

DIGEST OF PUBLISHED DECISIONS

VOLUME I

DEC NO.	PG. NO.	PCB NO.	VIOLATION	SANCTION IMPOSED OR RECOMMENDED	DATE OF PCB DECISION
1	1	89.34	DR 7-104(A) (1)	Private Admonition	08/03/90
SUMMARY - Respondent communicated directly with former client, who was represented by counsel in a malpractice action against respondent.					

2	6	88.110	DR 6-101(A) (3)	Private Admonition	08/03/90
SUMMARY - Respondent ignored client's case for six years.					

3	9	88.115	DR 1-102(A) (5)	Private Admonition	10/12/90
SUMMARY - Respondent entered into contingency fee agreement in a worker's compensation case which yielded a fee in excess of Dept. of Labor & Industry's guidelines.					

4	17	88.70	DR 7-106	Private Admonition	10/12/90
SUMMARY - Respondent failed to follow valid court order in contested divorce by withholding executed deed.					

5	21	89.52	DR 6-101(A) (3)	Private Admonition	10/12/90
SUMMARY - Respondent neglected clients' request that he re-negotiate note, resulting in damage to client.					

6	27	89.44	DR 7-106(C) (6)	Private Admonition	04/05/91
SUMMARY - Respondent struck client in anger outside courthouse.					

7	33	88.125	DR 1-102(A) (7)	Private Admonition SCT: Dismissed	05/10/91 10/08/92
SUMMARY - Respondent wrote vicious and threatening letter threatening counterclaim without a good faith basis in fact.					

8	40	89.64	DR 6-101(A) (3)	Private Admonition	05/10/91
SUMMARY - Respondent, after accepting retainer, failed to pursue modification of visitation rights.					

9 44 90.18 DR 9-102(B) (4) Private Admonition 05/10/91

SUMMARY - Respondent wrongfully deducted fees for worker's comp case from complainant's fee paid for criminal case.

10 49 87.86 None Charges Dismissed 05/10/91
86.50
86.04

SUMMARY - Allegations that respondent had become sexually involved with client and filed litigation in non-existent person's name, could not be proven by clear and convincing evidence.

11 51 90.56 DR 1-102(A) (1) Public Reprimand 06/07/91
Williams DR 7-106(C) (6)
DR 7-106(A)

SUMMARY - Respondent engaged in rude and wholly unprofessional behavior before tribunal and advised client not to pay judgment.

12 58 89.15 DR 9-102 Public Reprimand 06/07/91
Hutton 10 year probation

SUMMARY - Respondent who withdrew funds from attorney trust account for personal expenses, repaid the fund and reported himself to Professional Conduct Board.

13 63 89.43 DR 7-104(A) (1) Private Admonition 06/07/91

SUMMARY - Respondent, counsel for municipality, corresponded directly with opposing counsel's client without authorization.

14 69 89.51 DR 1-102(A) (4) Public Reprimand 04/05/91
Hunter DR 1-102(A) (5)
DR 5-103(B)
89.65 DR 7-108

SUMMARY - Respondent personally guaranteed debt of client to creditor and creditor's counsel, then denied same.

Respondent communicated ex parte with jurors during jury draw.

15 86 91.36 A.O.9, Rule 17 Public Reprimand 09/08/91
Sorensen

SUMMARY - Reciprocal discipline imposed after respondent was publicly reprimanded by NJSCT for failure to turn over interest accrued on clients' funds to clients.

16 87 89.56.2 DR 1-102(A) (5) Suspension 01/11/91
Bailey

SUMMARY - Respondent failed to respond to bar counsel's requests for information in investigation of possible misuse of attorney trust account.

17 93 90.20 DR 9-102(B) (3) Private Admonition 09/27/91

SUMMARY - Respondent failed to provide client with itemized bill in a timely manner and was negligent in keeping records, resulting in double billing.

18 97 90.02 DR 1-102(A) (5) Private Admonition 11/01/91
DR 6-101(A) (2)
DR 6-101(A) (3)

SUMMARY - Respondent failed to file final divorce decree for 11 months after judge so ordered, despite repeated requests from complainant.

19 101 90.41 DR 7-106(C) (6) Private Admonition 11/01/91

SUMMARY - When complainant attempted to speak to respondent's client during break in divorce hearing, respondent used offensive language to complainant.

20 104 89.47 DR 7-104(A) (1) Recommended: 11/01/91
Illuzzi DR 1-102(A) (7) Suspension-6 mos. 11/06/92
DR 1-102(A) (5)

SUMMARY - Respondent communicated with opposing counsel's client (insurance company) without authorization and also disparaged opposing counsel to the client. Supreme Court remanded. See Decision No. 48.

21 127 89.56 DR 1-102(A) (5) Recommended: 12/06/91
89.56.1 Rule 6D AO 9 Suspension-6 mos.
89.56.2 DR 9-102
Bailey DR 9-102(B)

SUMMARY - Respondent maintained insufficient records of trust account, resulting in invasion of trust. No client funds were lost. Supreme Court suspended for 3 months on 10-11-91.

22 134 91.05 DR 1-102(A) (4) Recommended: 12/07/91
Joy DR 1-102(A) (7) Disbarment
DR 1-101(A) (1)
DR 6-101(A) (3)

SUMMARY - Respondent lied to complainant about filing lawsuit and then allowed statute of limitations to run out, significantly injuring complainant. Supreme Court disbarred Respondent on 2-26-92.

23 142 91.38 DR 7-104(A) (1) Private Admonition 12/06/91

SUMMARY - Respondent went with client to pick up client's children for parental visit and communicated directly with mother and children who were represented by other counsel.

24 146 89.40 DR 1-102(A) (3) Recommended: 11/26/90
Berk DR 1-102(A) (7) Suspension-6 mos.

SUMMARY - Respondent was arrested in New Jersey in the process of purchasing between six and seven grams of cocaine for distribution to friends. Supreme Court suspended Resp. for 6 months on 12-06-91.

25 175 91.10 DR 6-101(A) (3) Private Admonition 02/14/92

SUMMARY - Respondent neglected to pursue payment of insurance policies and final accounting in estate for 7 years.

26 179 88.77 DR 6-101(A) (3) Private Admonition 02/14/92

SUMMARY - Respondent failed to deliver corrected mortgage deed and final title insurance policy to bank despite repeated requests, nor did he make arrangements to do so when he left private practice.

27 182 90.54 DR 6-101(A) (2) Private Admonition 03/13/92
DR 6-101(A) (3)

SUMMARY - Respondent neglected client's case for over 12 months and failed to communicate with client regarding the status of case.

28 187 89.53 DR 1-101(A) (4) Recommended: 03/13/92
Bucknam DR 1-101(A) (5) 30-day suspension
DR 1-102(A) (4) 1 year's probation
DR 1-102(A) (5) Completion of Multi-
DR 1-102(A) (7) State Exam
DR 7-101(A) (3) Reimbursement to client
DR 2-110(A) (2)

SUMMARY - Respondent prejudiced her client by changing fee agreement from contingency to hourly and by failing to produce file after withdrawing from representation. Respondent also misrepresented status of case to her client and failed to provide a requested accounting. On 6-18-93, Supreme Court reprimanded Respondent and imposed 1 year probation.

29 223 90.23 DR 6-101(A) (3) Private Admonition 03/13/92
DR 7-101(A) (2)
AO 9 Rule 6D

SUMMARY - Respondent failed to file a Release/Discharge of the Agricultural & Forest Land Use Value Lien with the VT Dept. of Taxes for 19 months after real estate closing, failed to respond to calls and letters from counsel for Tax

Dept. and opposing counsel, and failed to respond to bar counsel's request for information.

30 231 91.07 DR 7-106(C) (6) Private Admonition 05/01/92

SUMMARY - Respondent used obscene language when speaking to prosecutor in court.

31 233 90.62 DR 1-102(A) (7) Recommended: 05/22/92
Massucco 4 mos. suspension

SUMMARY - Respondent convicted of 2 counts of failure to file VT Income Tax Returns for 1987, 1988. Supreme Court suspended Respondent on July 14, 1992.

32 243 91.14 DR 1-102(A) (3) Recommended: 05/22/92
Taft DR 1-102(A) (5) 4 mos. suspension

SUMMARY - Respondent convicted of 2 counts of failure to file VT Income Tax Returns for 1987, 1988. Supreme Court suspended Respondent on July 14, 1992.

33 251 89.63.1 None Charges Dismissed 05/01/92

SUMMARY - Respondent delivered stock certificate, which had been delivered to him solely for the purpose of determining its negotiability, to his client, who attempted to redeem it.

34 259 90.30 DR 7-104(A) (1) Private Admonition 06/06/92

SUMMARY - Respondent discussed settlement with opposing corporate party at corporate party's request without opposing counsel's knowledge or consent.

35 262 92.16 DR 1-102(A) (3) Recommended: 08/28/92
Free DR 1-102(A) (5) 6 mos. suspension
DR 1-102(A) (7)

SUMMARY - Respondent convicted of 3 counts of failure to file VT Income Tax Returns for 1988, 1989, 1990. Supreme Court suspended on 10-22-92.

36 267 89.15 (See Decision #12)
Hutton

SUMMARY - On 08/28/92, Board dismissed pending petition to suspend Respondent from practice without prejudice to renew should Respondent fail to comply with disciplinary order and stipulation of 8/26/92.

37 278 89.40.1 DR 1-102(A) (2) Recommended: 08/28/92
Mayer DR 1-102(A) (7) 2 mos. suspension

SUMMARY - Respondent was arrested in New Jersey in the process of purchasing cocaine. Supreme Court suspended Respondent on 9-22-92 for two months.

38 284 90.52 DR 2-102(B) Private Admonition 03/13/92

SUMMARY - The name of Respondent's law firm was misleading to to public. It included "...& Associates" when in fact there were no associates.

39 287 89.66 DR 1-102(A) (4) Recommended: 09/25/92
Adams, J. Trans. to Disability
Inactive Status

SUMMARY - Respondent is suffering from a physical disability which renders her unable to defend or assist in her defense against allegations of misconduct. Supreme Court transferred Respondent to disability status on 9-25-92.

40 291 90.38 None Charges Dismissed 10/09/92

SUMMARY - Allegations of misrepresentation to tribunal not proven by clear and convincing evidence.

41 294 89.57 DR 1-102(A) (4) (5) Recommended: 11/06/92
90.08 DR 9-101(B) Disbarment
90.64 DR 6-101(A) (2)
91.53 DR 7-102(A) (1) (4) (6)
Karpin

SUMMARY - Respondent lied to clients and court, settled law suit without client's authority, submitted false evidence to it, and represented a party in private practice in the same matter which he had handled as a prosecutor. Supreme Court disbarred Respondent on 5-21-93.

42 325 89.59 DR 1-102(A) (7) Private Admonition 12/04/92
EC 1-5
DR 7-106(A)

SUMMARY - Respondent failed to comply with court order requiring him to pay child support to his ex-wife and was held in contempt.

43 328 91.12 DR 6-101(A) (3) Private Admonition 12/04/92

SUMMARY - Respondent neglected to communicate with his clients regarding the status of their case.

44 331 91.42 DR 1-102(A) (5) Private Admonition 12/04/92

SUMMARY - In settling malpractice suit, respondent requested the complainant not file an ethics complaint against him with the Professional Conduct Board as a condition of settlement.

45 335 91.49 DR 1-102(A) (5) Private Admonition 12/04/92

SUMMARY - Respondent publicly disclosed the existence of a confidential Professional Conduct Board investigation.

46 337 88.85 DR 7-102(A) (1) Private Admonition 12/04/92
DR 7-102(A) (2)

SUMMARY - Respondent filed negligence case against driver on behalf of passenger where there was no evidence of negligence on driver's part.

47 343 85.32 DR 7-104(A) (1) Dismissed 12/04/92

SUMMARY - Respondent sent copy of letter to opposing attorney and his client without consent of attorney. Due to de minimus nature of violation, no sanction imposed.

48 348 89.47 See Decision #20 Recommended: 12/04/92
Illuzzi Suspension - 6 mos.
MPRE

SUMMARY - On remand from the SCT, the Board rejected arguments by respondent and recommended a 6 month suspension. See PCB Decision #20. Suspended by SCT for six months, effective September 1, 1993 and MPRE required.

49 350 85.42 DR 6-101(A) (3) Private Admonition 01/29/93

SUMMARY - Respondent neglected his duties as fiduciary and attorney for two estates which caused beneficiaries additional expense.

50 356 90.50 DR 2-101 Private Admonition 01/29/93

SUMMARY - Respondent negligently misrepresented himself to prospective buyers of condominiums as counsel for the lending bank, which was not true.

51 363 92.35 DR 5-105(A) Private Admonition 04/16/93

SUMMARY - Respondent represented a bank in collections matters which created conflict with former clients.

52 366 90.04 DR 4-101(B) (1) Recommended: 03/16/92
Pressly Public Reprimand

SUMMARY - Respondent revealed a client's confidence to opposing counsel. Reprimanded by SCT on 6/4/93.

53 387 91.57 DR 5-105(C) Private Admonition 06/04/93
DR 6-101(A) (2)

SUMMARY - Respondent represented both buyers and sellers in a real estate transaction without explaining potential conflict. Respondent negligently drafted deed to convey a life estate which was not intended by buyers.

54 393 92.13 DR 6-101(A) (3) Private Admonition 06/04/93

SUMMARY - Respondent failed to file a deed for recording for 2 1/2 years, despite many requests to do so.

55 396 89.53
Bucknam

SUMMARY - See Appendix to Decision No. 28.

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DIGEST OF PUBLISHED DECISIONS

VOLUME II

DEC NO.	PG. NO.	PCB NO.	VIOLATION	SANCTION IMPOSED OR RECOMMENDED	DATE OF PCB DECISION
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56	1	90.26 McCarty	DR 6-101(A) (3)	Recommended: Public Reprimand	07/17/93
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SUMMARY - Respondent neglected clients interests while representing one client in a post divorce visitation and another client in the preparation of a will. SCT reprimanded Respondent on 9-9-94.

57	16	91.22	DR 6-101(A) (3) DR 7-101(A) (2)	Private Admonition	07/16/93
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SUMMARY - Respondent failed to complete contract of employment with clients within a reasonable period of time.

58	19	92.03 92.04 92.36 92.38 Strassenberg	DR 1-102(A) (7) DR 6-101(A) (3) DR 1-102(A) (5)	Recommended: 6 months suspension concurrent with emergency suspension	07/16/93
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SUMMARY - Respondent abandoned his practice. Supreme Court suspended Respondent on 2-26-93.

59	42	91.48 Mitiguy	DR 1-102(A) (3) DR 1-102(A) (4)	Recommended: Disbarment	09/30/93
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DR 1-102(A) (5)
DR 7-102(A) (7)
DR 7-102(A) (5)

SUMMARY - Respondent convicted of six felonies in connection with his wrongful misappropriation of client funds held in trust. SCT disbarred respondent on 2-17-94.

60 47 92.48 DR 5-105(A) Recommended: 09/30/93
Morrissette DR 5-105(C) Public Reprimand
DR 1-102(A) (4)
DR 1-102(A) (5)
DR 6-101(A) (2)

SUMMARY - Respondent represented buyers and sellers in real estate transfer without explaining risks of multiple representation; later respondent altered executed deed without permission or knowledge of client, thereby destroying client's right of first refusal. On November 16, 1993, Supreme Court reprimanded Respondent.

61 55 91.08 DR4-101(B) (1) Recommended: 09/10/93
Litchenberg DR4-101(B) (2) 3 months suspension
DR4-401(B) (3) plus 1 yr. probation

SUMMARY - Respondent willfully disclosed and used confidential information from one client to advantage of another client and to the first client's detriment. Supreme Court suspended Respondent for 6 months by order of 12-7-93.

62 65 92.46 DR1-102(A) (4) Recommended: 11/05/93
Free Public Reprimand

SUMMARY - Rsp. initiated lawsuit in the name of complainant without DR7-104(A) (1) authority to do so. Rsp. misrepresented to the court and opposing litigants that he represented complainant. Rsp. contacted represented party directly without consent of complainant's lawyer. Sct. reprimanded Rsp. on 1-7-94.

63 71 90.55 DR7-106(A) Recommended: 11/05/93
92.30 DR7-102(A) (5) Public Reprimand
Robinson DR1-102(A) (5)
DR1-102(A) (7)

SUMMARY - Rsp. represented complaint's husband in a divorce matter. Rsp. advised his client to disregard a court order. Rsp. made false statements of fact to the court. SCT reprimanded Rsp. on 1-7-94.

64 85 92.24 DR 6-101(A) (2) Recommended: 01/07/94
Billewicz DR 6-101(A) (3) Public Reprimand
DR 4-101(B) (1) 1 year probation

SUMMARY - Rsp. represented complainants in a complicated personal injury

case. Rsp. did not file all claims on behalf of her clients. Rsp. withdrew from case nine days before Statute of Limitations tolled because she felt clients were attempting to perpetuate fraud. In her Motion to Withdraw, Rsp. publicly disclosed confidential information which was protected as attorney-client confidences. Sct. reprimanded Rsp. on 3-17-94.

65 88 93.14 DR 6-101(A) (3) Private Admonition 04/01/94

SUMMARY - Respondent was negligent in handling an estate in which Rsp. was administrator. Rsp. was not timely in filing documents. The total value of the estate was not diminished because of this negligence.

66 92 91.01 DR 9-102(B) (3) Private Admonition 04-01-94

SUMMARY - Respondent was negligent in managing law office trust accounts and supervising employees.

67 96 91.41 DR 1-102(A) (5) Private Admonition 04-01-94

SUMMARY - Respondent represented another attorney in a legal malpractice claim. Respondent, as counsel for defendant, proposed to plaintiff that as part of the settlement, plaintiff forbear reporting Rsp. to the PCB. See Decision No. 44.

68 101 93.24 DR 2-110(A) (1) Private Admonition 05-20-94
DR 1-102(A) (5)

SUMMARY - Respondent did not file motion to withdraw from case on appeal and disregarded SCT notices.

69 107 91.43 DR 1-102(A) (5) Recommended: 05-20-94
93.12 DR 6-101(A) (3) Public Reprimand
93.32 DR 9-102(B) (4) 9 month probation

SUMMARY - Respondent demonstrated a continuing pattern of neglect of clients and disregard of requests from Bar Counsel for necessary information to her investigation. SCT entry Hunter order dated 12/22/94 publicly reprimanded Rsp. and placed on probation from 1/1/95 to 9/30/95.

70 122 91.27 Dismissed 06-17-94

71 125 92.43 DR 1-102(A) (7) Recommended: 06-17-94
Doherty Public Reprimand
Probation
IMPOSED: 2 month suspension

SUMMARY - Respondent, who admitted to cultivation and use of felonious amounts of marijuana, was convicted of misdemeanor cultivation. SCT entry order suspended Rsp. two months beginning 11-1-94.

72 136 93.26 DR 7-104(A) (1) Private Admonition 07-15-94

SUMMARY - Respondent directly contacted complainant's clients.

73 141 93.27 DR 1-102(A) (4) Private Admonition 07-15-94

SUMMARY - Respondent recorded a telephone conversation without informing the other party to the call that he was doing so.

74 145 94.52 DR 6-101(A) (3) Private Admonition 07-15-94

SUMMARY - Respondent neglected the interests of his clients in a foreclosure action.

75 149 93.38 DR 9-102(B) (3) Private Admonition 09-09-94
DR 9-102(C)

SUMMARY - Respondent failed to maintain proper records of the disbursements of funds in Rsp.'s trust account, thereby permitting trust monies to be used to pay bank service charges.

76 153 92.29 DR5-101(A) Private Admonition 09-09-94
92.29A DR5-104(A)

SUMMARY - Respondents invested in real estate transactions with a client, without discussing the conflict of interests.

77 165 95.09 DR 9-102(C) Private Admonition 10-07-94
DR 9-102(A)

SUMMARY - Respondent failed to properly maintain his IOLTA account and deposited his own funds in the account in order to cover overdrafts.

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78 170 93.22 DR 4-101(B) (1) Private Admonition 10-07-94

SUMMARY - Respondent, who suspected that his client, the defendant in a criminal felony case, intended to perjure himself at trial, divulged confidential information in his motion to withdraw.

79 176 94.38 DR 6-101(A) (3) Private Admonition 12-02-94

SUMMARY - Respondent neglected an estate for three years and failed to communicate with the executor.

80 179 92.07 DR 1-102(A) (7) Private Admonition 01-06-95
92.07.1

SUMMARY - Respondent agreed to keep the terms of a settlement confidential

and violated that agreement by sending an open letter that was published in a New England journal.

81 188 93.40 DR 7-104(A) (1) Private Admonition 02-03-95

SUMMARY - Respondent sent a letter addressed to opposing counsel's client without the opposing counsel's knowledge or consent.

82 194 91.46 DR 9-102(B) (4) Private Admonition 02/03/95
DR 6-102(A)

SUMMARY - Respondent refused to release client's entire file to her and attempted to exonerate self from liability.

83 198 93.05 DR 9-102(B) (3) Recommended: 02/03/95
P. Martin DR 9-102(C) Public Reprimand

SUMMARY - Respondent's failure to supervise staff led to his secretary's embezzlement of thousands of dollars from attorney trust account. Reprimanded by SCT on 4/12/95.

84 213 91.40 DR 6-101(A) (1) Recommended: 03/03/95
Shepperson DR 6-101(A) (2) Disbarment
IMPOSED:
Indefinite Susp.

SUMMARY - Respondent's legal work, as exhibited in at least seven appellant briefs filed with the Vermont Supreme Court fell below minimum standards of competency. On 1/24/96 Supreme Court suspended Respondent for an indefinite term of not less than six months.

85 221 94.59 DR 6-101(A) (3) Recommended: 03/03/95
Heald DR 1-101(A) (5) Public Reprimand
6 Hrs. CLE in
time management

SUMMARY - Respondent failed to close small probate estate over a significant period of time. Reprimanded by Supreme Court on 5/25/95 and ordered to complete 6 hours in CLE time management.

86 228 95.16 Suspended None
Durkee 3 years

SUMMARY - Respondent was suspended for three years retroactive to June 9, 1993 by Massachusetts Supreme Court. Reciprocal entry order entered by Vermont Supreme Court on 3-21-95.

87 229 93.36 DR 6-101(A) (2) Private Admonition 04/07/95
DR 6-101(A) (3)

SUMMARY - Respondent failed to consult with client in regard to strategies and decisions which were for the client to make.

88 235 95.22 DR 2-105 Private Admonition 04/07/95

SUMMARY - Respondent placed an ad which identified respondent as "specializing in divorce and family law."

89 238 95.36 DR 6-101(A) (3) Private Admonition 05/23/95

SUMMARY - Respondent neglected a bankruptcy petition he agreed to handle for his sister.

90 242 93.25 DR 2-110(A) (2) Recommended: 05/23/95
McCarty public reprimand
6 months probation

SUMMARY - Respondent failed to return property to his client after client terminated attorney-client relationship and failed to provide a requested accounting to substantiate bill for legal services. Supreme Court entry order dated August 11, 1995 publicly reprimanded Rsp. and placed Rsp. on probation for six months from 9/1/95 to 2/29/96.

91 264 95.40 DR 5-103(B) Private Admonition 07/07/95
95.40.1

SUMMARY - Respondents' billing practices resulted in their acquiring a personal interest in their clients' cases.

92 268 93.48 DR 6-101(A) (3) Private Admonition 07/07/95

SUMMARY - Respondent neglected a post-divorce matter by failing to attend a hearing and failing to order a transcript, resulting in dismissal of the appeal.

93 271 94.21 DR 1-102(A) (5) Private Admonition 07/07/95

SUMMARY - Respondent publicly disclosed that another attorney was under investigation by Bar Counsel.

94 274 95.15 DR 6-101(A) (3) Private Admonition 07/07/95

SUMMARY - Respondent accepted a \$400 retainer, but neglected to pursue his client's child support case and repeatedly failed to communicate with her.

95 278 93.42 DR 6-101(A) (3) Private Admonition 07/07/95

SUMMARY - Respondent repeatedly failed to communicate with his clients and failed to consult with them before changing litigation strategy.

96	284	93.34	DR 1-102(A) (5)	Recommended:	07/07/95
		Warren	DR 1-102(A) (7)	Public Reprimand	
			DR 6-101(A) (1)	reciprocal in Mass.	
			DR 6-101(A) (3)	3 yrs. probation	

SUMMARY - Respondent appeared in court under the influence of alcohol. SCT publicly reprimanded respondent on 11-1-95 and placed conditions on reactivation of his license.

97	289	94.51	DR 1-102(A) (4)	Recommended:	07/07/95
		95.06	DR 6-101(A) (3)	Public Reprimand	
		Cummings	DR 5-105(A)		

SUMMARY - Respondent knowingly misled one client into believing that his dismissal case was still active and, in another matter, represented conflicting interests in a real estate case and failed to record the deed. SCT E.O. dated 10/31/95 publicly reprimanded Respondent.

98	302	94.41	DR 1-102(A) (5)	Recommended:	07/07/95
		Illuzzi	DR 1-102(A) (7)	Disbarment	
			DR 8-101(A) (2)	IMPOSED:	
				18 Month Suspension	

SUMMARY - Respondent filed ethical complaints against a sitting judge with no reasonable factual or legal basis and Respondent used his public office in an improper manner for improper reasons. SCT E.O. dated 8/1/96 SUSPENDED RESPONDENT FOR 18 MONTHS, effective 8/1/96.

99	368	95.01	DR 9-102(B) (3)	Private Admonition	09/01/95
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SUMMARY - Respondent incurred a minor overdraft in trust account and failed to balance account for several years.

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DIGEST OF PUBLISHED DECISIONS

VOLUME III

DEC NO.	PG. NO.	PCB NO.	VIOLATION	SANCTION IMPOSED OR RECOMMENDED	DATE OF PCB DECISION
100	1	95.56	DR 6-101(A) (3) DR 1-102(A) (5)	Private Admonition	09/01/95

SUMMARY - Respondent failed for a period of several months to fulfill a

promise to draft a proposed order and ignored repeated requests of Bar Counsel for information.

101 7 95.10 DR 1-102(A) (4) Recommended: 09/01/95
Wenk DR 6-102(A) (3) Public Reprimand

SUMMARY - Respondent failed to protect his client's interest in a partition action and knowingly mislead his client as to the status of his case. SCT entry order dated 4/30/96 publicly reprimanded Respondent.

102 15 95.14 DR 1-102(A) (5) Recommended: 10/13/95
Bates DR 6-102(A) (3) Suspension of at
least six months

SUMMARY - Respondent abandoned his client and left Vermont. He has refused to respond to Petition of Misconduct. SCT entry order dated 3/20/96 suspended Respondent for six months and reinstatement is conditioned upon reimbursement of damages to complainant.

103 19 94.60 DR 1-102(A) (4) Recommended: 10/13/95
Lancaster DR 1-102(A) (5) Public Reprimand
DR 7-102(A) (5)

SUMMARY - Respondent misrepresented facts to trial court. SCT entry order dated 1/23/97 publicly reprimanded Respondent.

104 34 95.60 DR 7-110(B) Private Admonition 12/01/95

SUMMARY - Respondent communicated ex parte with a judge regarding a pending matter in which respondent was not counsel of record.

105 41 93.02 DR 6-101(A) (3) Recommended: 06/07/96
93.45 DR 1-102(A) (4) Disbarment
92.49
93.01
94.40
Palmisano

SUMMARY - Respondent's misconduct in five separate cases included acts of fraud, deceit, misrepresentation, neglect of client matters, failure to carry out his contracts of employment with clients, conduct prejudicial to the administration of justice, impermissible personal involvement in the finances of a client, wrongful commingling of client funds with his own, failure to safeguard client funds, and other conduct which adversely affected his fitness to practice law. SUPREME COURT entry order dated 7/23/96 disbarred Respondent.

106 52 94.32 DR 6-101(A) (3) Private Admonition 06/07/96

SUMMARY - Respondent was neglectful in his representation of a client's worker's compensation claim.

107	56	94.28		Dismissed	06/07/96
		94.35			
		94.36			
		Palmisano			

SUMMARY - In light of Respondent's agreement to disbarment in 94.34 Decision No. 105, these cases were dismissed.

108	57	95.31	DR 2-101	Private Admonition	07/12/96
				SCT: Public Reprimand	

SUMMARY - Respondent wrote letters in which he made misleading representations. SCT PUBLICLY REPRIMANDED RESPONDENT ON NOVEMBER 21, 1997.

109	69	93.09	DR 1-102(A) (5)	Disability/Inactive	07/12/96
		et al.	DR 1-102(A) (7)		
		Strassenburg	DR 2-110(A) (2)		
			DR 6-101(A) (3)		
			DR 9-102(B) (3)		
			DR 9-102(B) (4)		
			A.O. 9, Rule D		

SUMMARY - Respondent neglected his clients and their causes, did not diligently pursue his clients' interests, and accepted clients' money and other property, with which he was careless. He did not return property or account for it and failed to respond to numerous requests of bar counsel for information SCT placed respondent on disability/inactive status 11/13/96.

110	82	94.27	DR 6-101(A) (3)	Recommended:	10/04/96
		94.02	DR 6-101(A) (3)	Suspension	
		94.14	DR 6-101(A) (3)	3 years	
		94.46	DR 6-101(A) (3)		
		95.41	DR 1-102(A) (5)		
		95.42	DR 6-101(A) (3)		
		95.77	DR 6-101(A) (3)		
			DR 1-102(A) (5)		
			DR 1-102(A) (7)		
		96.09	DR 1-102(A) (7)		
			DR 6-101(A) (3)		
			DR 1-102(A) (5)		
		96.30	DR 5-101(A)		
		Hunter	DR 9-102		
			DR 6-101(A) (3)		
			DR 1-102(A) (5)		
			DR 1-102(A) (7)		
			DR 5-105(C)		
			DR 5-101(A)		
			DR 9-102		

SUMMARY - Respondent demonstrated a strong pattern of neglect, over a number of years, with an unprecedented number of clients. Respondent also misappropriated client funds and back dated legal documents. SCT suspended Respondent for three years, effective 1/10/97.

111 122 92.27 DR 6-101(A) (3) Private Admonition 10/04/96

SUMMARY - Rsp. neglected a legal matter entrusted to him by inexcusably delaying filing and failing to communicate with his clients. UNDER APPEAL.

112 137 94.58 DR 1-102(A) (4) Recommended: 12/06/96
DR 1-102(A) (5) 3 year suspension

DR 1-102(A) (7)
DR 6-101(A) (3)
DR 7-101(A) (2)
DR 7-101(A) (5)

92.23 DR 1-102(A) (4)
DR 1-102(A) (5)
DR 1-102(A) (7)
DR 6-102(A) (3)
DR 7-101(A) (1)
DR 7-101(A) (2)
DR 9-102(A)

94.57 DR 1-102(A) (4)
DR 1-102(A) (5)
DR 1-102(A) (7)
DR 6-102(A) (3)
DR 7-101(A) (2)
DR 7-102(A) (5)

94.55 DR 1-102(A) (3)
DR 1-102(A) (4)
DR 1-102(A) (5)
DR 1-102(A) (7)
DR 6-101(A) (3)
DR 7-101(A) (1)
DR 7-101(A) (2)
DR 7-102(A) (5)

94.56 DR 1-102(A) (4)
Wysolmerski DR 1-102(A) (5)
DR 1-102(A) (7)
DR 6-101(A) (3)
DR 7-101(A) (1)
DR 7-101(A) (2)
DR 7-102(A) (5)

SUMMARY - Respondent engaged in a pattern of dishonesty, deceit and misrepresentations to the court and to his clients. Respondent acted without authority, failed in his obligations of diligence and loyalty on numerous occasions and lied to clients, counts and other counsel. Supreme Court suspended respondent for 3 years effective 7/25/1997.

113 167 96.34 DR 7-106(C) (6) Private Admonition 12/06/96

SUMMARY - Respondent engaged in undignified and discourteous conduct by swearing at opposing counsel.

114 171 94.22 DR 5-101(A) Private Admonition 01/10/97

95.81 DR 6-101(A) (3)

SUMMARY - Respondent continued to represent a client, in a suit in which lawyer was also named as a party in separate matter. Respondent neglected to complete work as agreed to.

115 176 95.25 DR 7-104(A) (1) Private Admonition 01/10/97

SUMMARY - Respondent wrote to represented party without authority of opposing party counsel.

116 179 94.01 None Charges Dismissed 01/10/97
Howe

SUMMARY - The Board concluded that there was insufficient evidence to prove the allegations in the petition of misconduct.

117 182 95.44 DR 1-102(A) (3) Disbarment 02/14/97
Abell DR 1-102(A) (4)
DR 1-102(A) (7)

SUMMARY - Respondent was the managing partner in a law firm with sole control of the firm's bookkeeping functions. Respondent embezzled \$408,260 from the law firm. SCT disbarred 4/22/97.

118 189 95.13 DR 9-102(B) (3) Public Reprimand 02/14/97
Blais DR 1-102(A) (5)

SUMMARY - Respondent ignored multiple letters from bar counsel and the chair asking for cooperation with the investigation of Respondent ignoring multiple requests from an incarcerated, out-of-state client who had asked him to account for disbursements from client funds. PENDING BEFORE SCT.

119 199 96.33 DR 7-104(A) (1) Private Admonition 02/14/97

SUMMARY - Respondent spoke to a represented opposing litigant in a divorce about an issue in the divorce without the consent of the opposing attorney and without authorization of law.

120 202 93.07 DR 6-101(A) (3) Private Admonition 05/02/97

SUMMARY - Respondent neglected to: file pleadings on time, appear at hearings, follow the rules of civil procedure, give opposing counsel adequate notice that he would not be attending a deposition, and comply with discover requests.

121 223 94.17 DR 6-101(A) (3) Private Admonition 09/05/97
94.44

SUMMARY - Respondent failed to research the applicable statute of

limitations for a Federal Employer's Liability Act claim and did not actively pursue his client's work-related injury in the proper federal forum. In a separate case, he neglected to promptly file his client's proposed final divorce order with the court and neglected to actively pursue his client's worker's compensation claim for 17 months.

122 228 96.56.1 DR 1-102(A) (5) Private Admonition 09/05/97

SUMMARY - Respondent did not diligently attend to her responsibilities to respond to Bar Counsel.

123 234 94.26 DR 6-101(A) (3) Admonition 02/06/98

SUMMARY - Respondent failed to complete the settlement of client's case in a timely manner and failed to respond to client's requests for a copy of the file.

124 238 94.19 DR 2-110(A) (1) Private Admonition 02/06/98
DR 7-101(A) (2)
DR 2-110(A) (2)

SUMMARY - Respondent wrongfully failed to return a file because of a fee dispute.

125 246 94.25 DR 6-101(A) (2) Recommended: 03/06/98
Decato DR 6-101(A) (3) Public Reprimand

SUMMARY - Respondent failed to arrange substitute counsel for client. SCT entry order dated 6/18/98 publicly reprimanded Respondent.

126 257 97.10 DR 7-106(C) (4) Private Admonition 05/01/98
12/04/98

SUMMARY - Respondent made comments expressing personal opinion during cross examination of the defendant. Violation of DR 7-106(C) (1) dismissed upon Motion for Reconsideration.

127 265 94.39 DR 6-101(A) (2) Private Admonition 05/01/98

SUMMARY - Respondent did not read legal documents before signing them and did not adequately investigate the clients' assets before preparing and filing a petition in bankruptcy.

128 271 89.47R Reinstatement 05/05/98
94.41R
Illuzzi

SUMMARY - The Professional Conduct Board has recommended to the Vermont Supreme Court that Respondent be reinstated to practice law in the state of Vermont. Rep. was reinstated by the Vermont Supreme Court on July 28, 1998.

129 292 97.01 DR 7-102(A)(5) Public Reprimand
12/10/98
Bridge

SUMMARY - Respondent knowingly made a false representation to a court. Supreme Court publicly reprimanded on 12/10/98.

130 296 95.79 DR 6-101(A)(2) Private Admonition 01/25/99
DR 6-101(A)(3) Probation

SUMMARY - Respondent neglected case of client not only by failing to attend to their case file, but also by failing to research the legal issues involved, thereby failing to appreciate and inform the clients that their claim was meritless.

131 302 94.03 DR 9-102(B)(3) Recommended: 02/12/99
94.04 DR 7-104(A)(1) Public Reprimand
94.61 & 18 month probation
Wool

SUMMARY - Respondent mishandled client monies, and in one instance, improperly communicated with a represented party. Respondent publicly reprimanded by the Supreme Court on May 10, 1999, and placed on an 18 month probation, effective June 1, 1999.

132 311 96.44 DR 7-104(A) Recommended: 04/02/99
Public Reprimand
6 Month Probation

SUMMARY - Respondent, without notice to his client's wife's lawyer, advised his client's wife to grant his client an unlimited power of attorney over her financial assets. Supreme Court publicly reprimanded Respondent on 7/21/99 and placed him on six months probation with conditions.

133 319 96.12 Recommended: 04/02/99
Brittin Transfer to Disability
Inactive Status

SUMMARY - Respondent suffers from a physical condition which adversely affects his ability to practice law. Supreme Court transferred Respondent to disability status on 5/27/99.

134 321 95.23 DR 5-104(A) Private Admonition 04/02/99

SUMMARY - Respondent entered into a business transaction with a client without first disclosing his personal conflicting interests and without obtaining an informed consent from the client.

135 328 99.99 DR6-101(A)(3) Private Admonition 07/09/99

SUMMARY - In handling three different real estate closings, Respondent neglected to promptly disburse some of the proceeds, in part due to inadequate secretarial staff.

136	336	99.177	DR 6-101(A) (3)	Recommended:	10/01/99
		99.184	DR 9-102(B) (3)	Public Reprimand	
		99.185	DR 9-102(C)	Probation for One Year	
		99.186	DR 6-101(A) (3)		
		Nawrath			

SUMMARY - Respondent negligently handled four clients matters. In the first case, he failed to issue the final title insurance policy; in the second, he failed to file his client's mortgage and failed to prepare a closing statement accurately, thereby causing his client to be overcharged; in the third, respondent failed to file within thirty days of the closing his client's application for a certificate of no withholding; and in the fourth case, he failed to file his client's state and federal income tax returns for 1997 until 1999. Supreme Court publicly reprimanded respondent on 1/10/00 and placed respondent on probation for a period of one year commencing on July 30, 1999.

137	349	99.105	Rule 1.E	Private Admonition	12/14/99
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SUMMARY - Respondent participated in a PCB proceeding against a client whom Respondent had represented.

138	363	99.23	DR 1-102(A) (3)	Recommended:	10/01/99
		Thompson	DR 1-102(A) (4)	Disbarment	
			DR 1-102(A) (7)		
			DR 9-102(B) (4)		

SUMMARY - Respondent misappropriated client funds and was found guilty to Interstate Transfer of Stolen Goods and Structuring a Transaction to Avoid Currency Reporting Laws. Supreme Court disbarred Respondent on 10/22/99.

139	375	99.26	DR 1-102(A) (3)	Recommended:	12/03/99
		Hunter		Disbarment	

SUMMARY - Respondent was convicted of mail fraud, a felony under the United States Criminal Code. Disbarred by Supreme Court on 12/28/00.

140	402	95.66	DR 6-101(A) (3)	Recommended:	12/03/99
		98.08		Public Reprimand	
		99.02			
		Andres			

SUMMARY - Respondent failed to inform his client when an appeal had been dismissed and caused his client to lose her right to pursue an appeal of an adverse decision. In another case, Respondent filed a series of motions to continue various hearings without even informing his client as to the fact that a hearing had been scheduled, that a motion to continue had been filed,

146 96.64 None Dismissed 1/17/00
 Gadbois

SUMMARY - Allegations that Respondent represented a husband in a 1981 divorce action in which husband revealed many confidences. In 1994, husband's second wife wanted a divorce from husband, and Respondent agreed and declined husband's new counsel's requests to withdraw. The Court finally disqualified Respondent in 1995. During the representation of the second wife, Respondent endeavored to use his knowledge and prior representation of husband against him. Supreme Court Entry Order dated 9/21/01 reverses Board's recommendation of public reprimand and \$1,300 restitution.

147 96.67 None Dismissed 4/14/00

SUMMARY - The Board concluded that given the lack of clear and convincing evidence, the case should be dismissed.

148 98.05 DR 1-102(A) (5) Recommended: 4/14/00
 99.200 DR 1-102(A) (7) 6 Month Suspension
 Taylor DR 7-106(A)

SUMMARY - Respondent failed to comply with a court order requiring him to pay child support and spousal maintenance to his former wife. Suspended for six months by Supreme Court on 12/29/00.

149 99.16 DR 6-101(A) (3) Admonition 4/14/00
 99.89
 99.56

SUMMARY - Docket No. 99.56 was dismissed. Respondent was admonished in the other two cases for neglecting cases entrusted.

UPDATED 09/29/2004