

JUDICIAL CONDUCT BOARD



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ANDREW H. MAASS, ESQ.
CHAIR

February 25, 2019

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 18.030(a)

This Complaint is the result of a probate estate matter that began in 2009 and contains allegations about two judges, a Probate Judge and a Superior Court Judge. This Closure Report is directed toward the allegations about the Probate Judge.

One set of allegations discussed the judge's lack of impartiality, independent judgment, fairness and responsiveness to the protection of Complainant's rights. These allegations relate to substantive rulings and decisions made by the judge, which are issues for appeal, not under the jurisdiction of this Board. **Rule 6(17) of the Rules for Disciplinary Control of Judges states:**

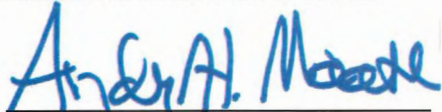
The Board shall not function as an appellate court to review the decisions of a court or judge nor exercise superintending or administrative control over determinations of courts or judges.

A second set of allegations were: (1) that the judge refused to continue a hearing when requested; (2) claimed that the judge backdated an order; and (3) based on information to the Complainant that the Probate Judge had an ex-parte communication with the Superior Court Judge who could sit on any appeal.

The Judicial Conduct Board conducted an initial inquiry, including a thorough review of the entire case file and review of a response from the judge. The review also included a request from the Board to the Complainant on specific facts, including the source of information relating to the alleged ex parte conversation. 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. 18.030(a) is DISMISSED.

JUDICIAL CONDUCT BOARD

By: 

Andrew H. Maass, Chair