

JUDICIAL CONDUCT BOARD



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BARBARA R. BLACKMAN, ESQ.
CHAIR

September 29, 2021

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 21.001

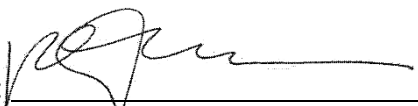
This Complaint is the result of the denial of a request from a non-party victim in a criminal case for a Judge to be recused. The complaint primarily gives rise to the question of whether the Judge was required to disqualify from the case and whether the failure to do so evidences an ethical violation.

As it pertains to disqualification, Vermont Rule of Criminal Procedure 50 sets forth the requirements which must be met for all filings seeking the disqualification of a judge¹. Here, no motion meeting the plain and unambiguous requirements of V.R.Cr.P. 50 was filed by any party, or by counsel for the victim. Further, while Vermont law affords statutory rights to victims in criminal cases, they do not confer party status upon a victim in such a case. In other words, Complainant did not have the legal standing to file a request for the Judge to be recused in the case.

The Judicial Conduct Board conducted an initial inquiry. To the extent the Complaint alleges ethical impropriety or a violation of the Code of Judicial Conduct, the Board has determined that the Complaint is unfounded and there is no cause for further proceedings. *Rules of the Supreme Court for the Disciplinary Control of Judges*, Rule 11.

Accordingly, the Complaint in Docket No. 21.001 is DISMISSED.

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By: 
Barbara R. Blackman, Chair

¹ While the Code uses the term “disqualification” the term “recusal” is also used when discussing a judge’s obligation to not hear a matter.