

JUDICIAL CONDUCT BOARD



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ANDREW H. MAASS, ESQ.
CHAIR

June 29, 2020

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 19.030

This Complaint is the result of dissatisfaction with the outcome of a criminal matter.

Issues brought up in the Complaint included: (1) that the Judge told Complainant what charges the State was (or was not) going to be prosecuted; (2) that the Judge informed Complainant that it was up to the attorney to decide what evidence to present in a hearing; and (3) that the Judge did not allow Complainant a new lawyer.

The Judicial Conduct Board conducted an initial inquiry, explaining to Complainant that (1) decisions of what charges to bring are under the control of the States' Attorney, not the Judge; (2) the attorney, not the Judge is responsible for determining what evidence to present, in consultation with the client; and (3) lawyer assignments are up to the discretion of the judge involved, and would be a matter for appeal, not misconduct. **Rule 6(17) of the Rules for Disciplinary Control of Judges states:**

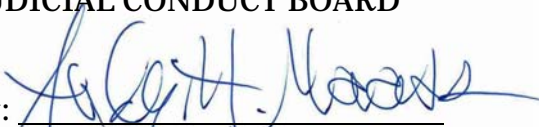
The Board shall not function as an appellate court to review the decisions of a court or judge nor exercise superintending or administrative control over determinations of courts or judges.

The Board gave Complainant 30 days to supplement the Complaint, but Complainant did not send any supplemental information that would constitute misconduct on the part of the Judge.

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. 19.030 is DISMISSED.

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By: 

Andrew H. Maass, Chair