

# Journal of the Joint Assembly

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IN JOINT ASSEMBLY, MARCH 26, 2024

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. 47.** Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

*Whereas*, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge John R. Treadwell, and Judge Lisa A. Warren and one Magistrate that he be retained for another six year term, Magistrate Barry E. Peterson, 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*, Subsection 608(b) of Title 4, requires the committee to complete its evaluation of judicial performance of the candidates seeking to be retained in office by March 7, 2024, and subsection 10(b) of Title 2 requires a vote in Joint Assembly to be held on March 14, 2024, 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, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Tuesday, March 26, 2024, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and one Magistrate.

**Presiding Officer**

Honorable David E. Zuckerman, President of the Senate, in the Chair.

**Clerk**

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

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### **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 two 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 requires 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 26th.

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 name of the candidate for retention as magistrate.

### **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 Tanya C. Vyhovsky, of Chittenden-Central District, as Chief Teller  
Senator Andrew J. Perchlik, of Washington District  
Senator Robert W. Norris, of Franklin District  
Representative Carolyn W. Branagan, of Georgia  
Representative Kirk White, of Bethel  
Representative Leslie Goldman, of Rockingham  
Representative Mark A. Higley, of Lowell

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:

John R. Treadwell  
Lisa A. Warren

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

"Shall Superior Judge John R. Treadwell be retained in office?"

Yes \_\_\_\_\_ No \_\_\_\_\_.

"Shall Superior Judge Lisa A. Warren 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, 2024, 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 Senator from Windsor District, Senator Richard J. McCormack, for the purpose of receiving his report.

Senator Richard J. McCormack, then delivered a general report for the Joint Committee on Judicial Retention.

The Chair then recognized the member from Rutland, Brian P. Collamore who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge John R. Treadwell.

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 Superior Judge Lisa A. Warren.

### **Results of Balloting**

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

*For Superior Judge John R. Treadwell*

Total votes cast.....	146
Necessary for a majority.....	74
For retention.....	140
Against retention.....	6

Whereupon the Chair declared that

**JOHN R. TREADWELL, of BURLINGTON**

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, 2024, and until his successor is elected and has qualified.

*For Superior Judge Lisa A. Warren*

Total votes cast.....	146
Necessary for a majority.....	74
For retention.....	141
Against retention.....	5

Whereupon the Chair declared that

**LISA A. WARREN, of WATERFORD**

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, 2024, and until her successor is elected and has qualified.

**Retention of Magistrate**

**Statement of Presiding Officer**

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

Barry E. Peterson

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

"Shall Magistrate Barry E. Peterson be retained in office?"

Yes \_\_\_\_\_ No \_\_\_\_\_.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2024, and until her successor is elected and qualified.

**Committee Report**

The Chair then recognized, Representative Thomas Oliver, Jr. of Sheldon, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Barry E. Peterson.

**Results of Balloting**

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

*For Magistrate Barry E. Peterson*

Total votes cast.....	148
Necessary for a majority.....	75
For retention.....	145
Against retention.....	3

Whereupon the Chair declared that

**BARRY E. PETERSON, of EAST FAIRFIELD**

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, 2024, 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