

STATE OF VERMONT

JUDICIAL NOMINATING BOARD

MEMORANDUM

TO: Members of the Bar of the Vermont Supreme Court

FROM: Ella Spottswood, Esq., Chair
Judicial Nominating Board

SUBJECT: **Information Concerning Magistrate Vacancy—REPOSTING**

DATE: April 9, 2024

At the Governor’s request, the Judicial Nominating Board is seeking additional applicants for the Family Division Magistrate vacancy created by the retirement of Christine D. Hoyt. The Board sent the Governor the names of two well qualified candidates for this vacancy in December 2023—the only two eligible candidates who applied. The Governor has recently sent the Board a letter stating that he “will need to receive the names of at least four additional well-qualified candidates.” There is no statutory minimum number of names to which the Governor is entitled and the Board stands by its recommendation of both candidates already sent. Nonetheless, the Board has voted to honor the Governor’s request and is seeking additional applications as follows.

The Chief Superior Judge will assign this Magistrate primarily to Windsor and Windham Counties. The Family Division Magistrate appointment will be for a term which expires on March 31, 2027. Magistrates may be appointed for additional terms through the legislative retention process described in 4 V.S.A. §461(c).

In evaluating candidates, the Judicial Nominating Board uses established criteria and standards for nomination that include, but are not necessarily limited to, such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, communication capability, financial integrity, experience, diligence, social consciousness, and public service. Consideration will be given to the nature and extent of the candidate’s legal training, practice, and experience.

The Supreme Court and the Chief Superior Judge expect Magistrates to both preside over child support and other family related proceedings and take an active role in the management of the child support, domestic and parentage dockets in each court to which the Magistrate is assigned,

in collaboration with the Presiding Judge, the Superior Court Clerk, the Court Operations Manager and the Case Manager. A Magistrate must be able to:

- ensure that court proceedings are conducted in an atmosphere that makes litigants and lawyers feel welcome, ensures fairness and the perception of fairness, and treats court users and court staff with courtesy and respect.
- manage the flow of litigation and the pace of courtroom proceedings in order to resolve disputes in a timely and effective manner.
- communicate clearly and regularly with the local bar, representatives of state agencies, community organizations and other court users in order to enhance effective functioning of the court.

Other information relating to the Family Court Magistrate vacancy is as follows:

- (1) The Magistrate shall be an attorney admitted to practice in Vermont with at least four years of general law practice. 4 V.S.A. § 461(b).
- (2) Magistrates are nominated and confirmed in the manner of Superior Court Judges. 4 V.S.A. §461(b).
- (3) The criteria and standards used by the Judicial Nominating Board for the nomination of qualified candidates for Magistrate are set forth at 4 V.S.A. § 601(d) and in rules adopted by the Judicial Nominating Board.
- (4) A Magistrate has jurisdiction to hear and dispose of proceedings for the establishment, modification, and enforcement of child support, including contempt proceedings instituted against an obligated party for the limited purpose of enforcing a child support order.; cases arising under the Uniform Interstate Family Support Act; child support in parentage cases after parentage has been determined; cases arising under 33 V.S.A. § 5116, when delegated by a presiding judge of the Superior Court; proceedings to establish, modify, or enforce temporary orders for spousal maintenance in accordance with 15 V.S.A. §§ 594a and 752; proceedings to modify or enforce temporary or final parent-child contact orders issued pursuant to this title; proceedings to establish parentage.; and proceedings to establish temporary parental rights and responsibilities and parent-child contact. See 4 V.S.A. §§ 461(a) and 462.

- (5) Effective July 2, 2023, the salary of the Magistrate is \$137,606. See 32 V.S.A. § 1003(c)(6).
- (6) The procedures for selection and appointment of the Magistrate are the same as those set forth for a Superior Judge. See Vt. Const. Ch. II §§ 32-35 and 4 V.S.A. §§ 602-603.
- (7) The procedures for retention are found at Vt. Const. ch. II, §§ 34-35 and 4 V.S.A. § 461(c).
- (8) A Magistrate is subject to the disciplinary and administrative authority of the Supreme Court and the Chief Superior Judge. See: Vt. Const. Ch. II §§ 30, 36, 37; 4 V.S.A. §§ 3, 72, 461(d); Vermont Code of Judicial Conduct, Administrative Order 10; and Administrative Order 18 related to the duties of the Chief Superior Judge.
- (9) Under 4 V.S.A. § 26, the Legislature authorized appointment of half-time Magistrates. Two half-time Magistrates may share the position on a weekly, monthly or semi-annual basis subject to the assignment of the Chief Superior Judge. Each appointment will be made as one full-time Magistrate or two half-time Magistrates.

Any individual interested in applying for this vacancy may download the [Application for Magistrate](#) on the Judiciary website. Your completed application, in PDF form, must be filed with me and Merrick Grutchfield at the following email addresses **on or before May 1, 2024**: eleanor.spottswood@gmail.com and merrick.grutchfield@vtcourts.gov.

Interviews by the Judicial Nominating Board are tentatively planned to be held in person on **May 22 & 23, 2024, in the Burlington area.**

If you have any questions, please feel free to contact me at 802-391-0061 or at eleanor.spottswood@gmail.com.