

Journal of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 25, 2021 AND APRIL 1, 2021

10:30 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:

J.R.S. 18. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Brian J. Grearson, and Judge Nancy J. Waples and three Magistrates that they be retained for another six year term, Magistrate Christine A. (Doremus) Hoyt, Magistrate Joseph M. Lorman and Magistrate Brian Valentine, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 11, 2021, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 18, 2021, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, and

Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a

manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 25, 2021, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and three Magistrate, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voters" statute at 17 V.S.A. §2531, et seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Thursday, April 1, 2021 at 2:00 P.M. (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Presiding Officer

Honorable Molly R. Gray, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., 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 eight Superior Judges, and one Magistrate.

This year we are again operating under the Judicial Retention Act passed in 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. Amendments made in 2010 require the retention of magistrates. 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). This year pursuant to statute which permits this, 4 V.S.A. § 608, we delayed the Joint Assembly from the eleventh Thursday to the present date, March 25th.

The procedure to be followed requires the vote be by written ballot. 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 names of

the candidates for retention as magistrates. I will explain later the written ballots and submitting your votes.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. Under the Judicial Retention Act 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 or if a Superior Judge is appointed after September 1 of the year preceding the expiration of the term of offices the Superior Judge shall automatically be a candidate for retention without filing notice. 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?"

Tellers Appointed

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

Senator Rebecca A. Balint, of Windham District, as Chief Teller
 Senator Andrew Perchlik, of Washington District
 Representative Warren F. Kitzmiller, of Montpelier
 Representative Kenneth W. Goslant, of Northfield

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:

Brian J. Grearson
 Nancy J. Waples

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

"Shall Superior Judge Brian J. Grearson be retained in office?"

Yes_____No_____.

"Shall Superior Judge Nancy J. Waples be retained in office?"

Yes_____No_____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The terms of these Superior Judges are for six years, from and including the first day of April, 2020, 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 two Judges will be received separately. At the end of the debates for the two Judges, any general debate on the entire question shall be in order.

Committee Reports

First, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the member from Stannard, Representative Joseph “Chip” Troiano, for the purpose of receiving his report.

Representative Joseph “Chip” Troiano, then delivered a general report for the Joint Committee on Judicial Retention.

The Chair then recognized the member from Burlington, Representative Selene Colburn, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Brian J. Grearson.

The Chair then recognized Senator Alice J. Nitka, of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Nancy J. Waples.

Retention of Magistrate

Statement of Presiding Officer

We shall now proceed to the matter of the retention of the incumbent Magistrates. For these positions we have received a declarations of intention to seek retention to the office of Magistrate from the following:

Christine A. (Donremus) Hoyt
Joseph M. Lorman
Brian Valentine

The name of each magistrate seeking retention is automatically voted on, and the question to be decided is:

"Shall Magistrate Christine A. (Donremus) Hoyt be retained in office?"

Yes_____No_____.

"Shall Magistrate Joseph M. Lorman be retained in office?"

Yes_____No_____.

"Shall Magistrate Brian Valentine be retained in office?"

Yes_____No_____.

The vote on this question shall again be by one single written ballot. The terms of these Magistrates are for six years, from and including the first day of April, 2021, and until their successor is elected and qualified.

Committee Report

The Chair then recognized, Senator Ruth Ellen Hardy of Addison District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Christine A. (Donremus) Hoyt.

The Chair then recognized, the member from Rutland City, Representative William Notte, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate James M. Lorman.

The Chair then recognized, Senator Richard J. McCormack of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Brian Valentine.

Statement of Presiding Officer

“Pursuant to J.R.S. 18, the vote on the retention of two Superior Judges and three Magistrates shall be conducted, as practicable, consistent with Vermont’s “early or absentee voters” statute. In conformance with this requirement, ballots and related documents were sent to you last week, prior to this Joint Assembly. In the envelope you received you should have a ballot, certification envelope, an addressed, postage prepaid return envelope and an instruction sheet. As explained on the instruction sheet you are to:

- (1) Vote your ballots;
- (2) Place your voted ballots inside the certification envelope;
- (3) Print your name in the space provided on the front of certification envelope and sign the certification on the certification envelope;
- (4) Seal the certification envelope with your voted ballots inside;
- (5) Put the certification envelope inside the pre-paid, pre-addressed mailing envelope; and,
- (6) Mail back the envelope. Return your ballot by mail or in person so it is received by noon, April 1, 2021.”

Recess

Pursuant to J.R.S. 18 the Chair declared a recess until Thursday, April 1, 2020 at 2:00 P.M.

Called to Order

At 2:00 P.M. on Thursday, April 1, 2021 pursuant to J.R.S. 18, the Joint Assembly was called to order by the Honorable Molly R. Gray, in the Chair.

Results of Balloting

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

For Superior Judge Brian J Grearson

Total votes cast..... 139
 Necessary for a majority..... 70
 For retention..... 134
 Against retention..... 5

Whereupon the Chair declared that

BRIAN J. GREARSON, of Berlin

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2021, and until his successor is elected and has qualified.

For Superior Judge Nancy J. Waples

Total votes cast..... 137
 Necessary for a majority..... 69
 For retention..... 135
 Against retention..... 2

Whereupon the Chair declared that

NANCY J. WAPLES, of Hinesburg

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2021, and until her successor is elected and has qualified.

Results of Balloting

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

For Magistrate Christine A. (Donremus) Hoyt

Total votes cast..... 124
 Necessary for a majority..... 63
 For retention..... 122
 Against retention..... 2

Whereupon the Chair declared that

CHRISTINE A. (DONREMUS) HOYT, of Tunbridge

having received a majority of the total votes cast was duly retained in the office of Magistrate for a term of six years, from and including the first day of April, 2021, and until her successor is elected and has qualified.

For Magistrate Joseph M. Lorman

Total votes cast.....	126
Necessary for a majority.....	64
For retention.....	115
Against retention.....	11

Whereupon the Chair declared that

JOSPEH M. LORMAN, of Rutland

having received a majority of the total votes cast was duly retained in the office of Magistrate for a term of six years, from and including the first day of April, 2021, and until his successor is elected and has qualified.

For Magistrate Brian Valentine

Total votes cast.....	125
Necessary for a majority.....	63
For retention.....	123
Against retention.....	2

Whereupon the Chair declared that

BRIAN VALENTINE, of Huntington

having received a majority of the total votes cast was duly retained in the office of Magistrate for a term of six years, from and including the first day of April, 2021, 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.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly