

**STATE OF VERMONT
VERMONT SUPREME COURT
AUGUST TERM**

**Order Promulgating Amendments to the Rules of the Supreme Court for Disciplinary
Control of Judges**

Pursuant to Chapter II, Sections 30, 36 and 37, of the Vermont Constitution and Administrative Order No. 11, it is hereby ordered:

1. That Rule 6(17) of the Rules of the Supreme Court for Disciplinary Control of Judges be amended to read as follows (new matter underlined, deleted matter overstruck):

Rule 6. General provisions

* * *

(17) A quorum to transact business shall be three for an investigative panel, at least one of whom shall be a layperson. No act of an investigative panel shall be valid unless concurred in by a majority of those present and voting. The quorum to transact business ~~five~~ for a hearing panel; and ~~seven~~ for the Board shall be five, at least one of whom shall be a layperson. No act of an investigative panel, a hearing panel, or the Board shall be valid unless concurred in by a majority of those present and voting the Board. All meetings of the Board, investigative panel, and hearing panel shall be held in the state.

Reporters Notes - 2006 Amendment

Rule 6(17) reduces the quorum for the Judicial Conduct Board to transact business from seven to five. The size of the Board was increased from seven to nine persons pursuant to the amendments adopted September 2001, effective January 1, 2002. Often, Board members have conflicts of interest that require recusal from a particular matter. These recusals and unavailability for routine reasons such as illness, vacation and work conflicts make it difficult at times for the Board to maintain a quorum of seven persons. Actions by the Board or hearing panel require a majority of the full Board. Rule 6(17) also adds language to assure the involvement of a lay member in any actions of the panels or the Board.

3. That these rules, as amended, are prescribed and promulgated to become effective on October 16, 2006. The Reporter's Notes are advisory.

4. That the Chief Justice is authorized to report these rules and amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont this 15th day of August, 2006.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn Skoglund, Associate Justice

Brian L. Burgess, Associate Justice