

**STATE OF VERMONT**

**JUDICIAL NOMINATING BOARD**

**MEMORANDUM**

TO: Members of the Bar of the Vermont Supreme Court

FROM: John Evers, Esq., Chair  
Judicial Nominating Board

SUBJECT: **Information Concerning Superior Judge Vacancy**

DATE: August 22, 2018

The Governor will make an appointment to fill a Superior Judge vacancy created by the retirement of former Superior Judge David Howard. **Please note, the successful candidate, regardless of current residence, will be assigned to the Bennington courthouse as his or her home court.**

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. The appointment to the Judge Howard vacancy will be effective for a term which expires on March 31, 2022.

In evaluating candidates, the Judicial Nominating Board will use established criteria and standards for nomination which 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. Particular 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 a collaborative working relationship with the Superior Court Clerk 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 vacancy 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) The Chief Superior Judge will assign the Superior Judge appointed to the Judge Howard vacancy primarily to the West Region of the Superior Courts in Addison, Bennington and Rutland Counties;
- (3) Superior Judges rotate and are assigned to serve from time to time in the Superior Courts in the three geographic divisions of the state. See Administrative Order No. 13 and 4 V.S.A. §§ 21(a) and 22.
- (4) Effective July 8, 2018, the salary of a Superior Judge is \$153,603. The salary will increase to \$155,677 on January 6, 2019. 32 V.S.A. § 1003(c).
- (5) 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.
- (6) The procedures for retention of Superior Judges are found at Vt. Const. ch. II, §§ 34-35 and 4 V.S.A. §§ 607 and 608.
- (7) 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.
- (8) 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 this vacancy may download the [Application for Superior Court Judge](#) on the Judiciary website. **Please note that this Application is a new application form, and if you have previously submitted an application prior to August 2016, you will have to use the new form.** This completed application (and 11 copies) must be filed with me at the following address **on or before noon on Tuesday, September 18**. Please make sure that each copy of your application is 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>

**John Evers Esq., Chair  
Judicial Nominating Board  
Shoup Evers & Green, PLLC  
84 Pine Street, 4<sup>th</sup> Floor  
Burlington, VT 05401**

Interviews by the Judicial Nominating Board will be held in Rutland County on October 17.

If you have any questions, or for whatever reason wish to speak with me directly, you can call me at 802-861-6666 or email [jeverson@seglawyers.com](mailto:jeverson@seglawyers.com).