

PROPOSED

**STATE OF VERMONT
VERMONT SUPREME COURT
TERM 2024**

**Order Amending Rule 6(6) and Adding Rule 14 of the Rules of Supreme Court for
Disciplinary Control of Judges**

Pursuant to Chapter II, § 30, of the Vermont Constitution, it is hereby ordered:

1. That Rule 6(6) of the Vermont Rules of Supreme Court for Disciplinary Control of Judges be amended as follows (new matter underlined; deleted matter struck through):

Rule 6. General Provisions

(6) The Board shall investigate any complaint submitted to it and may investigate conduct or disability upon its own motion, subject to the following:

(a) Any complaint must contain a concise statement of facts which, if true, would indicate probable misconduct or disability

(b) A complaint of misconduct, which is repetitive of a prior complaint as determined by the Chair or Vice Chair, will not be docketed by the Board.

Reporter's Notes—2024 Amendment

Rule 6(6) is amended to impose two requirements regarding complaints of misconduct or disability. First, new Rule 6(6)(a) requires that the complaint must contain a concise statement of facts to support the alleged misconduct or disability. This requirement allows the Board to focus its attention and resources on colorable complaints. Second, under new Rule 6(6)(b), repetitive complaints need not be addressed by the Board. The Chair or Vice Chair of the Board determines whether a complaint is repetitive.

2. That Rule 14 of the Vermont Rules of Supreme Court for Disciplinary Control of Judges be added to read as follows:

Rule 14. Abuse of Complaint Procedure

A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints, based on a majority vote of the Board. After giving the complainant an opportunity to show cause in writing why the right to file further complaints should not be limited, the Board may prohibit, restrict, or impose conditions on the complainant's use of the complaint procedure. Upon written request of

the complainant, the Board for good cause shown may revise or withdraw any prohibition, restriction, or conditions previously imposed.

Reporter's Notes—2024 Amendment

Rule 14 is added to provide a mechanism for the Board to restrict the filing of complaints by complainants who have abused the procedure. Successive and frivolous complaints strain limited resources and do not further the purposes of the complaint procedure. The rule is based on a federal court rule also aimed at curtailing abuse of the complaint procedure.

3. That these rules are prescribed and promulgated effective _____, 2024. The Reporter's Notes are advisory.
4. That the Chief Justice is authorized to report this rule to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this _____ day of _____, 2024.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice