

JUDICIAL CONDUCT BOARD

TELEPHONE: (802) 786-1063



P.O. Box 310
RUTLAND, VT 05702-0310

BARBARA R. BLACKMAN, ESQ.
CHAIR

REPORT OF THE JUDICIAL CONDUCT BOARD FY 2020-2021

May 16, 2023

INTRODUCTION

The Judicial Conduct Board is required by Rule 6(11) of the Rules for Disciplinary Control of Judges to issue an annual report to the Supreme Court which "shall include statistics and any recommendations for rule changes and shall be a public document." The following is the Annual Report for FY 2020-2021 (July 1, 2020 to June 30, 2021) submitted in accordance with this Rule.

Pursuant to Rule 4 of the Rules for Disciplinary Control of Judges, the Supreme Court makes appointments to the Judicial Conduct Board, which shall consist of nine members: three judges, active or retired other than an active justice of the Supreme Court, three attorneys admitted to the practice of law in this state, and three lay persons not admitted to the practice of law in this state or any other state, nor an active, retired or resigned judge.

BOARD MEMBERS

The composition of the Board at the end of fiscal year 2020-2021 was as follows:

Judicial Members

Judge Mary Miles Teachout
Judge Thomas Zonay
Judge Cortland Corsones

Attorney Members

Barbara Blackman, Esq. (Chair)
Michael Donofrio, Esq. (Vice Chair)
Merrill Bent, Esq.

Lay Members

Jeffrey Monder
Lori Tarrant
DeeDee Jones

The Board Clerk is Lynn Wdowiak, RP[®], ACP.

The mailing address for the Board is:

Judicial Conduct Board
P.O. Box 310,
Rutland, Vermont 05702-0310.

The phone number for the Board is (802) 786-1063.

BOARD JURISDICTION

The Board acts only on complaints involving judicial misconduct and disability. It does not function as an appellate court to review the merits of a judge's decision; nor does it exercise

JUDICIAL CONDUCT BOARD
ANNUAL REPORT FY 2020-2021

superintending or administrative control over determinations of courts or judges. Rule 6(17). The Board considers allegations of misconduct and/or disability against “judges”. A “judge” includes Supreme Court justices, superior and district court judges, assistant judges, probate judges, traffic court hearing officers, child support magistrates and acting judges (including both retired judges and attorneys).

THE COMPLAINT PROCESS

The Board is required to investigate any complaint made to the Board of misconduct or disability of a judge. Rule 6(6). Additionally, the Board may investigate conduct or disability upon its own motion. Rule 6(6).

Complaints are received by the Chair of the Board and/or the Board Clerk, pursuant to Rule 4(5). Complainants are provided written acknowledgment that their complaints have been received and will be given due consideration by the Board, assuming the Complaint falls within the jurisdiction of the Board. Respondent judges are forwarded copies of the complaint and advised that an Initial Inquiry is being undertaken by the Board, unless the Board believes the Complaint shows no reasonable basis that there has been even the potential for a violation of the Vermont Code of Judicial Conduct.

The Board meets periodically to consider complaints and conduct its business. The Board meets more frequently if a Formal Complaint has been filed against a judge that requires hearings or other proceedings.

COMPLAINT STATISTICS FY 2020-2021

From July 1, 2020 through June 30, 2021 the Board had: eight (8) still-pending complaints from the previous fiscal year in the Initial Inquiry stage under Rule 7(1) of the Rules for Disciplinary Control of Judges; four (4) in the Investigation stage under Rule 7(2) of the Rules for Disciplinary Control of Judges from FY 2019-2020; and, received thirty-three (33) new Complaints.

Of these forty-seven (47) Complaints:

- Twenty-three (23) were dismissed after Initial Inquiry pursuant to Rule 8(1) of the Rules for Disciplinary Control of Judges (some Complaints had more than one allegation; all allegations listed):
 - Twelve (12) contained various allegations of misconduct including bias, but no bias was found during the Initial Inquiry;
 - Seven (7) were either disagreements with judicial rulings or other issues for appeal in the underlying case;
 - One (1) was disagreement with judicial rulings or other issues for appeal and concern with the demeanor of the judge, but no concerns about the demeanor were found during the Initial Inquiry;
 - One (1) was a complaint about persons not under the jurisdiction of the Board; and

JUDICIAL CONDUCT BOARD
ANNUAL REPORT FY 2020-2021

- Two (2) were complaints that did not identify any unethical conduct of and/or any specific judge;
- Sixteen (16) were still pending in the Initial Inquiry phase pursuant to Rule 7(1) of the Rules for Disciplinary Control of Judges.
- Two (2) were concluded after Formal Complaints were filed pursuant to Rule 9 of the Rules for Disciplinary Control of Judges with Stipulated Facts and Conclusions of Law and Public Reprimands issued. See Docket 19.018 *In re Hon. Constance Ramsey* and Docket 20.005: *In re Hon William Cobb* in the “Public Discipline and Formal Complaints by year” section at <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/judicial-conduct>.
- One (1) was pending in the Investigation phase.

BREAKDOWN OF COMPLAINTS BY DIVISION

Of the forty-seven Complaints listed above:

- Sixteen (16) were complaints that originated in the Criminal Division.
- Thirteen (13) were complaints that originated in the Family Division.
- Six (6) were complaints that originated in cases in the Civil Division.
- Three (3) were complaints regarding Assistant Judges.
- Three (3) were complaints that originated in Civil Stalking cases.
- Two (2) were complaints that originated in the Environmental Division.
- One (1) was a complaint that originated in the Judicial Bureau.
- One (1) was a complaint that originated in the Probate Division.
- One (1) was a complaint that originated in the Small Claims Division.
- One (1) was a complaint regarding systemwide issues.

Respectfully submitted this 20th day of May 2023.

JUDICIAL CONDUCT BOARD

By: 
Barbara Blackman, Esq. Chair