

JUDICIAL CONDUCT BOARD



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ANDREW H. MAASS, ESQ.
CHAIR

October 9, 2018

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 18.001

This Complaint is the result of a criminal trial that included two novel legal issues that had not been decided by the Vermont Supreme Court. Complainant had three instances that Complainant believe the Judge violated the Judicial Canons: (1) by asking the attorneys for legal or statutory precedent from other states to assist the Judge in making a ruling on the novel legal issues; (2) how the jurors and alternates were selected; and (3) that his attorney objected again and again to the jury instructions, which the Complainant took to mean the Judge was being unethical.

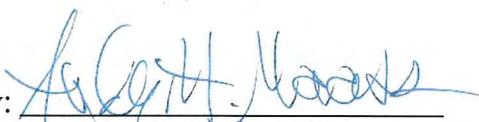
If founded, these could be violations of Canon 2A: A judge should respect and comply with the law and shall act at all times in of a manner that promotes public confidence in the integrity and impartiality of the judiciary; Canon 3B(2): A judge should be faithful to the law and maintain professional competence in it; and Canon 3B(8): A judge shall dispose of all judicial matters promptly, efficiently and fairly.

The Judicial Conduct Board conducted an initial inquiry, including review of the docket, pleadings, a response from the Judge, and listening to the audio of the trial. The Board determined that the Complainant did not understand why a Judge might ask for legal authority when there is no statute or case law controlling the issue, or the fact that counsel must put objections to jury instructions on the record to preserve the issue for appeal. The Board also determined that it was a person other than the Judge who made the selection of alternate jurors.

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. 18.001 is DISMISSED.

JUDICIAL CONDUCT BOARD

By: 
Andrew H. Maass, Chair