Judge called out for rude comments

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Reprimands:
Judicial Conduct Committee said Judge Sharon DeVries’ comments threatened the court’s impartiality.

By TODD FEATHERS
New Hampshire Union Leader

The last time the state’s Judicial Conduct Committee reprimanded Seabrook district court Judge Sharon DeVries, it said her actions were wrong but motivated by compassion.

In its two most recent reprimands, handed down in March, the committee found that rude comments DeVries made to litigants threatened the court’s impartiality.

One of the reprimands arose from a complaint in which a defendant accused the judge of publicly humiliating her for having a disability. In the other, DeVries questioned whether a defendant was stable enough to hold a security clearance and work for a defense contractor.

DeVries said in an interview that she respects and defers to the committee’s decision but disagrees with some of the accusations against her and regrets the mark on her record.

“I sort of liken it to how many people plead guilty to things they’re not guilty of — I know, I take those pleas,” she said.

“Some of it is the time, effort, money that would be required to contest something like that is huge. Yeah, it’s my personal reputation and am I upset about that? Of course.”

While the Judicial Con-

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The committee had also reprimanded DeVries in 2009 for calling Superior Court Judge Larry Smulker, in a case she was not involved in, to request that he reverse his decision to release a juvenile from a detention facility. Smulker changed his order as a result of the call, but later reported the inappropriate contact to the Judicial Conduct Committee.

In those two cases, DeVries was “motivated by a compassion for others,” the committee wrote in its reprimand.

DeVries, the judge said in an interview, and she had never before shown any evidence of physical impairment.

The Judicial Conduct Committee found that DeVries’ questioning of Cote regarding her injury was “overly zealous and fell well beyond a fact-finder’s need for clarification.”

It also ruled that DeVries had inappropriately polled the courtroom as to whether needing a
monitoring in the courtroom.

While both of the most recent reprimands involved court cases from 2015, the reports were filed with the Judicial Conduct Committee on April 4 and April 10, 2017, several weeks after the committee issued a reprimand for DeVries in another case.

DeVries said she was surprised by the timing and thought the committee might have taken a sterner view of the complaints because they “piggybacked” on the other reprimand.

That matter began in 2015, when the New Hampshire Department of Public Safety accused DeVries of a “consistent pattern of judicial misconduct” as a result of her actions in 12 cases in 2014 and 2015.

The Judicial Conduct Committee eventually ruled in March 2017 that her actions in seven of the cases did not represent a violation of the judicial canons, but that in five cases she had unilaterally rejected or altered plea deals that both the prosecutor and defendant had agreed upon.

reprimand. But “then, as now, Judge DeVries had demonstrated a propensity to exceed the power of her office.”

In the first of the most recent reprimands, the Judicial Conduct Committee dismissed the majority of the accusations leveled against DeVries by a former litigant in her court, Joyce LaFrance, but determined that her comments suggesting LaFrance was not mentally stable enough to hold a security clearance threatened LaFrance’s right to be treated in a patient, dignified, and courteous manner.

In her response to the complaint, DeVries acknowledged that her comments were unnecessary.

In the second case, Wanda Cote, who was charged with assault, claimed as part of her defense that her knee was injured and required replacement surgery so she could not have committed the assault. Cote was a frequent plaintiff before knee replacement constituted a disability and referred to Cote as “somebody with that knee dragging along.”

DeVries said her question to the courtroom had been rhetorical.

Since 2011, the Judicial Conduct Committee has issued public sanctions against six judges, including DeVries.

Members of the committee declined to comment on a specific case, but the committee’s executive secretary, Robert Mittelholzer, said the nature and number of any judge’s reprimands will likely be taken into consideration if they are found to have violated the judicial canons again.

“If the judge finds him or herself in that situation again, I think the committee is going to evaluate how useful was that initial discipline and does it need to be anted up,” he said.