



STATE OF VERMONT
JUDICIAL ETHICS COMMITTEE

Opinion No.: 33
Date: December 20, 2024
To: [name redacted in posted version pursuant to A.O. 35, ¶ 6]

The Committee has considered the matter you presented to it. The following is the opinion of the Committee and a response to your inquiry pursuant to Administrative Order No. 35.

Question Presented

May a Vermont assistant judge who works as an emergency medical technician on a rescue squad continue to serve on the board of directors of that organization while serving as assistant judge?

Short Answer

Yes, the Committee believes that a Vermont assistant judge may both work for and serve on the board of directors of a rescue squad while acting as an assistant judge.

Relevant Provisions of Code of Judicial Conduct

The relevant provisions of the Vermont Code of Judicial Conduct 2019 (“the Code” or “V.C.J.C.”) include the following rules and guidance:

- Terminology: “Continuing part-time judge” means a judge who serves repeatedly on a part-time basis by election or under a continuing appointment. The term includes probate and assistant judges. See Application, section B.
- Application (B): CONTINUING PART-TIME JUDGE. A continuing part-time judge: (1) is not required to comply . . . (b) at any time with Rules 3.4 (Appointments to Governmental Positions)... and 3.11(B) (service as officer, director, or in other capacity in business entity).

- Canon 1, Rule 1.2: 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.
- Canon 2, Rule 2.1: The duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities.
- Canon 3, Rule 3.11(B): A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity [except in limited circumstances]....

Analysis

As this Committee previously noted in Opinion 25 (July 11, 2023), an assistant judge is considered a “continuing part-time judge” in Vermont. V.C.J.C. Terminology. Continuing part-time judges are not required to comply at any time with Rule 3.11(B), the rule that prohibits a judge from serving as a director or employee of most business entities. V.C.J.C., Application (B)(1)(b); V.C.J.C. Rule 3.11(B). Therefore, an assistant judge may continue to serve as both an employee and director of a rescue squad while serving as assistant judge.

The Committee would caution that the assistant judge is still required to comply with Rule 1.2, which require that the judge “act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.” In addition, the judge must ensure that the duties of the judicial office take precedence over the judge’s activities with the rescue squad.

Conclusion

It is the opinion of this Committee that a Vermont assistant judge may continue to serve as an EMT and a director of a rescue squad. However, the judge must ensure that their judicial duties take precedence and must act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

Eileen M. Blackwood
Eileen M. Blackwood, Esq., Chair

Signed by:
Thomas Zonay, Chief Superior Judge
Honorable Thomas A. Zonay

Signed by:
James Mahoney
Honorable James R. Dean Mahoney

Honorable Brian Valentine

Signed by:

Ian Carleton
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