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JUDICIAL CONDUCT BOARD

JAN 29 2019

IN RE: HONORABLE BERNARD
LEWIS

JUDICIAL CONDUCT BOARD
Docket No. 18.008

RESPONDENT'S ANSWER

NOW COMES the Respondent in the above-entitled matter, the Honorable Bernard Lewis, by and through his attorneys Langrock Sperry & Wool, LLP and in answer to the Formal Complaint in this matter dated January 7, 2019 states as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. The Respondent currently does not have access to the underlying Court file and is therefore unable to admit or deny this allegation.
11. The Respondent currently does not have access to the underlying Court file and is therefore unable to admit or deny this allegation.
12. The Respondent currently does not have access to the underlying Court file and is therefore unable to admit or deny this allegation.

13. The Respondent currently does not have access to the underlying Court file and is therefore unable to admit or deny this allegation.
14. The Respondent currently does not have access to the underlying Court file to admit or deny this allegation.
15. Admitted.
16. Admitted.
16. [sic] Denied. The Court did not add an additional condition as described. The cited transcript record speaks for itself.
17. Admitted.
18. Admitted.
19. The Respondent currently does not have access to the underlying Court file and is therefore unable to admit or deny this allegation.
20. Admitted.
21. Admitted that there was a hearing on October 7, 2013 and that Paul Thomas testified. Denied as to the remainder.
22. Denied that the stated events occurred at the October 7, 2013 hearing.
23. Denied. Admitted that the stated events occurred at the July 31, 2014 hearing.
24. Denied.
25. Admitted.
26. Admitted.
27. Admitted.
28. Admitted.
29. Admitted.

30. Admitted.
31. Admitted.
32. Admitted.
33. Admitted although the actual quote is “intentions are good, but nothing ever happens.”
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.
39. Admitted but the transcript citation appears to be incorrect.
40. Admitted.
41. Admitted.
42. Admitted.
43. Admitted.
44. Admitted.
45. Admitted.
46. Admitted.
47. Insufficient information and therefore denied.
48. Insufficient information and therefore denied.
49. Insufficient information and therefore denied.

50. Admitted that the Respondent noted his “frustration with the pace of the proceedings and the guardian’s failure to comply.” Denied as to the remainder.

51. Denied.

52. Denied as to the first two sentences. Insufficient information as to the third sentence and therefore denied.

53. Denied as to the first sentence. Insufficient information as to the second sentence and therefore denied.

54. Denied.

55. Denied.

56. Denied.

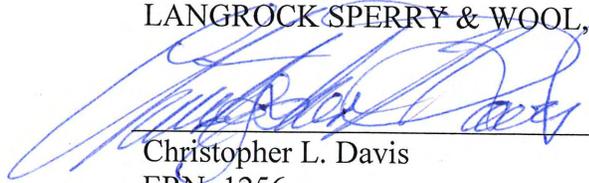
Defenses

1. The delay in the underlying probate proceeding was in part attributable to the Petitioners. Among other things they filed an objection to almost every pleading filed by the Guardian and at times sought relief that was not available when objecting to a Guardian’s accounting (for example sanctions, removal and contempt).
2. The delay in the proceedings was in part attributable to an improper appeal filed by the Petitioners to the Vermont Supreme Court. They failed to comply with V.R.A.P. Rule 5. The Supreme Court dismissed their appeal without an opinion.
3. The delay in the underlying proceedings was in part attributable to a Motion to Stay All Rulings until mediation was complete which motion was granted without opposition.

4. The delay in the underlying proceedings was in part attributable to at least two motions to continue filed by the Petitioners.
5. The delay in the underlying proceedings was attributable in part to the extensive discovery sought by the Petitioners from the Guardian when they knew the Guardian was not able to provide the requested information.
6. The delay in the underlying proceedings was in part attributable to the fact that the Guardian's counsel requested that a Complaint be filed instead of a "Rule 67 Motion" in order to narrow the issues and limit the discovery. The Respondent agreed with that request and ordered the Petitioners to file such a Complaint. The Petitioners never did so.
7. The delay in the underlying proceedings was in part attributable to the fact that the parties went to Court ordered mediation without counsel which was not what was originally contemplated and given the personality conflicts essentially guaranteed that the mediation would fail.
8. The delay in the in the underlying proceedings was in part attributable to the fact that the parties did not inform the Court that mediation had failed.
9. The Respondent under the circumstances handled the underlying proceedings promptly, efficiently and fairly.

DATED at Burlington, Vermont this 25 day of January, 2019.

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