

JUDICIAL CONDUCT BOARD

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Chair

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Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 11.024

This Complaint has its genesis in a complex and contentious divorce case involving a very substantial marital estate. The Complaint alleged multiple issues, many centered around a concern of bias. For example, the Complainant believes that the trial Judge was biased in favor of the Complaint's wife who is an attorney. However, no motion for recusal was ever filed, and the Judge was unaware of Complaint's dissatisfaction with the Court, or even that the wife was an attorney until that matter came out in testimony. The complaint also alleges gender bias by the Court but this is unsubstantiated. Complainant also believes that his case presentation was unduly restricted by the Court, although the record reveals that additional time was given to his attorney upon request.

Other issues surrounded activities in court during a two week gap while Complainant switched from his second to his third attorney. However, it does not appear that any substantive matters were addressed by the Court during this period. Finally, the complaint alleges that it ultimately took the Court too long to issue a decision after close of the evidence. While prompt decision-making is always encouraged, the limited resources of the Judiciary necessarily will impact the timeliness of decisions. Various aspects of the case, and related matters, are still in active or threatened litigation, which will provide a forum for Complainant to address some of these same issues.

The Judicial Conduct Board conducted an initial inquiry including a review of the Complaint, multiple supplemental submissions provided by Complainant, as well as a response from the Judge and docket sheet obtained from Court. 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 7(1).

The Complaint in Docket No. 11.024 is DISMISSED.

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By: Steven A. Adler