

# JUDICIAL CONDUCT BOARD

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ANDREW H. MAASS, ESQ.  
CHAIR

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June 29, 2020

## CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 19.031(b)

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This Complaint is the result of a long-standing boundary dispute and partition action. Complaints were made about two judges involved in this case. This Closure Report is regarding the second judge named in the Complaint.

The allegations included: (1) disagreement with the validity of an attachment to a decision of the Judge; (2) that a proposed expert witness was not permitted to testify as an expert; (3) that the judge denied Complainant the right to a jury trial; (4) disagreement with rulings about evidentiary issues; (5) that the Judge was a "known violator" of the Code of Judicial Conduct; and (6) failure to notify Complainant and Complainant's attorney of orders entered.

The first four (4) allegations are legal issues, not ethical issues, or violations of the Code of Conduct. **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.

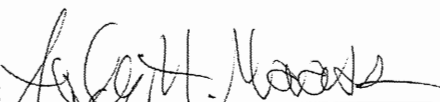
The Judicial Conduct Board conducted an initial inquiry on the remaining issues which included detailed review of the entire case file, including the Vermont Supreme Court decision on a main ruling of the Judge.

The Board also notes that allegations of prior disciplinary action taken against the Judge cannot be the basis for a new judicial conduct complaint, as it is unrelated to this matter. The alleged failure to notify Complainant about orders was due to lack of notice on the record about the relationship of Complainant to the parties involved. If Complainant had notified the Court about the relationship status, this would have been avoided.

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. 19.031(b) is DISMISSED.

JUDICIAL CONDUCT BOARD

By:   
Andrew H. Maass, Chair