

Hi Senator Hardy:

Thank you again for the opportunity to comment on the Pay Act proposal yesterday. The Judiciary is very appreciative of your and your Committee's interest in the courts.

Regarding the questions about probate judges and assistant judges, I confirmed that each is subject to the Vermont Code of Judicial Conduct. The Code is linked [HERE](#) . As to whether each type of judge is paid if they are "not in good standing", the answer is generally no if "not in good standing" means that the Judicial Conduct Board has suspended a judge for violations of the Code of Judicial Conduct. Below is more detail, though:

With respect to assistant judges, they receive state pay if they sit independently in uncontested divorce cases or Judicial Bureau matters for which they've received specialized training. Judge Zonay (copied above) indicates that he has the ability to prevent an assistant judge from sitting in those two types of cases if there are issues surrounding an assistant judge's conduct. Assistant judges are otherwise paid by the county for sitting as an assistant judge with a trial court judge presiding and for their county administrative work. It would presumably be up to the county as to whether an assistant judge is paid by the county if the assistant judge is not in good standing.

With respect to probate judges, Section 24 of Rule 6 of the Rules Governing the Disciplinary Control of Judges (linked [HERE](#)) provides that "A judge suspended by the Supreme Court from the practice of law shall be suspended for the remainder of the judge's term in office, without compensation." Probate judges, unlike assistant judges, must be licensed attorneys. The most recent example of the Supreme Court invoking Section 24 of Rule 6 was in the case of the former Caledonia Probate Judge William Cobb in 2022.

I hope that this information is helpful. Please let me know if you have any other questions. Thank you again for your and your Committee's work!

Teri



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