

JUDICIAL CONDUCT BOARD

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Steven A. Adler, Esq.
Chair

February 17, 2014

Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 13.035

This is a complaint arising out of a small claims hearing concerning Complainant's suit against a garage in which he alleges improper repair or maintenance of his vehicle. Complainant was unsuccessful in his suit and now makes three claims (1) The Judge was biased because she did not make both parties turn off their cell phones, (2) The Judge didn't listen to the evidence Plaintiff wanted to present and (3) The Judge is at fault because the Clerk's office told the Plaintiff not to appeal until the judge had decided a Motion to Reconsider. If founded these allegations would be violations of Canons 3(B)(3) and 3(B)(5). Complainant admits that Judge did tell all parties at the start of the hearing to turn off their cell phones, rather than directing the instruction to just one party. The Judge listened to the evidence presented but concluded that Complainant had not proven his case, indicating that the Judge felt the evidence was not persuasive. Finally, it is not the fault of the Judge that Complainant waited more than 60 days after a decision on the Motion to Reconsider to file an appeal, which was untimely.

The Judicial Conduct Board conducted an initial inquiry. 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.

The Complaint in Docket No. 13.035 is DISMISSED.

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

By: Steven A. Adler