

JUDICIAL CONDUCT BOARD



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ANDREW H. MAASS, ESQ.
CHAIR

December 10, 2019

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 19.011

This Complaint is the result two hearings in a longstanding family court matter where the Complainant claims notice of the first hearing was not served until the evening before the hearing. Instead of appearing at the hearing in person, Complainant called into the Court for the hearing. Generally appearing at a hearing by telephone requires an advance motion, but the Respondent Judge allowed Complainant to appear by telephone. Complainant alleges that the Respondent Judge was not professional in the way the Judge spoke to Complainant during the hearing.

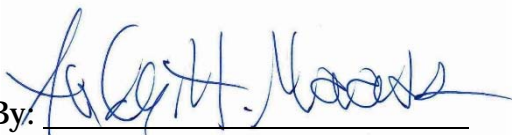
Complainant also alleges that during the second hearing, Respondent Judge did not allow cross-examination by Complainant of a witness, and allowed hearsay evidence to be presented.

The Judicial Conduct Board conducted an initial inquiry including a review of the docket, listening to the audio of both hearings and reviewing a response from the Judge. If founded, the allegations could be violations of Canon 2A. As to the allegations regarding the first hearing, a review of the audio tape showed no violations of the Canons. It is difficult to control a hearing when a participant is attending by telephone. Interruptions by Complainant were noted, and the Board determined the Judge handled them without violation of any Canon. As to the allegations regarding the second hearing again, a thorough review of the audio of the hearing was undertaken and the Board determined there were no violations of any Canon. Issues regarding evidence allowed and witness testimony would be issues for appeal, not under the jurisdiction of this Board.

To the extent the Complaint alleges ethical impropriety or a violation of the Code of Judicial Conduct, the Board has determined that the Complaint is unfounded and there is no cause for further proceedings. *Rules of the Supreme Court for the Disciplinary Control of Judges*, Rule 11.

Accordingly, the Complaint in Docket No. 19.011 is DISMISSED.

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By: 
Andrew H. Maass, Chair