



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. MCKEE

March 12, 2026

The Honorable Matthew L. LaMountain
Chair, Senate Committee on Judiciary
Room 313, Rhode Island State House
Providence, Rhode Island 02903

Re: *2026-S 2128, An Act Relating to Courts and Civil Procedure – Courts – Judicial Selection*

Dear Chair LaMountain:

The Administration writes in opposition to S 2128, An Act Relating to Courts and Civil Procedure – Courts – Judicial Selection (Act), which greatly expands the available list of judicial candidates permitted to be considered for nomination to the state’s trial courts. The Act expands from the current allowance of three to five highly qualified persons for consideration for each judicial vacancy to also permit consideration of any other person submitted by the Judicial Nominating Commission (JNC) in the prior five years for any other vacancy in the same court, excluding the positions of presiding or chief judge or justice.

This “look back” provision would diminish the currentness of the candidate information available to the Governor and eliminate the opportunity for timely public input. No appointee necessitates greater vetting than a lifetime judgeship. Yet, the Act would allow consideration of a lingering “look back” candidate from a years-old list with outdated personal and financial disclosures, an incomplete ethics file, and a stale background investigation. Further, not until an advice and consent hearing before this Committee would members of the public have an opportunity to weigh in publicly on concerns that may develop relating to the nominee in the intervening years. That hearing would naturally only occur after gubernatorial selection, thereby depriving the Governor of critical public input and information.

Any candidate desiring to take on the great public duty of a lifetime judgeship should reaffirm their commitment and qualification with an affirmative application to each new vacancy.

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Sincerely,



Katherine E. Miller
Deputy Executive Counsel

cc: Honorable Members of the Senate Committee on Judiciary
The Honorable Samuel D. Zurier
Steven T. Hayes, Esq.