

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 2024

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, 2023 to June 30, 2024) 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 2024 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
Dan Ryan
Susan Solari

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 2024

The Board had 3 complaints from 2023 still open in the Investigation stage.

From July 1, 2023 through June 30, 2024 the Board received 36 new Complaints.

Of these thirty-nine (39) Complaints, thirty-six (36) have been concluded:

- Thirty-five (35) 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 dismissed after Initial Inquiry, the Board concluding that, while the manner in which the subject hearing was conducted was a violation of the Code, considering all of the factors of the case, discipline was not warranted.
 - One (1) Complaint was dismissed after Initial Inquiry, the Board’s review led to a conclusion that the Code itself lacks clarity regarding the specific allegations of the Complaint, such that it did not put the Judge on proper notice of the potential violation, and the Judge took prompt action to become in compliance once the issue was pointed out.
 - One (1) Complaint was dismissed after Initial Inquiry, the Board’s review found repeated examples of exemplary conduct under challenging circumstances.

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- One (1) Complaint was withdrawn by the Complainant.
- Two (2) Complaints were dismissed after Initial Inquiry because they contained allegations about persons not under the jurisdiction of the Board.
- Seven (7) Complaints were dismissed after Initial Inquiry because the Complaint did not support or allege violations of any Canon of the Code of Judicial Conduct.
- Six (6) Complaints were dismissed after Initial Inquiry because the Complaints contained various allegations of misconduct including bias, but no bias or other misconduct was found during the Initial Inquiry;
- Ten (10) Complaints were dismissed after Initial Inquiry because the Complaints contained either disagreements with judicial rulings or other issues for appeal in the underlying case;
- Six (6) Complaints were dismissed after Initial Inquiry because the Complaints contained both disagreement with judicial rulings or other issues for appeal and various allegations of misconduct including bias, but no bias or other misconduct was found during the Initial Inquiry;
- One (1) Complaint was closed after Initial Inquiry, with a written warning issued to the Judge pursuant to Rule 8(2) of the Rules of Supreme Court for Disciplinary Control of Judges.
- Three (3) Complaints were pending in the Investigation phase.

Respectfully submitted this 1st day of April, 2025.

JUDICIAL CONDUCT BOARD

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