

STATE OF VERMONT
JUDICIAL CONDUCT BOARD

In Re:)
Judge Paul Kane)

JCB Docket No. 16.004

RESPONSE TO MOTION TO RECUSE

Respondent's Motion to Recuse is ridiculous. The entire basis for the Motion appears to be the Board's use of the word "depleted" in the Public Reprimand it proposed during settlement communications last week. The Board's proposed Public Reprimand, and its use of the word "depleted" were entirely justifiable in light of Respondent's express acknowledgement of all of the facts in the Formal Complaint – facts which unquestionably support the conclusion that Mr. Kane "depleted" Ms. Tolaro's estate of most of its assets.

Respondent may not like that characterization of his conduct (in fact he clearly does not since he rejected the proposed Reprimand), however the Board's word choice certainly fits the conduct to which he admitted last week.

The mere fact that the same commonly used word used by the Board in its proposed Reprimand also happened to appear in an article about the case is hardly evidence that the Board has been influenced by extrinsic media reports. Good diction is not grounds for recusal.

Dated in Burlington, Vermont, this 14th day of March, 2017.



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