

JUDICIAL CONDUCT BOARD



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ANDREW H. MAASS, ESQ.
CHAIR

October 10, 2018

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 18.006(b)

This Complaint is the result of a criminal charge against a member of Complainant's family in which the family's purpose was to ensure the family member received needed mental health treatment. Complainant believed the Judge was biased and prejudiced against the family member due to the mental health disability, resulting in the family member being held in jail without bail and not receiving mental health treatment. Other complaints included that the Judge found probable cause prior to the Police Officer signing supporting paperwork and delay in the case, and by denying a request to modify the hold-without-bail order.

If founded, this would be in violation of Canon 3B(5): *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 . . . disability. . .*; Canon 3B(8): *A judge shall dispose of all judicial matters promptly, efficiently and fairly*; and Canon 3B(7): *A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.*

The Judicial Conduct Board conducted an initial inquiry, including an extensive review of the file, a response from the Judge, and listening to the audio of each of the three (3) hearings conducted by the Judge. The Board determined that it was a different judge that initially imposed the hold-without-bail order at arraignment. The Board determined that the Judge subject to the Complaint did suspend the hold-without-bail order to allow the accused to go to a treatment facility, where the accused was asked to leave due to violating program rules. The Board found the Judge articulated clearly the reasons for the Judge's decision to thereafter continue the hold-without-bail order. The Board found no bias against a person with a mental illness disability.

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. 18.006(b) is DISMISSED.

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By: Andrew H. Maass
Andrew H. Maass, Chair