

THE JUDICIAL CONDUCT BOARD
FOR THE
STATE OF VERMONT



INFORMATION CONCERNING
JUDICIAL
COMPLAINT PROCEDURES

This information is for persons who wish to file a complaint about possible misconduct against Vermont judges. Please read it carefully. It explains the process and is designed to prevent misunderstandings.

THE JUDICIAL CONDUCT BOARD

The Board consists of 9 members: three judges, three lawyers and three members of the public, all of whom are appointed by the Supreme Court.

The Board investigates complaints of possible misconduct against Judges. “Judges” include Supreme Court Justices, Superior and District Court Judges, Assistant Judges, Probate Judges, and any other individual who is deemed a judge pursuant to applicable Supreme Court Administrative Orders (for example, child support magistrates, traffic court hearing officers, and acting judges).

Judicial misconduct includes, but is not limited to, violations of the Code of Judicial Conduct, willful, and persistent failure to perform judicial duties and habitual intemperance (such as abuse of alcohol). The Board also investigates complaints alleging physical or mental disability of a judge, either temporary or permanent, that may seriously interfere with the judge’s performance of judicial duties.

If the Board finds that a judge has committed an act (or acts) of judicial misconduct, the Board can enter into a deferred discipline agreement with the judge, place limitations or conditions on the performance of the judge’s judicial duties, publicly reprimand the judge, or suspend the judge for a portion or all of the remainder of the judge’s term in office.

Generally, all records and communications in proceedings before the Board are confidential unless the Board files a formal complaint against the judge. Upon the filing of a formal complaint, the proceedings become public.

VERMONT CODE OF JUDICIAL CONDUCT

The Vermont Code of Judicial Conduct is a set of rules to which Judges must adhere. This Code is included in the Administrative Orders Section of the Vermont Statutes. The Vermont Statutes are available at public libraries, town clerk’s offices and online. They may be located online by using “Vermont Code of Judicial Conduct” as a search term. The Code is also available through a link at www.vermontjudiciary.org.

To inform yourself about the Rules under which the Judicial Conduct Board operates see <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/judicial-conduct>. The Code of Judicial Conduct that governs conduct by all Vermont Judges can be found by selecting "Text of A.O. 10 Vt. Code of Judicial Conduct" at the bottom of that main Page.

If you do file a formal Complaint against a judge, it is most helpful if you can identify the Section or Sections of the Code of Judicial Conduct which you believe the judge has violated.

PROCEDURE FOR MAKING A COMPLAINT

There are no formal requirements for filing a complaint against a judge except that it be in writing. There is a Complaint form that can be found at the bottom of the main page above that can be used.

The complaint should be sent to:

Andrew H. Maass, Esq., Chair
Judicial Conduct Board
P.O. Box 310
Rutland, VT 05702-0310

While no special format or language is necessary, it is helpful to include the following information:

- Your name and mailing address;
- A daytime telephone number;
- The name of the court from which your complaint arose and the docket number, if available;
- The name of the judge;
- A brief summary of the complaint including what facts you believe constituted misconduct by the judge. General statements of dissatisfaction with a judge, or with a judge's decision, are not useful because they do not inform the Board what the possible misconduct might be;
- If your complaint arises from a court proceeding, the specific date or dates when the possible misconduct took place. This information is particularly helpful if the proceedings lasted over a period of time.
- Attach copies of any documents, letters or other materials that pertain to or support your complaint.

WHAT TO EXPECT

You can expect the Board to be genuinely concerned with your complaint. It will receive full attention and follow up.

You can expect the Board to review the judge's actions in response to your complaint. If warranted, the Board will conduct its own investigation into the matter and may even hire a special counsel to do so.

You can expect to be notified by the Board if it has further questions about your complaint.

You can expect to be notified when the Board has concluded its investigation into your complaint and to receive a written explanation of the outcome of your complaint.

Please keep in mind that the Board generally meets every other month.

WHAT NOT TO EXPECT

You should not expect the decision of a judicial officer to be overturned or modified in any way by the Board. A court order can only be reviewed by an appellate court. If you have questions regarding how to appeal an order of the court, you should contact the staff of that court or consult with an attorney.

You should not expect the Board to interpret, explain, or justify the meaning of a court's order. If you have questions in this regard you should consult with an attorney.

You should not expect the Board to provide you any guidance or legal advice regarding any pending legal proceeding or regarding any other matters. Again, if you have questions of this nature you should consult with an attorney.

You should not expect the Judicial Conduct Board to investigate or discipline an attorney. To file a complaint against an attorney you should contact the attorney for the Professional Responsibility Board at the address below:

Professional Responsibility Program
Costello Courthouse
32 Cherry Street, Suite 213
Burlington, VT 05401-7305