

STATE OF VERMONT

JUDICIAL NOMINATING BOARD

MEMORANDUM

TO: Members of the Bar of the Vermont Supreme Court

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

SUBJECT: **Information Concerning Superior Judge Vacancies**

DATE: June 29, 2023

The Judicial Nominating Board is seeking applicants for the Superior Judge vacancies which will be created by the upcoming retirements of Judge Katherine Hayes and Judge Martin Maley, the vacancy created as a result of Judge Gregory Rainville not seeking retention, and a newly established Superior Judge position.

Superior Judges serve in the civil, criminal, and family divisions of the Superior Court. Please note that these vacancies and the appointments are in several different regions.

The successful candidate filling the Judge Hayes vacancy will be assigned, regardless of residence, to the **East Region** of the Superior Court, with primary assignments to the Windham and Windsor units. The appointment will be effective for a term that expires on March 31, 2026.

The successful candidate filling the Judge Maley vacancy will be assigned, regardless of residence, to the **Northeastern area of the North Region** of the Superior Court, with primary assignments to the Washington, Lamoille, Caledonia, Essex, and Orleans units. The appointment will be effective for a term that expires on March 31, 2026.

The successful candidate filling the Judge Rainville vacancy will be assigned, regardless of residence, to the **Northwestern area of the North Region** of the Superior Court, with primary assignments to the Chittenden, Franklin, Grand Isle, Lamoille, and Washington units. The appointment will be effective for a term that expires on March 31, 2029.

The successful candidate for the newly established Superior Judge position will be assigned, regardless of residence, to the **West Region** of the Superior Court, with primary assignments to the Bennington and Rutland units. The appointment will be effective for a term that expires on March 31, 2029. Candidates for this position may also be considered for the West Region position advertised on October 17, 2022, to the extent that position remains unfilled.

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 will expect each judge to preside in the civil, criminal and family divisions of the Superior Court, to carry out administrative policy directives and statewide trial court operational policies, and to work cooperatively with court clerks and judicial colleagues to:

- manage the flow of litigation and the pace of courtroom proceedings in order to deal with the workload of the court efficiently and effectively.
- 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.
- 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.

In addition, a Superior Judge may be assigned as the presiding judge of a unit pursuant to 4 V.S.A. § 71(e). Pursuant to Administrative Directive No. 29, the responsibilities of a presiding judge for a geographical unit include: allocation of judicial resources within the unit; resolution of scheduling conflicts between divisions within the unit; increase of efficiencies and standardization of procedures; and maintenance of a collaborative working relationship with the Superior Court Clerk and Court Operations Managers on issues related to case scheduling, calendaring, court programs, use of court facilities and the relationship between the court and the local bar and the community.

Please note 4 V.S.A. §§ 602(b) and 602(c), which read as follows:

Whenever a vacancy occurs in the office of a Supreme Court Justice, a Superior Court Judge, magistrate, or Chair of the Public Utility Commission, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the Board shall submit to the Governor the names of as many persons as it deems well qualified to be appointed to the office. [§ 602(b)]

A candidate for judge or Justice shall be a Vermont resident and an experienced lawyer who has practiced law in Vermont for a minimum of ten years, with at least five years immediately preceding his or her application to the Board. The Board may make

exceptions to the five-year requirement for absences from practice for reasons including family, military, academic, or medical leave. [§ 602(c)(1)]

Other information relating to the Superior Judge vacancies is as follows:

- (1) 4 V.S.A. § 601(d) and § 602(b) set forth the general qualifications required of candidates for Judges. See also Vt. Const. ch. II, § 35 and the Judicial Nominating Board Rules.
- (2) Superior Judges rotate and are assigned to serve from time to time in the Superior Court in the three geographic divisions of the state. See Administrative Order No. 13 and 4 V.S.A. §§ 21(a) and 22.
- (3) Effective July 1, 2023, the salary of a Superior Judge is \$182,505. 32 V.S.A. § 1003(c).
- (4) The procedures for selection and appointment of Superior Judges are set forth at Vt. Const. ch. II, §§ 32-35 and 4 V.S.A. §§ 601-603.
- (5) The procedures for retention of Superior Judges are found at Vt. Const. ch. II, §§ 34-35 and 4 V.S.A. §§ 607 and 608.
- (6) Superior Judges are subject to the disciplinary and administrative authority of the Supreme Court and the Chief Superior Judge. Vt. Const. ch. II, §§ 30, 36, 37; 4 V.S.A. §§ 3, 72, and 605; Rules of the Supreme Court for Disciplinary Control of Judges; and Administrative Orders Nos. 10 and 18.
- (7) Under 4 V.S.A. § 26, the Legislature authorized appointment of half-time judges. Two half-time judges 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 judge or as two half-time judges. The salary of a half-time Superior Judge is half the salary of a full-time judge (see #4 above).

Any individual interested in applying for this vacancy may download the [Application for Candidates Applying for Superior Court Judge](#) on the Judiciary website. Your application must be accompanied by your writing sample.

Your completed application, in PDF form, must be filed with me at the following email address **on or before July 29, 2023: eleanor.spottswood@gmail.com**.

Interviews by the Judicial Nominating Board are tentatively planned to be held in person on **August 29 and 30** in the Burlington area, and, if necessary, on **September 14 and 15** in the Montpelier area.

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