

**STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2017**

**Order Promulgating Amendment to Administrative Order 10,
Vermont Code of Judicial Conduct**

Pursuant to the Vermont Constitution, Chapter II, Section 37, it is hereby ordered:

1. That Canon 4 of Administrative Order 10, the Vermont Code of Judicial Conduct, be amended to read as follows (new matter underlined; deleted matter struck through):

CANON 4

*A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of
Conflict With Judicial Obligations*

* * * * *

H. COMPENSATION, REIMBURSEMENT AND REPORTING.

(1) **COMPENSATION AND REIMBURSEMENT.** A judge may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge's performance of judicial duties or otherwise give the appearance of impropriety.

(a) Compensation shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activity.

(b) Expense reimbursement shall be limited to the actual cost of travel, food and lodging reasonably incurred by the judge and, where appropriate to the occasion, by the judge's spouse or guest. Any payment in excess of such an amount is compensation.

(2) **PUBLIC REPORTS.** A judge shall report the date, place and nature of any activity for which the judge received compensation or income, and the name of the payor and the amount of compensation or income so received. A judge shall disclose passive income, such as real estate rental income, accounts and investments individually valued in excess of \$5000, and gifts and debts owed by or to the judge in excess of \$500. This includes jointly held assets. A judge shall also disclose the place of employment of any spouse or partner living in the same household having earned income. Compensation or income of a spouse attributed to the judge by operation of a community property law is not extra-judicial compensation to the judge. This report shall be made in such form as may, from time to time, be directed by appropriate order of the Supreme Court and shall be filed annually as a public document in the Office of the Court Administrator by January 31, for the previous calendar year.

I. Disclosure of a judge's income, debts, investments or other assets is required only to the extent provided in this Canon and in Sections 3E and 3F, or as otherwise required by law.*

Reporter’s Notes—2017 Amendment

Canon 4 § H(2) is amended to clarify that in addition to reporting compensation received as a result of extra-judicial activities a judge is required to report income, including that from passive investments such as rental income. The revised section states that disclosure is required for rental income and income from accounts and investments individually valued over \$5000 or gifts and debts owed in excess of \$500. The revision also requires a judge to disclose the place of employment of the judge’s spouse or cohabiting partner.

2. That this rule, as added, is prescribed and promulgated effective _____, 2017. The Reporter’s Notes are advisory.

3. That the Chief Justice is authorized to report this amendment to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this ___ day of _____, 2017.

Paul L. Reiber, Chief Justice

Marilyn S. Skoglund, Associate Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice