

TO: Members of the Bar of the Vermont Supreme Court

FROM: Peg Flory, Esq., Chair
Judicial Nominating Board

SUBJECT: **Information Concerning Upcoming Judicial Vacancy
(Associate Justice)**

DATE: January 10, 2017

Vermont Supreme Court Associate Justice John A. Dooley has decided to not seek retention, and his current term will expire on March 31, 2017. The Judicial Nominating Board will be accepting applications from persons wishing to fill the upcoming vacancy. **Anyone who has not already applied for this upcoming vacancy may submit an application. Names that were sent to Governor Shumlin as well-qualified have been forwarded to Governor Scott and will be considered by Governor Scott.**

In evaluating candidates, the Judicial Nominating Board uses established criteria and standards for nomination that include, but are not necessarily limited to, such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, communication capability, financial integrity, work ethic, administrative capabilities, and other attributes that the Board deems relevant as identified through its rules. Consideration will be given to the nature and extent of the candidate's training, practice and experience.

Please note the statutory changes to 4 V.S.A. §§ 602(b) and 602(c), which now read as follows:

Whenever a vacancy occurs in the office of a Supreme Court Justice, a Superior Court Judge, magistrate, or Chair of the Public Service Board, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the Board shall submit to the Governor the names of as many persons as it deems well-qualified to be appointed to the office. [§602(b)]

A candidate for judge or Justice shall be a Vermont resident and an experienced lawyer who has practiced law in Vermont for a minimum of ten years, with at least five years immediately preceding his or her application to the Board. The Board may make exceptions to this five-year requirement for absences from practice for reasons including family, military, academic, or medical leave. [§602(c)(1)]

Judges may apply under § 602(c)(1).

Other information relating to this vacancy is as follows:

(1) 4 V.S.A. §§ 601(d) & 602(b), 602(c)(1) and 602(d) set forth the general qualifications required of candidates for Associate Justice. See also Vt. Const. ch. II, § 35 and the Judicial Nominating Board Rules.

2) The appointment will be for a term which expires on March 31, 2023. Thereafter, an Associate Justice may be a candidate for retention and a six-year term. Vt. Const. ch. II, §§ 33, 34; 4 V.S.A. §§ 4, 5, 607, 608.

3) The annual salary of an Associate Justice is \$152,538. 32 V.S.A. § 1003(c).

4) The procedures for selection and appointment of an Associate Justice are set forth in Vt. Const. ch. II, §§ 32-35 and 4 V.S.A. §§ 601-603.

5) The Supreme Court has administrative control of all the courts of the State. Vt. Const. ch. II, § 30.

6) An Associate Justice is subject to the disciplinary and administrative authority of the Supreme Court. Vt. Const. ch. II, §§ 30, 36, 37; 4 V.S.A. §§ 3, 6; Rules of Supreme Court for Disciplinary Control of Judges; and Code of Judicial Conduct. A.O. No. 10.

Any individual interested in applying for this vacancy who has not already applied for the upcoming vacancy may download the [Application for Justice](#) on the Judiciary website. **Please note that this Application is a new application form, and if you have previously submitted an application, you must use the new form.** This completed application (and 11 copies) must be filed with me at the following address **on or before noon on January 23, 2017**. Please make sure that each copy of your application is stapled, clipped or otherwise bound together with your writing sample and any other written submission. **Also, please include your photograph with your application.**

To learn more about the judicial application and nominating process, you may want to read an article in the [Vermont Bar Journal](#). The article is entitled "*Vermont's Judicial Application Process*," Vermont Bar Journal, Volume 39, No. 3, Fall 2013.

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If you have any questions, or for whatever reason wish to speak with me directly, you can call me at 483-6854.