

# 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 Upcoming Judicial Vacancy (Associate Justice)**

DATE: July 22, 2019

Vermont Supreme Court Associate Justice Marilyn Skoglund is retiring effective September 1, 2019. The Judicial Nominating Board will be accepting applications from persons wishing to fill the upcoming vacancy.

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, work ethic, administrative capabilities, and other attributes that the Board deems relevant as identified through its rules. Consideration will be given to the nature and extent of the candidate's training, practice and experience.

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)]

Judges may apply under § 602(c)(1).

### **Other information relating to this vacancy is as follows:**

- (1) 4 V.S.A. §§ 601(d), 602(b), 602(c)(1) and 602(d) set forth the general qualifications required of candidates for Associate Justice. See also Vt. Const. ch. II, § 35 and the Judicial Nominating Board Rules.

- 2) The appointment will be for a term which expires on March 31, 2023. Thereafter, an Associate Justice may be a candidate for retention and a six-year term. Vt. Const. ch. II, §§ 33, 34; 4 V.S.A. §§ 4, 5, 607, 608.
- 3) Effective July 7, 2019, the annual salary of an Associate Justice is \$166,868. 32 V.S.A. § 1003(c).
- 4) The procedures for selection and appointment of an Associate Justice are set forth in Vt. Const. ch. II, §§ 32-35 and 4 V.S.A. §§ 601-603.
- 5) The Supreme Court has administrative control of all the courts of the State. Vt. Const. ch. II, § 30.
- 6) An Associate Justice is subject to the disciplinary and administrative authority of the Supreme Court. Vt. Const. ch. II, §§ 30, 36, 37; 4 V.S.A. §§ 3, 6; Rules of Supreme Court for Disciplinary Control of Judges; and Code of Judicial Conduct, A.O. No. 10.

This position entails the operation of various types of electronic equipment, and new equipment may be introduced at any time. Candidates should be comfortable with desktop computer applications and have basic proficiency with Microsoft Office in a Windows environment.

Any individual interested in applying for this vacancy may download the [Application for Justice](#) on the Judiciary website. **The application has been revised as of this posting, so please fill out the new application even if you have applied for an Associate Justice position in the past.** Your completed application (and 10 copies) must be in the P.O. box at the following address **by August 19, 2019**. Each copy of your application must be stapled, clipped or otherwise bound together with your writing sample and any other written submission.

**Eleanor Spottswood, Esq., Chair  
Judicial Nominating Board  
P. O. Box 97  
Montpelier, VT 05601**

Interviews by the Judicial Nominating Board will be held in Chittenden County on September 17, 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)