

## Professional Responsibility Board

### Information

The Vermont Constitution vests authority in the Vermont Supreme Court to oversee the professional conduct of all lawyers practicing within this state. ([See Administrative Order No. 9](#)). The court delegates some of this authority to the Vermont Professional Responsibility Board, a group of seven volunteers appointed by the Supreme Court. Three of the appointees are members of the bar, one is a judge and three are members of the public.

The Board employs a Disciplinary Counsel, Michael Kennedy, a Deputy Disciplinary Counsel, Beth DeBernardi and a part-time administrative assistant, Cathy Janvier. The Board also employs a Bar Counsel, Wendy Collins and a Program Administrator, Deb Laferriere.

Disciplinary Counsel screens all complaints alleging attorney misconduct. Disciplinary Counsel may contact the subject attorney and conduct other limited investigation necessary to determine the nature of the inquiry and whether it can be resolved through non-disciplinary dispute resolution methods. Counsel may attempt to resolve any complaint, of whatever nature, that does not appear to require formal intervention by an assistance panel or the disciplinary program. If Disciplinary Counsel dismisses the complaint after the screening process, the complainant has a right to seek independent review of that decision from the chair of the Professional Responsibility Board.

If the conduct which is the subject of the complaint appears to constitute misconduct that may require disciplinary sanctions, Disciplinary Counsel shall investigate further to determine whether formal disciplinary proceedings should be pursued. Following an investigation, Disciplinary Counsel may dismiss the complaint, refer it to an assistance panel or other dispute resolution program, or initiate formal disciplinary or disability proceedings. If the complaint is ultimately dismissed after investigation, complainants are notified of the disposition of the complaint and the reasons therefore. There is no further review of that decision.

The Professional Responsibility Board is required by A.O.9, Rule 1 E(2), to provide the Supreme Court with an annual report, including statistics. The [Statistics](#) are available on the Judicial Community webpage under Boards and Rules Committees.

The Board is responsible for overseeing the program and implementing, coordinating and periodically reviewing its policies and goals. A complete list of the policies adopted and/or amended by the Professional Responsibility Board can be found by [clicking here](#).

In addition to discipline, the Vermont Supreme Court has authorized the Board to establish assistance panels for the purpose of providing prompt resolutions of complaints by means other than discipline.

In December 2008, the Professional Responsibility Board adopted a [Manual for Assistance Panels](#).

If prosecution is warranted, Disciplinary Counsel reports the results of the investigation to a Hearing Panel. Pursuant to Administrative Order No. 9, Rule 2.A., the chair of the Board appoints standing hearing panels as may be required. Each hearing panel consists of two members of the bar of this state and one public member. The chair of the Board also appoints a lawyer-member of each hearing panel to serve as chair of the panel. If the Hearing Panel finds that there is probable cause to believe that a violation of the [Vermont Rules of Professional Conduct](#) has occurred, it will direct Disciplinary Counsel to bring formal charges.

A formal hearing will be held after the filing of formal charges. Disciplinary Counsel will inform the complainant of the date and place of the hearing. Disciplinary Counsel shall have the burden of proving the alleged violations by clear and convincing evidence. The Hearing Panel's written order is final, unless appealed by Disciplinary Counsel or the charged lawyer. The Vermont Supreme Court can also initiate its own review.

In September 2008, the Professional Responsibility Board adopted a Manual for Hearing Panels. [Click here](#) to review the manual.

The Board publishes decisions of all cases as well as a digest summarizing the decisions considered by it. Decisions of Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue. These decisions may be obtained through Vermont Automated Libraries System VALS.

### [Professional Responsibility Board Decisions](#)

The [Hearing calendar](#) is available on the Attorney Discipline webpage.

The Vermont Professional Responsibility Board has prepared a booklet entitled "[Managing Client Trust Accounts, Rules, Regulations and Tips](#)" as a guide for both new and experienced lawyers in dealing with trust accounting questions. Our purpose is to provide attorneys with the basic rules, highlight the areas that will always require an attorney's best judgment because there are no absolute rules, and dispense some practical experience provided by years of answering lawyers' questions. If you are an attorney and you are dealing with trust accounts and questions arise, please do not hesitate to call the Professional Responsibility Program at 802-859-3000 or 802-828-3204.

The Professional Responsibility Board has also developed a [Trust Account Questionnaire](#). The questionnaire is intended to serve as a tool to which Vermont attorneys can turn for self-assessment of the procedures by which their trust accounting systems are managed. The questionnaire is the result of several years of input from the Professional Responsibility Board, Bar Counsel, Disciplinary Counsel, and Certified Public Accountants. Completion of the questionnaire is not a substitute for complying

with the Vermont Rules of Professional Conduct. However, the questionnaire provides a starting point for self-education on trust account management.

An approved list of Financial Institutions for Attorney Trust Accounts is available on the [Attorney Discipline Webpage](#).