5, eff. April 7, 1976; 1977, No. 109, § 33(g).

§ 602. Duties.

Vermont Statutes

Title 4. JUDICIARY

Chapter 15. JUDICIAL NOMINATIONS AND APPOINTMENTS

Current through 2015 Legislative Session

§ 602. Duties

- (a) Prior to submission of names of qualified candidates for justices of the supreme court, superior judges, magistrates, the chair of the public service board, and members of the public service board to the governor, the board shall submit to the court administrator of the supreme court a list of all candidates, and the administrator shall disclose to the board information solely about professional disciplinary action taken or pending concerning any candidate. From the list of candidates presented, the judicial nominating board shall select by majority vote, provided that a quorum is present, qualified candidates for the position to be filled.
- (b) Whenever a vacancy occurs in the office of a supreme court justice or a superior judge, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the judicial nominating board shall submit to the governor the names of as many persons as it deems qualified to be appointed to the office. There shall be included in the qualifications for appointment that the person shall be an attorney at law who has been engaged in the practice of law or a judge in the state of Vermont for a period of at least five out of the ten years preceding appointment, and with respect to a candidate for superior judge particular consideration shall be given to the nature and extent of the candidate's trial practice.
- (c) All proceedings of the board, including the names of candidates considered by the board and information about any candidate submitted by the court administrator or by any other source, shall be confidential.

Cite as 4 V.S.A. § 602

History. Amended 1966, No. 64 (Sp. Sess.), § 2, eff. Jan. 1, 1967; 1967, No. 41, eff. March 16, 1967; 1967, No. 306 (Adj. Sess.), § 3; 1969, No. 125, § 7; 1971, No. 161 (Adj. Sess.), § 2; 1975, No. 204 (Adj. Sess.), § 7; 1985, No. 108 (Adj. Sess.), § 2, eff. March 25, 1986; 2009, No. 154 (Adj. Sess.), §33.

CHAPTER 15. JUDICIAL NOMINATIONS AND APPOINTMENTS

SECTION

- 601. Judicial nominating board created; composition.
- 602. Duties.
- 603. Appointment of justices, judges, magistrates, public service board chairs, and members.
- 604. [Repealed.]
- 605. Political activity by judges prohibited.
- 606. Expenses of board; payment.
- 607. Joint committee on judicial retention; creation.
- 608. Functions.
- 609. Judicial retirement.

HISTORY

Amendments—1975 (Adj. Sess., 1975, No. 204 (Adj. Sess.), § 5, substituted "Nominations" for "Selections" following "judicial" in the chapter heading.

ANNOTATIONS

Cited. Cited in *Aronstam v. Cashman* (1974) 132 Vt. 588, 325 A.2d 361; *Peck v. Douglas* (1987) 148 Vt. 128, 580 A.2d 551.

§ 601. Judicial nominating board created; composition

(a) A judicial nominating board is created for the nomination of supreme court justices, superior judges, magistrates, the chair of the public service board, and members of the public service board.

(b) The board shall consist of 11 members who shall be selected as follows:

(1) The governor shall appoint two members who are not attorneys at law.

(2) The senate shall elect three of its members, not all of whom shall be members of the same party, and only one of whom may be an attorney at law.

(3) The house shall elect three of its members, not all of whom shall be members of the same party, and only one of whom may be an attorney at law.

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(5) The members of the board appointed by the governor shall serve for terms of two years and may serve for no more than three terms. The members of the board elected by the house and senate shall serve for terms of two years and may serve for no more than three consecutive terms. The members of the board elected by the attorneys at law shall serve for terms of two years and may serve for no more than three consecutive terms. All appointments or elections shall be between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are elected or appointed.

(6) The members shall elect their own chair who will serve for a term of two years.

(c) The members of the judicial nominating board shall be entitled to compensation of \$30.00 a day for the time spent in the performance of their duties, and reimbursement for their actual and necessary expenses incurred in the performance of their duties.

(d) The judicial nominating board shall adopt rules under chapter 25 of Title 3 which shall establish criteria and standards for the nomination of qualified candidates for justices of the supreme court, superior judges, magistrates, the chair of the public service board, and members of the public service board. The criteria and standards shall include, but not be limited to, such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service.

(e) A quorum of the committee shall consist of eight members.

(f) The board is authorized to use the staff and services of appropriate state agencies and departments as necessary to conduct investigations of applicants.

Historical Citation

Amended 1966, No. 64 (Sp. Sess.), § 1, eff. Jan. 1, 1967; 1967, No. 306 (Adj. Sess.), § 2; 1969, No. 125, § 6; 1971, No. 161 (Adj. Sess.), § 1; 1975, No. 204 (Adj. Sess.), § 5; 1979, No. 141 (Adj. Sess.), § 8; 1985, No. 108 (Adj. Sess.), § 1, eff. March 25, 1986; 2009, No. 154 (Adj. Sess.), § 32.

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HISTORY

Amendments—2009 (Adj. Sess.). Subsection (a): Deleted “and” preceding “superior” and added “magistrates, the chair of the public service