

## JUDICIAL CONDUCT BOARD

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ANDREW H. MAASS, ESQ.  
CHAIR

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October 31, 2018

### CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 18.009

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This Complaint is against two separate judges. The Complaint is the result of a motion to modify a divorce decree to allow one parent to move to New Hampshire. The Complainant made allegations that the first judge issued a temporary order without input from Complainant, and that the second Judge was biased against Complainant because of Complainant's race or national origin, and that the second judge held a meeting with the lawyers without the presence of the parties.

If founded, these would be violations of Canon 3B(5): *A judge shall perform judicial duties, without bias or prejudice;* 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 review of the Complaint, responses from the judges involved and the case file for the matter. The Board determined that the Complaint that the Judge entered a temporary order would be an issue for appeal, not under the jurisdiction of the Board. See *Rules for the Disciplinary Control of Judges* 6(17): "The Board shall not function as an appellate court to review the decisions of a court or judge."

The Board also found no evidence of bias due to Complainant's race or national origin, and found no ethical violation in having a "Chambers conference" between the judge and the attorneys without the parties present; this is a tool often used.

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. 18.009 is DISMISSED.

JUDICIAL CONDUCT BOARD

By: 

Andrew H. Maass, Chair