

JUDICIAL CONDUCT BOARD

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

MERRILL E. BENT, ESQ.
CHAIR

REPORT OF THE JUDICIAL CONDUCT BOARD FY 2025

September 26, 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 2025 (July 1, 2024 to June 30, 2025) 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 2025 was as follows:

Judicial Members

Judge Cortland Corsones

Judge Laurel Mackin

Judge Mary Morrissey

Attorney Members

Merrill Bent, Esq. (Chair)

Heather Devine, Esq. (Vice Chair)

James Spink, Esq.

Lay Members

Dan Ryan

Gary Griffith

Diane Doubleday

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.

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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 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, acting judges (including both retired judges and attorneys), assistant judges, probate judges, and officer such as a magistrate, commissioner, traffic hearing officer, master, or referee.

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, who may be employed by the Board 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.

RULE CHANGES PROPOSED BY THE BOARD AND ENACTED BY THE SUPREME COURT

The JCB proposed, and the Supreme Court of Vermont has approved, a change to Rule 6(6)(a) of the Rules for the Disciplinary Control of Judges to set a basic pleading standard requiring that complainants include a "concise statement of facts which, if true, would indicate probable misconduct or disability." This change was effective July 1, 2025.

The JCB proposed, and the Supreme Court of Vermont has approved, a change to Rule 6(6)(b) of the Rules for the Disciplinary Control of Judges which allows the Board to dispose of repetitive, non-meritorious complaints without docketing them. The Board shall still take steps to ensure that the respondent judge is aware of the Complaint and, if necessary, that it is brought to the attention Court security. This change was effective July 1, 2025.

The JCB proposed, and the Supreme Court of Vermont has approved, a change to Rule 14 of the Rules for the Disciplinary Control of Judges to establish a procedure to restrict complainants who have filed repetitive, harassing, or frivolous complaints from filing further complaints. The Rule also provides a mechanism to allow a complainant to show cause why such restriction should be lifted. This change was effective July 1, 2025.

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ANNUAL FINANCIAL DISCLOSURE FORM CHANGE.

The JCB proposed substantial revisions to the Financial Disclosure Form for judicial officers in an effort to (1) better reflect the requirements of the Code of Judicial Conduct; (2) simplify the responses; and (3) to make it easier to understand. The JCB continues to track the responses to the revised form to make additional recommendations for improvement.

OTHER ACTIONS INITIATED BY THE BOARD.

- Implemented internal measures to reduce the timeframe for notification of dismissals to be issued following dismissal of a Complaint by the Board.
- Streamlined the internal process for notifying complainants that a complaint does not satisfy the applicable pleading standard, and for disposing of complaints if a complainant fails to supplement the complaint within 30 days to satisfy the pleading standard.
- The JCB requested, and the Supreme Court of Vermont approved of the appointment of dedicated special disciplinary counsel to conduct our investigatory and prosecutorial functions, which should significantly reduce the time it takes to process complaints that go to investigation.

COMPLAINT STATISTICS FY 2025

The Board had 3 complaints from prior fiscal years still open in the Investigation stage.

- One (1) pending dismissal in FY 2026 after the Respondent Judge completed the terms of a Deferred Discipline Agreement pursuant to Rule 8(3),
- Two (2) were dismissed after Investigation with Non-Public Written Warnings issued under Rule 8(2) of the Rules for Disciplinary Control of Judges.

From July 1, 2024 through June 30, 2025 the Board received 54 new Complaints, an increase of 15 Complaints over FY 2024.

Of these fifty-four (54) Complaints, forty (40) have been concluded and 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 with a non-public 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 dismissed because, although there was a code violation regarding the Annual Financial Disclosure, the violation had been inadvertent and promptly corrected; the Board determined no further action was required.
- One (1) Complaint was dismissed because it contained disagreement with judicial rulings or other issues for appeal in the underlying case and requested an advisory

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opinion from the Board, which is outside the scope of actions that may be taken by the Board.

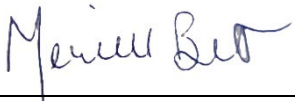
- Two (2) Complaint were dismissed because they contained allegations of misconduct past the three-year time limit imposed by Rule 6(18).
- Two (2) Complaints were withdrawn by the Complainant prior to any Board action and the Board did not determine that either complaint had alleged misconduct so as to initiate an investigation on the Board's own motion.
- Three (3) Complaints were dismissed because they contained allegations about persons not under the jurisdiction of the Board.
- Five (5) Complaints were dismissed because the Complaint did not support or allege violations of any Canon of the Code of Judicial Conduct.
- Seven (7) Complaints were dismissed because the Complaints contained various allegations of misconduct including bias, but no indication of 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;
- Eight (8) 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 indication of bias or other misconduct was found during the Initial Inquiry;

Fourteen (14) Complaints are pending into the 2025-2026 Fiscal Year.

- Two (2) Complaints were pending in the Initial Inquiry phase.
- Five (5) Complaints were pending in the Investigation phase.
- Seven (7) Complaints were pending dismissal after Initial Inquiry.

Respectfully submitted this 26th day of September, 2025.

JUDICIAL CONDUCT BOARD

By: 
Merrill E. Bent, Esq. Chair