

# JUDICIAL CONDUCT BOARD

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Steven A. Adler, Esq.  
Chair

October 4, 2013

## Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 13.026

Complainant is currently serving a lengthy sentence for a serious felony. His third Post Conviction Relief (PCR) Motion was denied by the Respondent Judge and Complainant believes that the Judge was unfair in so ruling. He also believes the Court acted *ex parte* because Complainant was late in calling in to the hearing, which started without him, but with his lawyer present. Complainant's earlier attempts at PCR were denied and the instant motion was essentially duplicative. Although Complainant fails to identify any particular Canon, the allegation of *ex parte* communications which is the heart of the Complaint would implicate Canon 2, avoiding impropriety or the appearance of impropriety.

The Judicial Conduct Board conducted an initial inquiry which included a review of the pleadings and Orders of the Court. At best, the Complaint raises an appellate issue; to the extent the Complaint alleges ethical impropriety or a violation of the Code the Board has determined 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.

The Complaint in Docket No. 13.026 is DISMISSED.

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A handwritten signature in cursive script, appearing to read "Steven A. Adler".

By: Steven A. Adler