

JUDICIAL CONDUCT BOARD

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Steven A. Adler, Esq.
Chair

August 21, 2012

Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 12.029

The Complainant was an unsuccessful *pro se* Plaintiff in a personal injury trial based upon an automobile accident. The Complaint alleged that the trial judge wrongfully failed to instruct the jury that Defendant had conceded liability, and also acted unethically by allowing a witness to testify who had been present in the courtroom throughout the trial, without objection from Plaintiff. The allegations if founded could constitute violations of various sections of Canon 3 of the Code of Judicial Conduct. However, the trial transcript is inconsistent with the Complainant's allegations, do not support the claim of a concession of liability and do not reveal any objection to the unsequestered witness' testimony. Other allegations relate to legal and evidentiary rulings which are appellate and not ethical issues.

The Judicial Conduct Board conducted an initial inquiry including a review of the pleadings and orders filed by the parties in the Court, as well as a review of the transcript of the hearing. 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. 12.029 is DISMISSED.

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A handwritten signature in cursive script, appearing to read "Steven Adler", is written over the printed name.

By: Steven A. Adler