

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 Two Superior Judge Vacancies**

DATE: June 6, 2019

The Governor will make appointments to fill two Superior Judge vacancies created by the retirement of former Superior Judge David Howard and the retirement of former Superior Judge Dennis Pearson.

The Judicial Nominating Board will review applications from persons wishing to serve as a Superior Judge in the civil, criminal, and family divisions of the Superior Court. Please note that these vacancies and the eventual appointments are in two different regions.

The successful candidate for the Judge Howard vacancy will, regardless of current residence, be assigned to the West Region of the Superior Court, with primary assignments to the Bennington and Rutland units. The appointment to the Judge Howard vacancy will be effective for a term that expires on March 31, 2022.

The successful candidate for the Judge Pearson vacancy will, regardless of current residence, be assigned to the North Region of the Superior Court, with primary assignments to Caledonia, Essex, Orleans, and Washington units. The appointment to the Judge Pearson vacancy will be effective for a term that expires on March 31, 2024.

In evaluating candidates, the Judicial Nominating Board will use 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, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. Consideration will be given to the nature and extent of the candidate's training, practice and experience, and particularly trial experience.

The Supreme Court and the Chief Superior Judge will expect the judge to preside in the civil, criminal and family divisions of the Superior Court, and also to take an active role in managing the operations of the courts to which he/she is assigned. Management responsibilities include working 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; 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.

**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 January 6, 2019, the salary of a Superior Judge is \$155,677.00. The salary will increase to \$158,635.00 on July 7, 2019. 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, 444(c), 461(d) 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 Administrative 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 either or both of these vacancies may download the [Application for Superior Judge](#) on the Judiciary website. Your completed application (and 11 copies) must be filed with me at the following address **postmarked by Monday, July 1, 2019**. Names that have previously been sent to Governor Scott as well-qualified regarding these two vacancies need not apply again, as those names will remain on the list of candidates under consideration by Governor Scott.

**Note, the Judicial Nominating Board is accepting applications for two vacant judicial positions based in two different regions, as described at the beginning of this Memo. It is important to specify in your cover letter which position you wish to be considered for or if you wish to be considered for both positions.**

Each copy of your application must be stapled, clipped or otherwise bound together with your writing sample and any other written submission. **Also, please include your photograph with your application.**

To learn more about the judicial application and nominating process, you may want to read an article in the Vermont Bar Journal. The article is entitled "*Vermont's Judicial Application Process*," Vermont Bar Journal, Volume 39, No. 3, Fall 2013. It is also available online at: <http://content.yudu.com/A2gaky/2013Fall/resources/index.htm?referrerUrl>

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Interviews by the Judicial Nominating Board will be held in Chittenden County on July 29 and 30, 2019.

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