

JUDICIAL CONDUCT BOARD

TELEPHONE: (802) 786-1063



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

MERRILL E. BENT, ESQ.
CHAIR

REPORT OF THE JUDICIAL CONDUCT BOARD FY 2023

April 1, 2025

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 2023 (July 1, 2022 to June 30, 2023) 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 2023 was as follows:

Judicial Members

Judge Mary Miles Teachout
Judge Cortland Corsones
Judge Laurel Mackin

Attorney Members

Barbara Blackman, Esq. (Chair)
Merrill Bent, Esq. (Vice Chair)
Heather Devine, Esq.

Lay Members

Jeffrey Monder
DeeDee Jones
Dan Ryan

The Board Clerk is Lynn Wdowiak.

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

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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 2023

On July 1, 2022 there were 41 complaints pending from FY 2022 and From July 1, 2022 through June 30, 2023 the Board received 50 new Complaints.

Of these ninety (92) Complaints, eighty-nine (89) have been concluded:

- Eighty (80) were dismissed after Initial Inquiry pursuant to Rule 8(1) of the Rules for Disciplinary Control of Judges, specific reasons for dismissal below.
 - One (1) Complaint was closed after Initial Inquiry, with a non-public written warning issued pursuant to Rule 8(2) of the Rules of Supreme Court for Disciplinary Control of Judges.
 - Sixteen (16) contained various allegations of misconduct including bias, but no bias or other misconduct was found during the Initial Inquiry;
 - Thirty-six (36) were either disagreements with judicial rulings or other issues for appeal in the underlying case;
 - Nine (9) were both disagreement with judicial rulings or other issues for appeal and contained various allegations of misconduct including bias, but no bias or other misconduct was found during the Initial Inquiry;
 - Eleven (11) were complaints about persons not under the jurisdiction of the Board; and

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- Three (3) were complaints that did not identify any unethical conduct of and/or any specific judge;
- Three (3) were complaints about actions taken by judges more than 3 years prior, therefore are no longer under the jurisdiction of the Board pursuant to Rule 6(18) of the Rules for Disciplinary Control of Judges
- One (1) Complaint contained allegations regarding bias that were unfounded. The Board's review found repeated examples of exemplary conduct.
- One (1) Complaint was closed after an Investigation under Rule 7(2) with no ethical violations found.
- Four (4) Complaints were closed after Investigation under Rule 7(2) with a written warning issued to the Judge pursuant to Rule 8(2) of the Rules of Supreme Court for Disciplinary Control of Judges.
- One (1) Complaint was closed after Investigation when the terms of a Deferred Disciplinary Agreement were satisfied.
- Three (3) Complaints were finalized with Formal Complaints filed:
 - In re Hon. Charles Delaney, 22-AP-251 Public Reprimand Issued.
 - In re Hon. William Cobb, 23-AP-406, barring respondent from ever serving as a judicial officer in the State of Vermont.
 - In re Hon. Patricia Duff, 23-AP-407, barring respondent from ever running for any elected office, political, judicial or otherwise, and permanently prohibiting respondent from accepting or having any role in the judiciary process as an agent, employee or any other role for the Vermont Judiciary.
- Three (3) Complaints were pending in the Investigation phase to be concluded in FY 2024.

Respectfully submitted this 1st day of April, 2025.

JUDICIAL CONDUCT BOARD

By: Merrill Bent
Merrill E. Bent, Esq. Chair