

JUDICIAL CONDUCT BOARD

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RUTLAND, VT 05702-0310

BARBARA R. BLACKMAN, ESQ.
CHAIR

September 15, 2021

NOTICE OF DISCOVERY AND PRE-TRIAL ORDER**Via email and US Mail**

Hon. Charles Delaney
49 Leonard Street
Burlington, VT 05408

Via email only

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Rule 9(4) of the Rules for Disciplinary Control of Judges states:

Discovery shall be permitted as provided for in the Rules of Civil Procedure. No materials made confidential by Rule 6.(7) shall be discoverable, and no depositions may be taken of Board members or counsel to the Board. However, all records reviewed by the Board in its initial inquiry shall be discoverable. This shall not be construed to make public any communications among Board members, the Board and special or disciplinary counsel, or other records otherwise made confidential by law or rule.

Rule 9(5) of the Rules for Disciplinary Control of Judges states:

Upon the filing of an answer or upon the expiration of the time for its filing, the Board shall set a deadline for any discovery. The evidentiary hearing shall be held before a hearing panel consisting of at least five members of the Board, at least one of whom shall be a lay member. The Board shall set a time and place for the hearing and shall give notice of the hearing to the judge at least twenty days prior to the hearing date. The Chair shall name the hearing panel and shall preside or designate a member to serve as the presiding officer.

The Reporters Notes for the 2011 Amendment states Section 5 is amended to add a period for discovery if the judge desires it.

If the Respondent Judge desires discovery, please submit a mutually agreed upon Discovery and Pre-trial Order by October 15, 2021. A blank form is attached for your convenience. If nothing is filed by that date the Chair will set a time and place for the hearing pursuant to Rule 9(5) of the Rules for Disciplinary Control of Judges.

STATE OF VERMONT
JUDICIAL CONDUCT BOARD

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IN RE HON. CHARLES DELANEY,) DOCKET NO.: 19.019-

DISCOVERY/ STIPULATION AND ORDER

The parties to the above-entitled cause stipulate to the following Discovery schedule.

1. All written discovery shall be sent to the opposing party no later than _____.

Answers thereto shall be sent no later than as required by Rule.

2. Requests for Admission Shall be served no later than _____.

3. Special Counsel shall disclose experts by _____

Respondent shall depose those experts, if it chooses to do so by _____.

4. Respondent Judge shall disclose experts by _____ Special
Counsel shall depose those experts, if it chooses to do so by _____.

5. Depositions of all witnesses other than expert witnesses shall be scheduled and
taken no later than _____.

6. Discovery shall be complete and this case ready for trial by _____.

Estimated Length of Trial _____ day(s) or _____ hour(s)

Special Counsel

Date

Respondent Judge

Date

APPROVED AND
ORDERED:

Board Chair

Date