

Journal of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 25, 2009

8:30 A.M.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

By Senator Shumlin,

J.R.S. 22. Joint resolution providing for a Joint Assembly to vote on the retention of three Superior Judges, and one District Judge.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, March 25, 2009, at eight o'clock and thirty minutes in the forenoon to vote on the retention of three Superior Judges, and one District Judge. In case the vote to retain said Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at eight o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Presiding Officer

Honorable Brian E. Dubie, President of the Senate, in the Chair.

Clerk

David A. Gibson, Secretary of the Senate, Clerk.

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of three Superior Judges, and one District Judge.

This year we are again operating under the Judicial Retention Act passed 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and District Judges. The date for holding joint assemblies for the retention of

judges is set by statute to be the eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g).

The procedure to be followed requires that the vote be by written ballot on the specific question:

"Shall the following Judges be retained in office?"

There will be two separate written ballots: one containing the names of all of the candidates for retention as superior judges; and one containing the name of the candidate for retention as district judge.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. As stated previously, we are operating under the Judicial Retention Act passed in 1976, which establishes the procedure for the retention of Superior Judges. Nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State. The name of each judge seeking retention is automatically voted on pursuant to the terms of the Judicial Retention Act.

In addition, the Judicial Retention Act provides that when a candidate does so declare for retention, the question to be decided is:

"Shall the following Superior Judges be retained in office?"

The statute provides that the vote on this question shall be by one written ballot containing the names of all of the candidates for retention as Superior Judges.

Tellers Appointed

Accordingly, we will need tellers, and the Chair will now appoints as tellers:

Senator Douglas A. Racine, of Chittenden District, as Chief Teller
Senator Matthew A. Choate, of Caledonia District
Senator Harold W. Giard, of Addison District
Representative Michel A. Consejo, of Sheldon
Representative Susan Hatch Davis, of Washington
Representative Norman H. McAllister, Sr., of Highgate
Representative Megan M. Smith, of Mendon

We shall now proceed to the matter of retention of the incumbent superior judges. For these positions we have received declarations of intention to seek retention to the office of Superior Judge from the following:

Geoffrey W. Crawford
Mary Miles Teachout
Howard E. VanBenthuisen

The question to be decided in each of these cases shall be as follows:

"Shall Superior Judge Geoffrey W. Crawford be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Mary Miles Teachout be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Howard E. VanBenthuisen be retained in office?"

Yes _____ No _____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The term of these Superior Judges are for six years, from and including the first day of April, 2009, and until their successors are elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, that debate on these three Judges will be received separately. At the end of the debates for the three Judges, any general debate on the entire question shall be in order.

Rules Suspended; Procedure Revised

On motion of Senator Shumlin, the rules were suspended so that the Joint Assembly could adjourn immediately following the distribution and collection of the ballots for the three superior judges and the one district judge, and so that the tellers would count the ballots following adjournment, with the results of the balloting to be announced in each chamber.

Committee Reports

Prior to any debate, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Member from Ripton, Willem W. Jewett., for the purpose of receiving his report.

Representative Willem W. Jewett, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of all the Judges.

The Chair then recognized Representative Margaret K. Flory, of Pittsford, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Geoffrey W. Crawford.

The Chair then recognized Representative Alison Hudnut Clarkson, of Woodstock, who delivered the report of the Joint Committee on Judicial

Retention with respect to the candidacy of Superior Judge Mary Miles Teachout.

The Chair then recognized Senator M. Jane Kitchel, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Howard E. VanBenthuisen.

Results of Balloting

Balloting then proceeded for the office of Superior Judges, with the following results:

For Superior Judge Geoffrey W. Crawford

Total votes cast146

Necessary for a majority74

For retention145

Against retention1

Whereupon the Chair declared that

GEOFFREY W. CRAWFORD, of Burlington

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2009, and until his successor is elected and has qualified.

For Superior Judge Mary Miles Teachout

Total votes cast143

Necessary for a majority73

For retention137

Against retention7

Whereupon the Chair declared that

MARY MILES TEACHOUT, of Norwich

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2009, and until her successor is elected and has qualified.

For Superior Judge Howard E. VanBenthuisen

Total votes cast144

Necessary for a majority73

For retention141

Against retention3

Whereupon the Chair declared that

HOWARD E. VANBENTHUYSEN, of Fairfax

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2009, and until his successor is elected and has qualified.

Retention of District Judge

Statement of Presiding Officer

We shall now proceed to the matter of retention of the incumbent District Judge. For this position we have received a declaration of intention to seek retention to the office of District Judge from the following:

Brian Grearson

As in the case of the Superior Judges, the names of each district judge seeking retention are automatically voted on, and the question to be decided is:

"Shall District Judge Brian Grearson be retained in office?"

Yes _____ No _____.

The vote on this question shall again be by one single written ballot. The term of this District Judge is for six years, from and including the first day of April, 2009, and until his successor is elected and qualified.

Again, to facilitate the procedure, unless there is objection the Chair will rule that debate on this one judge will be received separately. At the end of the debate on the one judge, any general debate on the entire question shall be in order.

Committee Report

The Chair then recognized Representative Cynthia Martin, of Springfield, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of District Judge Brian Grearson.

Results of Balloting

Balloting then proceeded for the office of District Judge, with the following results:

For District Judge Brian Grearson

Total votes cast	145
Necessary for a majority	73
For retention	143
Against retention	2

Whereupon the Chair declared that

Brian Grearson, of

having received a majority of the total votes cast was duly elected to the office of District Judge for a term of six years, from and including the first day of April, 2009, and until his successor is elected and has qualified.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

DAVID A. GIBSON
Secretary of the Senate, Clerk