

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 2019-2020

May 20, 2021

INTRODUCTION

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 2019-2020 (July 1, 2019 to June 30, 2020) submitted in accordance with this Rule. This Annual Report was delayed due to the COVID pandemic.

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.

BOARD MEMBERS

The composition of the Board at the end of fiscal year 2019-2020 was as follows:

Judicial Members

Judge Mary Miles Teachout
Judge Thomas Zonay
Judge Cortland Corsones

Attorney Members

Andrew H. Maass, Esq. (Chair)
Barbara Blackman, Esq. (Vice Chair)
Michael Donofrio, Esq.

Lay Members

Wes Ward
Jeffrey Monder
Lori Tarrant

The Board Clerk is Lynn Wdowiak, RP[®], ACP.

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.

BOARD JURISDICTION

The Board acts only on complaints involving judicial misconduct and disability. It does not function as an appellate court to review the merits of a judge’s decision; nor does it exercise

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superintending or administrative control over determinations of courts or judges. Rule 6(17). The Board considers allegations of misconduct and/or disability against “judges.” A “judge” includes Supreme Court justices, superior and district court judges, assistant judges, probate judges, traffic court hearing officers, child support magistrates and acting judges (including both retired judges and attorneys).

THE COMPLAINT PROCESS

The Board is required to investigate any complaint made to the Board of misconduct or disability of a judge. Rule 6(6). Additionally, the Board may investigate conduct or disability upon its own motion. Rule 6(6).

Complaints are received by the Chair of the Board and/or the Board Clerk, pursuant to Rule 4(5). Complainants are provided written acknowledgment that their complaints have been received and will be given due consideration by the Board, assuming the Complaint falls within the jurisdiction of the Board. Respondent judges are forwarded copies of the complaint and advised that an Initial Inquiry is being undertaken by the Board, unless the Board believes the Complaint shows no reasonable basis that there has been even the potential for a violation of the Vermont Code of Judicial Conduct.

The Board meets periodically to consider complaints and conduct its business. The Board meets more frequently if a Formal Complaint has been filed against a judge that requires hearings or other proceedings.

COMPLAINT STATISTICS FY 2019-2020

From July 1, 2019 through June 30, 2020 the Board had: thirteen (13) still-pending complaints from the previous fiscal year in the Initial Inquiry stage under Rule 7(1) of the Rules for Disciplinary Control of Judges; two (2) in the Investigation stage under Rule 7(2) of the Rules for Disciplinary Control of Judges from FY 2018-2019; and, received twenty-six (26) new Complaints.

Of these 42 Complaints:

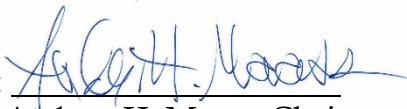
- Twenty-nine (29) were dismissed after Initial Inquiry pursuant to Rule 8(1) of the Rules for Disciplinary Control of Judges (some Complaints had more than one allegation; all allegations listed):
 - Eight (8) contained various allegations of misconduct including bias, but no bias was found during the Initial Inquiry;
 - Fifteen (15) were either disagreements with judicial rulings or other issues for appeal in the underlying case;
 - One (1) was disagreement with judicial rulings or other issues for appeal and concern with the demeanor of the judge, but no concerns about the demeanor were found during the Initial Inquiry;
 - One (1) was a complaint about persons not under the jurisdiction of the Board; and

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- Two (2) were complaints that did not identify any unethical conduct of and/or any specific judge;
- Eight (8) were still pending in the Initial Inquiry phase pursuant to Rule 7(1) of the Rules for Disciplinary Control of Judges.
- Four (4) were still pending as of June 30, 2020 in the Investigation phase pursuant to Rule 7(2).
- One (1) was concluded after a Formal Complaint was filed pursuant to Rule 9 of the Rules for Disciplinary Control of Judges with a Stipulated Facts and Conclusions of Law and Public Reprimand issued. See Docket 18.008 *In re Hon. Bernard Lewis* in the “Public Discipline and Formal Complaints by year” section at <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/judicial-conduct>.

Respectfully submitted this 20th day of May 2021.

JUDICIAL CONDUCT BOARD

By: 
Andrew H. Maass, Chair