

Administrative Order No. 35
JUDICIAL ETHICS COMMITTEE

Effective September 1, 1995, a Judicial Ethics Committee of five members is established consisting of three members of the Judiciary and two other members to be appointed by the Supreme Court. Initial appointments shall be for staggered terms - two members for three years, two members for two years, and one member for one year. The initial appointments of the members of the Judiciary shall be for one three-year term, one two-year term, and one one-year term. Thereafter appointments shall be for a three-year term. Whenever a member resigns or the office is otherwise vacant, the Supreme Court shall appoint a successor to fill the unexpired term. The chair shall be designated by the Supreme Court.

The members of the Committee shall be reimbursed for reasonable and necessary expenses related to the performance of their duties and shall receive per diem compensation equivalent to that provided by law for comparable boards and commissions. The members of the Judiciary shall be reimbursed the normal state employee expenses. The Commissioner of Finance and Management shall pay from the judicial appropriation all expenses of the Committee when expenses are submitted on proper vouchers approved by the Court Administrator or the Court Administrator's designee.

The Committee

shall render advisory opinions on matters involving the interpretation and application of the Vermont Code of Judicial Conduct on its own initiative, or at the request of any court in this state, or the Judicial Conduct Board, or an individual judge, or a candidate or potential candidate for judicial office, provided that an opinion may not be issued on a matter that is pending before a court or the Judicial Conduct Board against a judge or candidate that involves a claim of violation of the Code of Judicial Conduct by that judge or candidate except on request of the court or that Board.

Shall maintain and publish compilations of its redacted opinions, indexed and up-to-date, in a manner that will make them available to the courts, the Judicial Conduct Board, individual judges, and members of the public.

May make recommendations to the Supreme Court regarding amendments to the Vermont Code of Judicial Conduct.

A judge or candidate or potential candidate for judicial office who has requested and received an advisory opinion of the Judicial Ethics Committee shall not be immune from disciplinary action for conduct in reliance on that opinion, but compliance with the advisory opinion is a factor properly to be taken into account in any disciplinary proceeding arising from such conduct.

Advisory opinions of the Judicial Ethics Committee may be received and considered on questions involving the interpretation of the Vermont Code of Judicial Conduct in any proceeding in the courts of this state or before the Judicial Conduct Board.

With the exception of redacted opinions approved for publication pursuant to this order, all inquiries, replies, records, documents, files, and proceedings pertaining to the interpretation of the Vermont Code of Judicial Conduct and the rendering of advisory opinions with respect thereto shall be confidential, and unless otherwise ordered by the Supreme Court shall not be open to the public, the media, or any person not involved in the rendering of the advisory opinions, excepting only the staff and members of the

Judicial Ethics Committee and their professional associates actively involved in working on an advisory opinion for any member, and any justice of the Supreme Court. No member of the Committee, its staff, or professional associates shall publicly disclose the identity of another individual whose conduct or inquiry was the subject of an advisory opinion without the consent of that individual. Adopted May 3, 1995, eff. September 1, 1995.