

Senator Brian Collamore. Chair
Senate Government Operations Committee
Vermont State Legislature
Montpelier, Vermont

March 30, 2025

Dear Chair Collamore,

Thank you for allowing me to testify before the Committee this past Friday on constitutional aspects of H.1. I appreciated the opportunity to appear before the Committee in person, even though it may be that, at least in the case of one member of the Committee, my testimony and the way it was delivered may have served more to confuse than to enlighten. In any event, you have my written testimony to refer to and I think that it lays out pretty clearly the basis for my conclusion on the separation of powers question.

Since on Friday we did not get to the question of whether separation of powers doctrine requires granting a blanket exemption to the Professional Conduct and Judicial Conduct Boards, and since it is my understanding that you may be focusing on that question in a hearing scheduled this coming week, I have taken the liberty of addressing that question in a brief supplementary memo attached here. To summarize my conclusion: I think there are special considerations involved in this context but that, if the consultations are properly scheduled and structured, separation of powers does not require granting a blanket exemption to the judicial branch Conduct Boards in this context either.

I see no need to testify in person since I think the attached memo explains adequately the basis for this conclusion.

I request that this testimony be introduced into the record in connection with the hearings scheduled on H.1 this coming week.

Thank you for your consideration.

Peter Teachout
Professor of Law
Vermont Law School
1-802-831-1288