



**STATE OF VERMONT**  
**JUDICIAL ETHICS COMMITTEE**

Opinion No.: 25  
Date: July 11, 2023  
To: [name redacted in posted version pursuant to A.O. 35, ¶ 6]

The Committee has researched and reviewed the matter you presented to it. The following is the opinion of the Committee and a response to your inquiry pursuant to Administrative Order No. 35.

**Questions Presented**

May a Vermont assistant judge be appointed to serve as a part-time municipal officer while continuing to serve as assistant judge?

**Short Answer**

Yes, assistant judges are not required to comply with the prohibitions on appointment to governmental positions or employment in a business entity.

**Relevant Canons of Judicial Conduct**

The Application section of the 2019 Vermont Code of Judicial Conduct ("the Code") "establishes when the various Rules apply to a judge or judicial candidate." According to the Definitions section of the Code, the term "continuing part-time judge" includes assistant judges.

The Application section provides:

(A) JUDGE. All judges shall comply with this Code except as provided below.

(B) CONTINUING PART-TIME JUDGE. A continuing part-time judge: (1) is not required to comply . . . (b) at any time with Rules 3.4 (Appointments to Governmental Positions) . . . and 3.11(B) (service as officer, director, or in other capacity in business entity) . . .

Rule 3.4 of the Code entitled Appointments to Governmental Positions provides