

**State of Vermont
Judicial Conduct Board**

In Re:
Hon. Patricia Duff

JCB Docket No. 22.042

SETTLEMENT STIPULATION

Now come Bonnie J. Badgewick, Esq., special counsel to the Judicial Conduct Board, and the Honorable Patricia Duff (“Patricia Duff” or “Respondent”), by and through her attorney Robin Cooley, Esq. of Heilmann, Ekman, Cooley & Gagnon, Inc., and they stipulate and agree as follows:

In the Spring of 2023, as a result of an anonymous written complaint to Chief Justice Reiber and verbal complaint by a fellow Assistant Judge, the Judicial Conduct Board through special counsel Bonnie J. Badgewick, Esq., investigated an allegation that Hon. Patricia Duff violated Canon 1 Rules 1.1, 1.2, and 1.3 of the Code of Judicial Conduct. Canon 1, Rule 1.1 Compliance with the Law states: “A judge shall comply with the law, including the Code of Judicial Conduct”. Canon 1, Rule 1.2 Promoting Confidence in the Judiciary states:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

In the Comments to Rule 1.2 it is further stated:

Actual improprieties include violations of law, court rules, or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.

Canon 1, Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office states: “A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or

allow others to do so.”

The parties agree that the Judicial Conduct Board has jurisdiction over Patricia Duff, who served as an Assistant Judge in Windham County Vermont. The parties agree to the following specific allegations, as set forth originally in the Formal Complaint:

1. Respondent was elected to the role of Assistant Judge of Windham County in 2006.
2. Pursuant to 32 V.S.A. § 1141 (b), and the Windham County budget, Respondent received statutory hourly compensation for days she “attend[ed] court or was otherwise “engaged in the performance of official duties.” 32 V.S.A. § 1141 (b).
3. These statutory judicial duties include sitting in Superior and Family Court proceedings (4 V.S.A. §§ 112(b), 457(b)); hearing and deciding small claims matters (12 V.S.A. § 5540a); judicial bureau matters (4 V.S.A. §1108); parentage and child support actions in family court (4 V.S.A. §§ 461a, 461b); and probate matters (4 V.S.A. § 355).
4. Pursuant to 32 V.S.A. § 1141 (a), and the Windham County budget, Respondent was entitled to receive a daily rate of compensation “for time spent in the performance of official duties” in her role as judicial officer. 32 V.S.A. § 1141 (a).
5. In 2022, Respondent was paid \$24.20 per hour of work for duties of her judicial office.
6. In 2022, Respondent was also paid \$1,712.16, a month for her county-based duties. *See generally*, 24 V.S.A. § 131.
7. In February 2022, Respondent requested compensation and was paid for 88 hours of work at her hourly rate of \$24.20.
8. The Court system employs an electronic filing and management system called “Odyssey”. This Court system tracked Respondent’s presence at two Court hearing days in February 2022.

9. In March 2022, Respondent requested compensation and was paid for 76 hours of work at her hourly rate, plus 80 hours of vacation time.
10. The Odyssey system tracked Respondent's presence at two Court hearing days in March 2022.
11. In April 2022, Respondent requested compensation and was paid for 76 hours of work at her hourly rate, plus 24 hours of sick time.
12. The Odyssey system did not track attendance at any Court hearing days by Respondent in April 2022.
13. In May 2022, Respondent requested compensation and was paid for 76 hours of work at her hourly rate.
14. The Odyssey system tracked Respondent's presence at two Court hearing days in May, 2022.
15. From February 2022 to June 2022, Respondent, in her capacity as Assistant Judge for Windham County, requested and was paid compensation for the time she did not perform any judicial or county duties, which constituted an economic benefit to Respondent.
16. During the spring of 2022, the Treasurer for the County of Windham gave Respondent a check for \$5,500. for the specific purpose of traveling to and attending a National Judges Association Conference in South Carolina.
17. Respondent did not attend the Judges Association Conference in South Carolina.
18. Respondent returned only approximately \$700.00 of the \$5,500. paid to her for the conference.
19. Respondent's receipt of money designated for Judicial training and not used for that purpose constitutes pecuniary gain and personal economic benefit to Respondent.

20. Respondent resigned from her position in an email dated Friday, June 17, 2022, directed to Chief Superior Judge Honorable Thomas A. Zonay.
21. In May 2022, Chief Justice Paul Reiber of the Vermont Supreme Court, received an anonymous letter outlining concerns about a possible “lack of judicial and bench service” by Respondent. Said letter was forwarded to the Judicial Conduct Board in June 2022.
22. On June 16, 2022, Chief Superior Court Judge Honorable Thomas A. Zonay, sent correspondence directed to Barbara Blackman, Esq., as the Chair of the Judicial Conduct Board summarizing a telephone call with Assistant Judge Lamont Barnett, in which Judge Barnett reported misconduct by Respondent.
23. Assistant Judge Lamont Barnett advised he had information that revealed Respondent submitted false time sheets and was paid for hours she did not work in her Judicial Office.
24. Respondent entered into a Plea Agreement in connection with the criminal matter (State of Vermont v. Patricia Duff, 23-CR-01422) on or about April 15, 2023, affirming she took money, with the intent to permanently deprive the Court of the money in a stated amount of \$8,518.40, amounting to grand larceny.

The parties to this Stipulation agree the public interest would be best served by resolving this manner promptly and in such a way so as to have an acknowledgment by Patricia Duff that her activities were in violation of the Code of Judicial Conduct. Patricia Duff does hereby waive the right to contest the Canon1 Rules: 1.1, 2.1, and 1.3 violations and further waives the right to appeal the sanction premised on the following agreement and its acceptance by the Judicial Conduct Board:

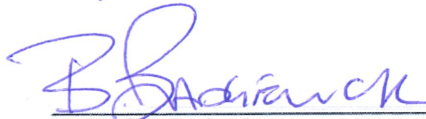
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1. Patricia Duff does stipulate and agree that she shall be publicly sanctioned by the Judicial Conduct Board for the violations of Canon 1 as outlined above.
2. Patricia Duff hereby agrees to a permanent prohibition on running for any elected office, either political or judicial, or otherwise.
3. Patricia Duff hereby agrees to a permanent prohibition on accepting, or having any role in the judiciary process as an agent, employee, volunteer or other role or activities for the Vermont Judiciary either directly or indirectly.

The parties agree and recognize there have been no prior ethical misconduct charges against Respondent in her capacity as an Assistant Judge.

The parties further agree prompt and final resolution of the precipitating anonymous complaint, verbal report by fellow Assistant Judge, and other concerns disclosed during special counsel's investigation is in the public interest.

Dated at Woodstock, Vermont on this 15TH day of October, 2023.



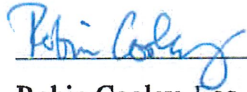
Bonnie J. Badgewick, Special Counsel for
the Judicial Conduct Board

Dated at 10, Vermont on this 31 day of October, 2023.

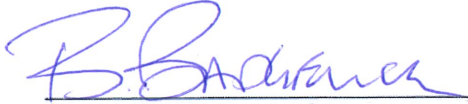


Patricia Duff

Approval as to form;



Robin Cooley, Esq.



Bonnie J. Badgewick, Special Counsel for
the Judicial Conduct Board