



Magistrate Matters
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GUIDELINES FOR MAGISTRATES

November 12, 2019

Magistrates are appointed by the Chief Court Administrator pursuant to Connecticut General Statutes Section 51-193*l*. Appointments are effective for three-year terms.

The Judicial Branch wishes to provide this opportunity to all interested and qualified attorneys. As a result, reappointment in this capacity may be limited to 90 days in each fiscal year, i.e., July 1 – June 30. Exceptions to the 90-day limit may be made in the event of a critical scheduling problem, due to an emergency or other extraordinary circumstance. In these instances, the Office of Magistrate Matters must obtain permission from the Office of the Chief Court Administrator to schedule a magistrate in excess of 90 days.

Appointment and Removal

The Chief Court Administrator may appoint magistrates to hear and decide cases pursuant to statute. The Chief Court Administrator may revoke the appointment of a magistrate for any reason deemed appropriate by the Chief Court Administrator.

Limitations on Practice

An attorney serving as a magistrate may not file an appearance in any matter in this state that can be heard by a magistrate, including small claims cases.

An attorney may not serve as a magistrate in any court location within a Judicial District in which that attorney, or any member of a law firm with which that attorney is associated, has an appearance on file in any case, in any type of litigation and for 60 days following the end of any such conflict.

Orientation

An attorney may not serve as a magistrate prior to satisfactory completion of the orientation program conducted by the Office of the Chief Court Administrator.

Time and Attendance

Magistrates' schedules will be set by Magistrate Matters according to the operational needs of the court locations where appointed. Magistrates will appear on time as scheduled, and remain present at the court location for the entirety of the session for which they have been scheduled.

Access to Court Locations and Records

When serving as a Magistrate, an attorney may access secure areas of court locations where appointed, including but not limited to offices and parking areas, and court records only to the extent necessary to discharge his or her duties as a Magistrate. Magistrates are not permitted to access such areas or records when not serving as a Magistrate in a given court location unless otherwise allowed to do so by a Judicial Authority or Court Clerk.

Ex Parte Communication

Magistrates shall refrain from any ex parte communication involving matters before them. If a magistrate should receive any written communication directly from a party in connection with these duties, the document is to be sent immediately to the appropriate clerk's office without any communication with the sending party.

Notification Requirements

Due to their status as non-judicial officers, magistrates must immediately report to the Deputy Chief Court Administrator, in writing:

- (1) If he/she is arrested or issued a summons, complaint ticket, or citation for violating any criminal, motor vehicle or infraction statute of the State of Connecticut,
OR
- (2) If he/she is arrested or issued a summons, complaint ticket, or citation for violating any ordinance, regulation or code of a Connecticut municipality or local government,
OR
- (3) If there is finding by a local grievance panel or by the Statewide Grievance Committee that probable cause exists that the non-judicial officer has violated the Rules of Professional Conduct,
OR
- (4) If a suspension order is issued based upon a finding that a non-judicial officer is a delinquent child support obligor as defined in C. G. S. § 46b-220(a) and incorporated in Practice Book § 2-46,
OR
- (5) If a suspension order is issued for failure to pay the Client Security Fund fee.

Failure to comply with this written notification policy may result in (a) being placed on inactive status or (b) the revocation of appointment as a non-judicial officer.

Additionally, all changes to contact information must be immediately reported in writing to the office of Magistrate Matters.

Oath of Office

Because of the importance of this position, magistrates are required to take the following oath of office:

“You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States and the Constitution of the State of Connecticut, so long as you continue a citizen thereof; that you will faithfully discharge, according to law, the duties of the office of magistrate to the best of your ability; and that you will, in addition to complying with the provisions of the Rules of Professional Conduct, act in accordance with the Preamble and Scope of the Code of Judicial Conduct and comply with the Rules of Canons 1 and 2 and Rules 3.1, 3.3, 3.5, and 3.6 of Canon 3 of the Code of Judicial Conduct concerning the matters in which you serve as a magistrate and such guidelines for this office promulgated by the Chief Court Administrator; so help you God.”

STATUTORY AUTHORITY

Sec. 51-193t. Hearing of small claims matters by magistrate. (a) Notwithstanding the provisions of chapter 922a, the hearing and determination of small claims matters may be assigned to magistrates. Magistrates may handle all aspects of the small claims session including, but not limited to, the determination of all uncontested and contested matters, motions to open judgment, motions to transfer to the regular civil docket, and any motions concerning any postjudgment remedy resulting from a small claims judgment.

(b) A magistrate appointed to hear a small claims matter shall not be bound by the rules regarding the admissibility of evidence, but all testimony shall be given under oath or affirmation. Either party may be represented by counsel but no record of the proceeding before the magistrate shall be required to be kept.

Sec. 51-193u. Hearing of violations and infractions by magistrate. Authority of magistrate decision. Demand for trial de novo. (a) Cases involving motor vehicle violations, excluding alleged violations of sections 14-215, 14-222, 14-222a, 14-224 and 14-227a and any other motor vehicle violation involving a possible term of imprisonment, or any violation, as defined in Section 53a-27, which are scheduled for the entering of a plea may be handled by a magistrate. (b) Infractions and violations designated in subsection (a) of this section in which a plea of not guilty has been entered may be heard by a magistrate. Magistrates shall not have the authority to conduct jury trials.

(c) Magistrates shall have the authority to accept pleas of guilty or of not guilty, to accept pleas of nolo contendere and enter findings of guilty thereon, to impose fines, to set bonds, to forfeit bonds, to continue cases to a date certain, to enter nolle brought by the prosecutorial official, to recommend suspension under section 14-111b, 14-140 or 15-154, to order notices of intention to suspend motor vehicle licenses and registrations, to order issuance of a mittimus if a defendant has been found able to pay and fails to pay, to remit fines, to impose or waive fees and costs, to hear and decide motions, to dismiss cases and to decide cases that are tried before him.

(d) A decision of the magistrate, including any penalty imposed, shall become a judgment of the court if no demand for a trial de novo is filed. Such decision of the magistrate shall become null and void if a timely demand for a trial de novo is filed. A demand for a trial de novo shall be filed with the court clerk within five days of the date the decision was rendered by the magistrate and, if filed by the prosecutorial official, it shall include a certification that a copy thereof has been served on the defendant or his attorney, in accordance with the rules of the court. No record of the proceedings shall be required to be kept.

Per Order of Patrick L. Carroll III, Judge
Chief Court Administrator