

JUDICIAL CONDUCT BOARD

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STATE OF VERMONT
JUDICIAL CONDUCT BOARD

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**STATE OF VERMONT
JUDICIAL CONDUCT BOARD**

In re: Honorable William Cobb

Docket No. 20.005

STIPULATED FORMAL COMPLAINT

This Stipulated Formal Complaint is filed pursuant to Rule 7(4) of the Rules of Supreme Court for Disciplinary Control of Judges. It arises from a Complaint filed with the Judicial Conduct Board ("JCB") on or about January 29, 2020 by an attorney. Based on the investigation of that Complaint, the JCB found probable cause that Judge William Cobb violated Rule 1.2 (Promoting Confidence in the Judiciary) and Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office) of the Vermont Code of Judicial Conduct. The following facts are stipulated to by the Judicial Conduct Board, through its special counsel, and Judge Cobb, through his attorney.

FACTS

1. William Cobb has served as Probate Judge in the Vermont Superior Court, Caledonia Unit, Probate Division, since February 2019. He serves on a part-time basis.
2. Judge Cobb is also an admitted lawyer in the State of Vermont with an office in St. Johnsbury, Vermont. Judge Cobb practices law in multiple counties in the State of Vermont.

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3. In January 2020, a Vermont attorney was retained to represent a client of Judge Cobb that had felony charges pending in Caledonia and Windham Counties. As part of Judge Cobb's assisting in the transition of the matter to the attorney, Judge Cobb wrote an unsolicited email to the attorney on January 28, 2020 stating, in part:

I'm conflicted out of representing clients in Caledonia due to my Probate Judge position. However, that also gives me flexibility to cherry pick which county to transfer to in the event that a client in Caledonia has retained me.

4. In the same email to the attorney, Judge Cobb divulged to the attorney that he had recently moved for venue change to Washington County of another of his Caledonia cases after reviewing the facts with the State's Attorney's office in Washington County. In that earlier case, according to Judge Cobb, Judge Cobb had been able to obtain a more favorable plea offer in Washington County than he had obtained from the State's Attorney's office in Caledonia County. He gained the consent of the Caledonia prosecutor to change the venue to Washington County in order to resolve the case more favorably than he would have been able to in the Caledonia Criminal Division.

5. The attorney filed a complaint with the Judicial Conduct Board alleging unethical conduct by Judge Cobb.

6. In the Judicial Conduct Board investigation that ensued, Judge Cobb asserted that he did not believe he could appear as an attorney in any unit of Caledonia due to his position as part-time Probate Judge in Caledonia County.

7. Judge Cobb's belief that he could not represent clients in Caledonia Criminal Division did not deter Judge Cobb from accepting the two referenced privately retained cases in the Caledonia Criminal Division and using his judgeship status to

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orchestrate a venue change in the first criminal matter and expressing the objective to doing so in the second criminal matter.

8. The Vermont Code of Judicial Conduct states:

Rule 1.2: Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

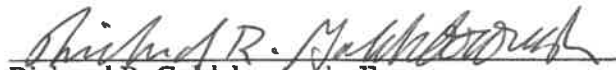
Rule 1.3: Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.

9. Judge Cobb used his position as Probate Judge within the Caledonia Unit to gain an advantage for a client with a matter pending in the same Unit. By using his status as a probate judge to gain an advantage for his private clients that would not otherwise be available to other individuals criminally charged in Caledonia County, Judge Cobb did not promote public confidence in the independence, integrity, and impartiality of the judiciary, and abused the prestige of his judicial office to advance the personal or economic interests of himself and/or his private clients.

WHEREFORE, by his conduct as set forth in this complaint, the parties agree that Judge Cobb has violated Rule 1.2 and 1.3 of the Vermont Code of Judicial Conduct.

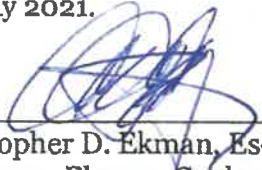
DATED at South Burlington, Vermont, this 21 day of May 2021.



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DATED this 21st day of May 2021.



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