

JUDICIAL CONDUCT BOARD

TELEPHONE: (802) 786-1063
FACSIMILE: (802) 786-1161



P.O. Box 310
RUTLAND, VT 05702-0310

ANDREW H. MAASS, ESQ.
CHAIR

September 20, 2019

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 19.016

This Complaint is the result of a matter in which the Complainant was dissatisfied with the outcome of the litigation, which is a matter for an appellate court, not this Board. **Rule 6(17) of the Rules for Disciplinary Control of Judges states:**

The Board shall not function as an appellate court to review the decisions of a court or judge nor exercise superintending or administrative control over determinations of courts or judges.

The Complainant also felt the decisions made in the court case were biased, but gave no specifics as to how the Judge showed bias in his decisions. Canon 3B(5) states :

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.

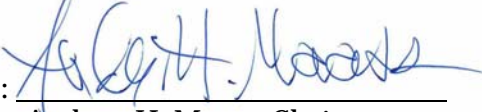
The information in Complainant's additional letters contained no information on how the decisions showed bias. The fact that a judge has ruled against a party is not evidence of bias against that party. *Litkey v. United States*, 510 U.S. 540, 555 (1994). "[T]o establish prejudice 'it is not enough merely to show the existence of adverse rulings, no matter how erroneous or numerous, or that the judge expressed a comment or opinion, uttered in the course of judicial duty, based upon evidence in the case.'" *Luce v. Cushing*, 2004 VT 117, 123, 177 Vt. 600 (quoting *Gallipo v. City of Rutland*, 163 Vt. 83, 96 (1994) (holding that "adverse rulings, no matter how erroneous or numerous" are not sufficient to establish prejudice)).

The Rules of the Judicial Conduct Board were sent to the Complainant, along with giving the Complainant 30 days to supplement the Complaint with specific allegations under the Board's jurisdiction. Complainant did send additional letters, but none of the additional information contained any detailing.

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. 19.016 is DISMISSED.

JUDICIAL CONDUCT BOARD

By: 
Andrew H. Maass, Chair