

To: Senate Committee on Government Operations
From: Rutland County Assistant Judge Dave Wolk
Date: January 7, 2024
Re: Proposal 1

I appreciate being invited to address the committee on Proposal 1. Rather than take up precious committee time with my testimony in person or over Webex, I am submitting the following brief thoughts for consideration. I speak only for myself and no other Assistant Judge. I have served as an educational and government leader for almost fifty years. I have been in the assistant judge role for just under a year, but I have been astonished by the relative autonomy afforded to county officials. More oversight is needed, and Proposal 1 is a very good first step. If the committee would like to explore these thoughts further I would be happy to do so.

Given the need for greater transparency and enhanced accountability among county officers, I am enthusiastically in support of Prop 1. Recent reports in the media regarding the behavior of a number of assistant judges and sheriffs adds urgency to this need. Allowing the General Assembly to establish qualifications and removal procedures for failure to meet these qualifications would be prudent. When the time comes to establish such qualifications I am hopeful that the legislature will include residency requirements as well as expectations for training for these elected officials during their entire term in office. I am also hopeful that the Vermont Supreme Court will be consulted regarding the criteria for service and removal from office, as well as how Assistant Judges might be even more helpful to the judiciary in addressing current and future challenges and issues.

Furthermore, I have been curious about why Assistant Judges are elected rather than appointed, why they run as partisans with a party label attached to their candidacy, and why the term is four rather than two years. Canon 1 of the Vermont Code of Judicial Conduct stipulates that “a judge shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” After reading the 51 page Code, I decided to run and I was elected as an Independent. I have wondered why county judges might not benefit from the vetting and retention processes that guide the appointment of Superior Court judges and Supreme Court justices. Finally, I have thought about the benefit of improved accountability inherent in two year terms, wondering why the term of county officials should be any different from legislators or statewide officeholders.

Again, I speak for myself and not for the statewide association of county judges, and I very much appreciate being allowed to offer my point of view.