

JUDICIAL CONDUCT BOARD

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P.O. Box 310
RUTLAND, VT 05702-0310

ANDREW H. MAASS, ESQ.
CHAIR

REPORT OF THE JUDICIAL CONDUCT BOARD FY 2017

The Judicial Conduct Board is required by Rule 6(11) of the Rules for Disciplinary Control of Judges to issue an annual report to the Supreme Court which “shall include statistics and any recommendations for rule changes and shall be a public document.” The following is the Annual Report for FY 2017 (July 1, 2017 to June 30, 2018) submitted in accordance with this Rule.

Pursuant to Rule 4 of the Rules for Disciplinary Control of Judges, the Supreme Court makes appointments to the Judicial Conduct Board, which shall consist of nine members: three judges, active or retired other than an active justice of the Supreme Court, three attorneys admitted to the practice of law in this state, and three lay persons not admitted to the practice of law in this state or any other state, nor an active, retired or resigned judge.

The current composition of the Board is as follows:

Judicial Members

Judge William Cohen

Judge Mary Miles Teachout

Judge Thomas Zonay
(appointed April 3, 2018)

Attorney Members

Andrew H. Maass, Esq. (Chair)

Barbara Blackman, Esq. (Vice Chair)

Michael Donofrio, Esq.

Lay Members

Kelly Austin

Wes Ward

Dr. Marcy Jones

The Board’s Administrative Assistant is Lynn Wdowiak, RP®.

The mailing address for the Board is: Judicial Conduct Board
P.O. Box 310,
Rutland, Vermont 05702-0310.

The phone number for the Board is (802) 786-1063.

Activities and Recommendations.

Chair Andrew Maass, Past Chair Steve Adler, Past Judicial Member Hon. Kathleen Manley and Board Administrative Assistant Lynn Wdowiak participated in the annual Judicial College, giving the judges an overview of the Board, the jurisdiction of the Board, how complaints are received, and how the Board communicates with judges. Additionally, the confidentiality provisions of the Rules for Disciplinary Control of Judges, the path a Complaint takes once received, and potential sanctions the Board may impose were discussed. The Board also invited input from the judges as to when they would like to receive notice of a Complaint, in particular when a Complainant may pose a threat to the judge or his/her family.

Complaint Statistics FY 2017

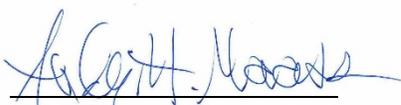
From July 1, 2017 through June 30, 2018 the Board received forty-four (44) new complaints, and had fourteen (14) still-pending complaints from FY 2016.

Of these 58 complaints:

- Thirty-four (34) were dismissed after Initial Inquiry pursuant to Rule 8(1) of the Rules for Disciplinary Control of Judges (some Complaints had more than one allegation; all allegations listed):
 - Ten (10) felt the judge was biased, but no bias was found during the Initial Inquiry;
 - Eleven (11) were either disagreements with judicial rulings or other issues for appeal;
 - Four (4) were complaints about persons not under the jurisdiction of the Board;
 - Six (6) were complaints about conduct not within the time limits specified in Rule 3(1) of the Rules for Disciplinary Control of Judges (“Rules”) and without good cause to address;
 - Three (3) did not identify any unethical conduct of and/or any specific judge; and
 - Two (2) were dissatisfactions with the timeliness of decisions;
- One (1) was dismissed after initial inquiry with a non-public written warning that the actions complained of did not rise to the level of an offense that would warrant further discipline, but the alleged conduct might rise to the level of an offense that would warrant further discipline if a pattern of this behavior is proven.
- One (1) was dismissed after Investigation Phase pursuant to Rule 7(2) of the Rules with a non-public written warning issued pursuant to Rule 8(2) of the Rules;
- One (1) was dismissed after Investigation Phase pursuant to Rule 7(2) of the Rules with no unethical conduct found during the Investigation;
- Two (2) continued to the Investigation Phase pursuant to Rule 7(2) of the Rules and are still pending; and
- Twenty (20) were still pending in the Initial Inquiry phase pursuant to Rule 7(1) of the Rules for Disciplinary Control of Judges as of June 30, 2017. (13 of these were addressed at the Board’s October 5, 2018 meeting.)

Respectfully submitted.

JUDICIAL CONDUCT BOARD

By: 
Andrew H. Maass, Chair