

**MANUAL**  
**FOR**  
**HEARING PANEL MEMBERS**

**SEPTEMBER 2008**

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## **Hearing Panels**

The Hearing Panels are assigned in rotation as cases are filed with the Program Administrator. The cases can come to the Hearing Panels in several different postures. Hearing Panel Counsel is available to assist the Panel at any stage of the proceeding.

- **Stipulated facts with recommended conclusions of law (violation of specific provisions of the Vermont Rules of Professional Conduct) and sanctions.**

This is probably the most common case received by Hearing Panels. In these cases, Disciplinary Counsel will have negotiated the facts, the existence of a specific rule violation and a recommended sanction with Respondent and/or Respondent's counsel. Respondent will also have waived some procedural rights including the right to an evidentiary hearing. The Hearing Panel will generally meet by phone conference, often with Hearing Panel Counsel and may do one of the following:

1. *Accept the stipulated facts and recommendations.* In this case, Hearing Panel Counsel will prepare a draft opinion for the Panel. The Panel will generally meet via phone or email to make revisions. When the opinion is satisfactory to all, it is circulated for signature, but not dated, and sent to the Program Administrator for filing.
  2. *Accept the stipulated facts and reject the recommended conclusions of law or sanctions or both.* In this case, either the parties will file new pleadings or the matter will be set for hearing. Prior to the hearing, the Chair of the Panel will issue a discovery order. (See form attached.) The Program Administrator will handle the details of scheduling the hearing.
  3. *Set the matter for hearing on the facts as well as conclusions of law and sanctions.*
  4. *Dismiss the Petition of Misconduct.* If the Hearing Panel does not believe that the facts as present in the stipulation set forth a violation of the Vermont Rules of Professional Conduct, the Panel may dismiss the petition.
- **Stipulated facts with recommended conclusions of law (violation of specific provisions of the Vermont Rules of Professional Conduct) and no recommendation on sanctions.**

In this case, the matter will be set for hearing on the issue of sanctions. Prior to the hearing, the Chair of the Panel will issue a discovery order. ([See form attached.](#)) The Program Administrator will handle the details of scheduling the hearing.

- **A Petition of Misconduct filed by Disciplinary Counsel with no stipulations.**

In this case, the matter will be heard on the facts as well as the violation and sanctions. In some cases the issue of sanctions is heard at a subsequent hearing, after a violation is found. Once a Petition of Misconduct is filed, the file is public.

- **Petition for Reinstatement**

A disbarred attorney may apply for reinstatement after five years. An attorney suspended for more than six months must also apply for reinstatement. These petitions are heard by a Hearing Panel and Respondent has the burden of proving by clear and convincing evidence that he or she meets the standards for reinstatement set forth in *A.O.9 Rule 22 D*.

**Rule 22. Reinstatement**

**D. Motions by Disbarred, Suspended, Resigned Attorneys.** Motions for reinstatement by a disbarred attorney, an attorney who has resigned, or an attorney who has been suspended for more than six months shall be served upon the Board and disciplinary counsel. In the case of a suspension, the motion may not be filed until three months before the period of suspension expires. Upon receipt of the motion, the Board shall promptly refer the matter to a hearing panel. Such panel shall promptly schedule a hearing, at which the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency, and learning required for admission to practice law in the state, and the resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest and that the respondent-attorney has been rehabilitated. At the conclusion of the hearing, the panel shall promptly issue a decision containing its findings and conclusions, and file the decision, together with the record, with the Board for filing with the Court. In the case of a suspension, the hearing panel shall issue its decision within ninety days of the date of the filing of the motion for reinstatement. The hearing panel's decision may be appealed as of right pursuant to the procedures set forth in Rule 11.E.

- **Petition for Reinstatement from Disability Inactive Status.**

This is similar to the preceding case and governed by A.O.9 Rule 21 E. *See Rule below.*

**Rule 21. Proceedings in Which Lawyer is Declared to be Incompetent or Alleged to be Incapacitated.**

#### **E. Reinstatement from Disability Inactive Status.**

(1) *Generally.* No respondent transferred to disability inactive status may resume active status except by order of the Court.

(2) *Petition.* Any respondent transferred to disability inactive status shall be entitled to petition for transfer to active status once a year, or at whatever shorter intervals the Court may direct in the order transferring the respondent to disability inactive status or any modifications thereof. The petition shall be granted by the Court upon a showing by clear and convincing evidence that the disability has been removed.

(3) *Examination.* Upon the filing of a petition for transfer to active status, the Court may take or direct whatever action it deems necessary or proper to determine whether the disability has been removed, including a direction for an examination of the respondent by qualified medical experts designated by the Court. In its discretion, the Court may direct that the expense of the examination be paid by the respondent.

(4) *Waiver of Doctor-Patient Privilege.* The filing of a petition for reinstatement to active status by a respondent transferred to disability inactive status shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the respondent during the period of disability. The respondent shall be required to disclose the name of each psychiatrist, psychologist, physician and hospital or other institution by whom or in which the respondent has been examined or treated since his or her transfer to disability inactive status. The respondent shall furnish to this Court written consent to each doctor to divulge information and records relating to the disability if requested by the Court or court-appointed medical experts.

(5) *Learning in Law; Bar Examination.* The Court may also direct that the respondent establish proof of competence and learning in law, which proof may include certification by the bar examiners of successful completion of a new examination for admission to practice subsequent to placement on disability inactive status.

(6) *Judicial Declaration of Competence.* If a respondent transferred to disability inactive status on the basis of a judicial determination of incompetence has been judicially declared to be competent, the Court may dispense with further evidence that the disability has been removed and may immediately direct reinstatement to active status upon terms as are deemed proper and advisable.

## **Conduct of Hearings**

- All three members must be present for hearings and the Panel may act only with the agreement of two of the members. (For motions and pre-hearing conferences, two shall constitute a quorum). (*See A.O. Rule 2.B.*)
- The Vermont Rules of Civil Procedure apply to hearings except where specifically excepted which is generally in the area of discovery. (*See A.O.9 Rules 15 and 16.*)

### **Rule 15. Subpoena power; discovery; testimony**

#### **A. Subpoena Power.**

(1) *Investigatory subpoenas.* In order to assist disciplinary counsel's investigation, a hearing panel chair assigned by the Board chair is authorized to issue investigatory subpoenas, upon disciplinary counsel's request, requiring persons and organizations to produce evidence or testimony, under oath, at a place and time specified by the hearing panel chair. In the request, disciplinary counsel must demonstrate, and the hearing panel chair must find: (a) a factual basis, beyond mere conjecture or supposition, that a violation of ethical standards has occurred; (b) the relevance of the information sought to the investigation, and (c) that the demand is not too indefinite or overbroad. Any district or superior judge in the county in which enforcement is sought may issue orders compelling enforcement of the subpoena. Failure to abide by an order enforcing the subpoena will be grounds for contempt of the court.

(2) *Subpoenas for Deposition or Hearing.* After a petition, or a motion for reinstatement, is filed, disciplinary counsel or respondent may compel by subpoena the attendance of witnesses and the production of pertinent books, paper, and documents at a deposition or hearing under these rules.

(3) *Enforcement of subpoenas.* The hearing panel chair assigned by the Board, or a designee thereof, may issue a subpoena with the same effect as if issued by a court. Any district or superior judge in the county in which the attendance or production is required may, upon proper application, enforce the attendance and testimony of any witness and the production of any documents subpoenaed. Tender of a witness fee and mileage reimbursement is not necessary at the time of service in order to effect proper service of any subpoena issued at the request of the Board or disciplinary counsel.

(4) *Quashing Subpoena.* Any attack upon the validity of a subpoena shall be heard and determined by the chair of the hearing panel or by the court wherein enforcement of the subpoena is being sought.

(5) *Witnesses and Fees.* Subpoena and witness fees and mileage shall be the same as those provided for proceedings in superior court.

(6) *Reciprocal Enforcement of Subpoenas.* Whenever a subpoena is sought in this state pursuant to the laws of another jurisdiction for use in lawyer discipline or disability proceedings, a hearing panel chair assigned by the Board may issue a subpoena as provided in this section to compel the attendance of witnesses and production of documents.

**B. Discovery.**

(1) *Scope.* Within 20 days following the filing of an answer, disciplinary counsel and respondent shall exchange the names and addresses of all persons having knowledge of relevant facts and/or of witnesses. This list shall be updated without request. Within 60 days following the filing of an answer, disciplinary counsel and respondent may take depositions and shall comply with reasonable requests for production of (a) nonprivileged documents and evidence relevant to the charges or to respondent and (b) other material upon good cause shown to the chair of the hearing panel.

(2) *Resolution of Disputes.* Disputes concerning discovery shall be determined by the chair of the hearing panel before which the matter is pending.

(3) *Other Rules Not Applicable.* Discovery proceedings under these rules are not subject to the Vermont Rules of Civil Procedure regarding discovery except those relating to depositions and subpoenas.

**C. Testimony.** Testimony before the hearing panel shall be under oath.

**Rule 16. Additional Rules of Procedure**

**A. Nature of Proceedings.** Disciplinary proceedings are neither civil nor criminal but are sui generis.

**B. Proceedings Governed by Rules of Civil Procedure.** Except as otherwise provided in these rules, the Vermont Rules of Civil Procedure and the Vermont Rules of Evidence apply in discipline and disability cases.

**C. Standard of Proof.** Formal charges of misconduct, petitions for reinstatement, and petitions for transfer to and from disability inactive status shall be established by clear and convincing evidence.

**D. Burden of Proof.** The burden of proof in proceedings seeking discipline or transfer to disability inactive status is on disciplinary counsel. The burden of proof in proceedings seeking reinstatement and transfer from disability inactive status is on the respondent.

**E. Prehearing Conference.** At the discretion of the hearing panel or upon request of either party, a conference may be ordered for the purpose of obtaining admissions or otherwise narrowing the issues presented by the pleadings. The conference shall be held before the chair of the hearing panel or another member of the hearing panel designated by the chair.

**F. Availability of Hearing Transcript.** The record of a hearing shall be made available to the respondent at his or her expense on request made to disciplinary counsel.

**G. Related Pending Litigation.** The processing of a disciplinary matter shall not be delayed because of substantial similarity to the material allegations of pending criminal or civil litigation unless the Board or a hearing panel in its discretion authorizes a stay for good cause shown.

**H. Delay Caused by Complainant.** Neither unwillingness nor neglect of the complainant to sign a complaint nor to prosecute a charge, nor settlement, nor compromise between the complainant and the lawyer, nor restitution by the lawyer shall, in itself, justify abatement of the processing of any complaint.

**I. Effect of Time Limitations.** Except as otherwise provided in these rules, time is directory and not jurisdictional. Failure to observe prescribed time intervals may result in sanctions against the violator but does not justify abatement of any disciplinary or disability investigation or proceeding.

**J. Complaints Against Panel Members or Staff of the Professional Responsibility Program.** If a complaint is filed against a member of a hearing panel, no member of that hearing panel shall participate in disposition of that complaint. If a complaint is filed against bar counsel or disciplinary counsel, the Board shall appoint substitute counsel to serve in that lawyer's place on that matter. If a complaint is filed against a member of the Board, neither bar counsel nor disciplinary counsel shall process the complaint; the complaint will be sent to the chair of one of the hearing panels, who shall appoint special counsel to handle the complaint consistent with these rules. The hearing panel chair who appoints special counsel shall not thereafter participate in any disciplinary proceedings brought by the special counsel.

- The Vermont Rules of Evidence apply to Hearing Panel proceedings.
- Hearings are generally held in courthouses. A court reporter will be present to record the testimony, but rarely is a transcript ordered.
- Prior to the hearing, Disciplinary Counsel will file with the Panel Proposed Findings of Fact, Proposed Conclusions of Law and usually a legal Memorandum. Respondent may or may not make such filings.
- Prior to the hearing, any Hearing Panel Member may request a legal memo from Hearing Panel Counsel.
- At the hearing, Disciplinary Counsel will first present witnesses to the facts and must prove by clear and convincing evidence that a violation has occurred. Respondent or Respondent's counsel has the right to question these witnesses.
- At the close of Disciplinary Counsel's case, Respondent has the opportunity to present witnesses and they may be questioned by Disciplinary Counsel.
- The members of the Hearing Panel may also ask questions of the witnesses and of Respondent.

- Both parties generally will present oral argument after the close of the evidence.
- At the conclusion of the hearing, the parties may ask for time to make written submissions, which is generally granted.
- The Panel will meet with Hearing Panel Counsel to discuss and reach a decision. Hearing Panel Counsel will provide a first draft of the opinion and will meet with the Panel either through phone conference or email to reach a decision.
- A Panel decision requires the concurrence of two members of the Panel. If one member disagrees with the decision, he or she may write a dissenting opinion. Hearing Panel Counsel is available to help with this drafting as well.
- All matters become public with the filing of a petition of misconduct and the public and occasionally the press may attend the hearings.

### **Determining a Violation of the Vermont Rules of Professional Conduct**

Following the hearing, the Panel must determine whether the attorney violated any one or more provisions of the Vermont Rules of Professional Conduct.

- The violation must be found by clear and convincing evidence.
- The Panel may be guided by the recommendations of Disciplinary Counsel and Respondent and by prior decisions of the Professional Responsibility Board and its predecessor the Professional Conduct Board, and by decisions from other jurisdictions.
- Hearing Panel Counsel is available to prepare memoranda for the Panel and to assist in drafting decisions.

### **Imposition of Sanctions**

Sanctions are covered by A.O. 9 Rule 8. In determining the appropriate sanction, the Panel is guided by the ABA Standards for Imposing Lawyer Discipline and case law in Vermont and other jurisdictions.

- Admonition by Disciplinary Counsel is the only non-public sanction and can be imposed only by agreement of the Respondent and approval of the Hearing Panel before formal charges are filed.

- After finding of violation of the Vermont Rules of Professional Conduct, the Hearing Panel may impose admonition, public reprimand, suspension for a period of up to three years, or disbarment.
- When a Hearing Panel imposes admonition after hearing, it is a public file, but the lawyer's name does not appear in the caption of the case as it does when there is public reprimand, suspension or disbarment.
- The Hearing Panel can order probation for a time certain under A.O 9 Rule 8.A.6. Probation cannot be ordered unless other discipline is imposed. The Panel will craft the terms of probation to deal with the specifics of the case.

## **Rule 8. Sanctions**

### **A. Types of Sanctions.**

#### (6) Probation:

(a) Imposition of Probation. Probation may be imposed only in conjunction with any other sanction, reinstatement from disability, and reinstatement from disbarment or suspension. It shall be used only in those cases in which there is little likelihood that the respondent will harm the public during the period of probation and the conditions of probation can be adequately supervised. Probation shall be imposed for a specific period and on notice and opportunity to be heard may be renewed for an additional period.

(b) Conditions in Writing. The conditions of the probation shall be in writing. Only the Court may impose conditions of probation which limit the lawyer's practice of law in this jurisdiction, except that the hearing panel may do so with the lawyer's consent. All or some of the costs of probation may be assessed against the lawyer. The probation will be supervised by a probation monitor approved by the hearing panel or disciplinary counsel, with any expense borne by respondent. Probation shall be terminated upon the filing of an affidavit by the respondent showing compliance with the conditions and an affidavit by the probation monitor stating that probation is no longer necessary and summarizing the basis for that conclusion.

(c) Violation of Probation. A violation of probation may be the basis for interim suspension pursuant to Rule 18 or may be the basis of independent disciplinary charges which shall be proven by clear and convincing evidence under the same procedures as for charges of misconduct. Upon proof of a probation violation, any sanction under these rules may be imposed. Allegations of violation of probation imposed in conjunction with a reprimand, suspension, or reinstatement shall proceed as public proceedings.

- The Hearing Panel in every case issues a decision containing its findings of fact, conclusions of law, and the sanction imposed, if any, within 60 days after the conclusion of the hearing. The decision is filed with the Board for filing with the Vermont Supreme Court pursuant to A.O. 9, Rule 11, (5)(c). Disciplinary Counsel, the Respondent and the Complainant are provided with a copy of the decision. If no appeal is served and filed within 30 days of the decision by either Disciplinary Counsel or the Respondent, and the Vermont Supreme Court does not otherwise order review on its own motion, the decision becomes final and as the same force and effect

as an order of the Vermont Supreme Court. If the Vermont Supreme Court orders review on its own motion, the Court may remand a case to the Hearing Panel or the Court may modify its decision, but only upon notice and opportunity to be heard. The Court shall not receive any additional evidence. Arguments not advanced before the Hearing Panel cannot be presented to the Court, except for good cause shown. Findings of fact cannot not be set aside unless clearly erroneous.

## **Probable Cause Function**

It is the responsibility of this Panel to rule on requests for probable cause presented by Disciplinary Counsel. The request is filed with the Program Administrator, who will check for conflicts and assign to the Probable Cause Panel. Generally, Disciplinary Counsel will include with the probable cause request a memorandum of law, facts, arguments and conclusions together with the complaint and relevant exhibits. There will also be included a proposed order for the Panel to indicate its finding of probable cause or no probable cause. The Chair of the Probable Cause Panel will generally poll the other members for their opinions and may schedule a telephone conference. If the panel wishes more information or any clarification, such requests are made through the Program Administrator.

## **General Information**

- ***Conflicts.*** If a Hearing Panel member has a conflict in serving on a specific Hearing Panel, the Panel member shall discuss the matter with the Chair of the Professional Responsibility Board.
- ***Confidentiality.*** All matters before the Professional Responsibility Board are confidential until charges are filed. Hearing Panel members are asked to shred old files or to deliver them to the Program Administrator for shredding.
- ***Contact Information.*** All Panel members are asked to ensure that the Program Administrator has an up-to-date email address and other contact information. While the rules require paper filings with the Program Administrator, much of the business of the Hearing Panels is done electronically.
- ***Expense Reimbursement.*** Pursuant to an amendment to Vermont Supreme Court Administrative Directive No. 19, dated August 19, 2004, and pursuant to 32 V.S.A. § 1010, “persons who serve on boards and committees established by the Supreme Court who are eligible for compensation shall be compensated at a rate of \$6.25 per hour for travel and meeting time. No person shall receive more than \$50.00 for one day’s service.”

In addition, Hearing Panel members may be compensated at the mileage reimbursement rate established for State employees, which is generally in line with the federal General Services Administration rate structure.

Should you wish to seek reimbursement for any of the expenses mentioned above, you will need to complete the attached [State of Vermont Personal Expense Claim](#) and submit it to Deb Laferriere, Program Administrator, at the following address:

Deb Laferriere, Program Administrator  
Vermont Supreme Court  
Professional Responsibility Board  
109 State Street  
Montpelier, VT 05609-0703

## **Resources for Hearing Panel Members**

Hard copies of the first three documents listed below are provided to new board members. Most are available on line and links for those are provided.

### ***Written and On-Line Resources***

- **Administrative Order 9** provides rules for the establishment and operation of the Professional Responsibility Program.  
<http://www.vermontjudiciary.org/Committees/prbrules/prbao9.htm>
- **Vermont Rules of Professional Conduct.** These rules define and discuss standards of professional conduct.  
[http://www.michie.com/vermont\\_print/lpExt.dll/vtrules/a6c/d29?fn=document-frame-chapter.htm&f=templates&2.0](http://www.michie.com/vermont_print/lpExt.dll/vtrules/a6c/d29?fn=document-frame-chapter.htm&f=templates&2.0)
- **ABA Standards for Imposing Lawyer Sanctions.** These standards set forth a scheme for determining appropriate sanctions where a violation of the Rules is found. The Vermont Supreme Court has ruled that it is appropriate to consult the ABA Standards in determining discipline. The standards take a two-pronged approach to determining sanctions. First, one looks at the duty violated, the lawyer's mental state, and the extent of the actual or potential injury. Having determined a presumptive sanction based on these criteria, one then looks to to aggravating and mitigating circumstance to determine whether the sanction should be increased or decreased.
- **Prior decisions** of the Professional Responsibility Board  
<http://www.libraries.vermont.gov/law/prb/prbdecisions>  
and its predecessor, the Professional Conduct Board.  
<http://www.libraries.vermont.gov/law/prb/pcbdecisions>
- **Policies of the Professional Responsibility Board** can be found in each year's annual report or on our webpage by clicking on the following link.  
<http://www.vermontjudiciary.org/Committees/boards/PRBPoliciesAdopted.htm>

The policies directly relating to Hearing Panels are:

4. The Board will review all decisions of the Hearing Panels, but not before those decisions are filed. When a Hearing Panel report is sent to the Supreme Court, the Board will be given a copy electronically. Review of decisions will be put on the agenda for the next meeting. (January 21, 2000). (September 17, 2004; Amended to reflect "filed" rather than "published.")

7. Until the Supreme Court can address the inconsistency in A.O. 9, at Rule 12, Rule 11.D., and Rule 8(A)(5), the Board concludes that all proceedings initiated by a stipulation recommending admonition shall remain under seal. In the event the Hearing Panel rejects the recommended admonition, the stipulation can be withdrawn and the file remains sealed. (January 21, 2000).

10. All correspondence and decisions by Hearing Panels are to be on Professional Responsibility Program stationery. (May 8, 2000).

14. A probable cause decision will follow the standard form and will only indicate whether or not PC was found. There will be no written decisions. (April 26, 2001).

15. Second requests for PC are only submitted if the presence of different or new information is to be brought to the panel's attention. (April 26, 2001).

19. Filed Hearing Panel Decisions wherein private discipline is imposed will not be redacted to reflect gender neutrality. (August 30, 2001).

21. All finalized published decisions of the Board will be distributed electronically to assistance and Hearing Panel members. (March 1, 2002).

22. When formal proceedings are commenced by the filing of stipulated facts and a Hearing Panel determines that a hearing is not necessary, the Hearing Panel shall issue a decision containing its findings of fact, conclusions of law, and the sanction imposed, if any, within sixty days of the filing of the stipulated facts.

The sixty day time period is directory and not jurisdictional. A Hearing Panel's failure to observe the sixty day time period does not justify the abatement or dismissal of the disciplinary or disability proceeding. (May 2, 2002).

23. All probable cause requests will be assigned to one panel for the next year. After one year, the Hearing Panels will rotate and another panel will receive probable cause requests for the following year. The Chair will determine which Hearing Panel is first in the rotation. (May 2, 2002).

28. Hearing panel members are prohibited from representing respondents. (March 31, 2004).

- **Vermont Rules of Civil Procedure.** A.O. 9 provides that the V.R.C.P. cover hearings unless otherwise provided.  
<http://www.michie.com/vermont/lpext.dll?f=templates&fn=main-h.htm&cp=vtrules>
- **Vermont Rules of Evidence.** A.O. 9 provides that the V.R.E. cover hearings unless otherwise provided.  
<http://www.michie.com/vermont/lpext.dll?f=templates&fn=main-h.htm&cp=vtrules>

### ***Other Resources***

- **Deb Laferriere, Program Administrator,** is available for help to locate any of the above resources, for arranging phone conferences, setting up hearings, arranging for a court reporter and general information. She also maintains all the files, and all filings should be sent to her at the following address:

Deb Laferriere, Program Administrator  
Vermont Supreme Court  
Professional Responsibility Board  
109 State Street  
Montpelier VT 05609-0703  
802.828.3204  
[deb.laferriere@state.vt.us](mailto:deb.laferriere@state.vt.us)

- **Leslie Black, Hearing Panel Counsel** is available to provide assistance to Hearing Panels. In general, she attends hearings and phone conferences and writes a first draft of any opinion or order for the panel. She is also available to provide research, pre-hearing memos or other legal assistance to Hearing Panels.

Leslie Black, Esq.  
39 North Road  
Vershire VT 05079  
802.685.3491  
[leslie.black@valley.net](mailto:leslie.black@valley.net)

- **Professional Responsibility Program Annual Meeting.** Presentations are made at each annual meeting to assist Panel members and there is the opportunity to ask question of the Board. CLE credit is available for attorney members.

**Attachment A – Sample Discovery Order**

**STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD**

In re:        [Insert Name of Respondent], Respondent  
                 PRB Docket No. [Insert Docket Number]

**PRE-HEARING ORDER**

**I. Notice of hearing:** This matter will be heard on [Insert Date of Hearing] in the [Insert Location of Hearing] commencing at [Insert Time] a.m. Respondent is entitled to be represented by counsel, to cross-examine witnesses and to present evidence. Disciplinary counsel shall inform the complainant of the date and place of the hearing. Administrative Order No. 9, Rule 11.D.(4).

**II. Discovery:** Disciplinary Counsel and Respondent shall comply with the provisions of A.O. No. 9, Rule 15(B). The discovery period in this case closes [Insert Date Discovery Closes]. Parties are expected to make every effort to resolve any discovery disputes themselves.

**III. Method of Filing:** All filings in this case, except as noted in IV.C.3 below, will be made as follows. The original shall be filed with the Board of Professional Responsibility, Supreme Court Building, First Floor, 109 State Street, Montpelier, Vermont 05609-0703, Attn: Deb Laferriere, Program Administrator. Copies of each filing shall be mailed to each Hearing Panel member and to Leslie Black, Esq., counsel for the Hearing Panel, at the following addresses:

<u>[Insert Name of Hearing Panel Chair]</u> , Esq. <u>[Insert Address]</u>	<u>[Insert Name of Atty H.P. Member]</u> , Esq. <u>[Insert Address]</u>
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<u>[Insert Name of Lay Person H.P. Member]</u> <u>[Insert Address]</u>	Leslie Black, Esq. <u>[Insert Address]</u>
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**IV. Pre-hearing Schedule:** The schedule for filing is as follows:

**A. Pre-hearing motions:** To the extent permitted under A.O. 9, pre-hearing motions must be filed by [Insert Date Pre-hearing motions due].

**B. Pre-hearing conference:** If a pre-hearing conference is necessary, it will be held via telephone conference call on [Insert Date of Prehearing Conference] at [Insert Time of Prehearing Conference] per Administrative Order No. 9, Rule 16(E).

**C. Pre-hearing Preparation:** In order for the Hearing Panel to prepare for the hearing, the parties will file copies of the following documents on or before [Insert Date Documents Due]:

1. A list of witnesses and the estimated time for each witness' testimony;
2. A list of exhibits, all of which shall have been pre-marked;
3. All exhibits; (**originals to be filed with the Hearing Panel chair**, with copies to the Professional Responsibility Board Office and to remaining Hearing Panel members and Leslie Black, Esq.);
4. A stipulation as to those facts to which the parties agree;
5. A stipulation as to admissible exhibits, subject to relevancy objections; and
6. Proposed findings of fact and conclusions of law.

**V. Evidence concerning Sanctions:** In the event that there are no disputed facts and the parties agree that there has been a violation of the Rules of Professional Conduct, the panel will use the [Insert Date of Hearing] hearing to hear evidence and argument as to sanctions. Otherwise, evidence pertaining to possible sanctions «Evidence & Argument As to Sanctions»

Dated at \_\_\_\_\_, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**PROFESSIONAL RESPONSIBILITY BOARD**

BY: \_\_\_\_\_  
[Hearing Panel Chair], Esq., Chair - Hearing Panel

Distribution:  
Respondent or Counsel for Respondent, Esq.  
Disciplinary Counsel  
Attorney Hearing Panel Member, Esq.  
Lay Person Hearing Panel Members  
Leslie Black, Esq., Hearing Panel Counsel  
Deb Laferriere, Program Administrator

**STATE OF VERMONT PERSONAL EXPENSE CLAIM**

Name		Town of Residence		Department/Board or Commission					
Address									
Social Security No.		Position Time							
Date	Explanation	Travel Miles	Amount	Breakfast	Lunch	Dinner	Lodging	Other	Total
<b>TOTALS</b>									

I certify under the pains and penalties of perjury, that the foregoing is a correct statement of the time actually spent, mileage actually and constructively traveled, and amounts necessarily incurred or paid by me in the discharge of my duties (32 V.S.A. 464)

\_\_\_\_\_

**Claimant=s Signature**                      **Date**                      **Supervisor=s Approval**                      **Date**

**FINANCE & MANAGEMENT**

AAF6A