

JUDICIAL CONDUCT BOARD

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Steven A. Adler, Esq.
Chair

August 20, 2012

Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 12.024

This Complaint stems from the sentencing following a criminal trial, which included a requirement that Complainant participate in the Domestic Assault Education Program. The Complaint also alleged that the trial judge should have been recused because of pending litigation involving that judge. However, the judge against whom the complaint is filed did not preside at either the trial or the sentencing, but only issued a discretionary ruling post-sentencing. Moreover, the recusal motion was denied by the Chief Administrative Judge and does not raise any ethical issues but rather claims error in legal ruling for which an appeal would be the appropriate remedy. If the allegations were founded, this may be considered a violation of Canon 3(B)(2).

The Judicial Conduct Board conducted an initial inquiry including a review of the pleadings and orders filed by the parties in the 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. 12.024 is DISMISSED.

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

By: Steven A. Adler