

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: John Downes Burke
PRB File No: 2020-040

PETITION OF MISCONDUCT

In accordance with the Request for Finding of Probable Cause dated August 25, 2020 and September 2, 2020, Disciplinary Counsel formally charges John Downes Burke (Respondent) with the following violations pursuant A.O. 9, Rule 11(D)(1)(b) as set forth as follows:

Notice to respond in this formal Petition of Misconduct. Pursuant to A.O.9 Rule 11(D)(3) you are required to file an answer within 20 days addressed to the Professional Responsibility Program, 109 State Street, Montpelier, VT 05609 with a copy to Disciplinary Counsel. Failure to file a timely answer may result in the facts and charges being deemed admitted.

Count 1 of 1

In late 2019 and early 2020, John Downes Burke, a licensed Vermont attorney failed to cooperate with Disciplinary Counsel resulting in an investigation of alleged misconduct. In violation of Vermont Rule of Professional Conduct 8.1(b).

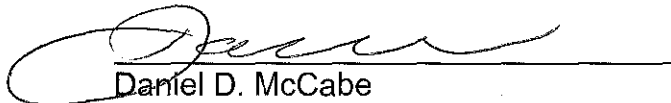
Facts alleged in support of petition:

1. In 2019, a complaint against Attorney Burke was filed by E.E. in connection with a family real estate transaction.
2. On November 5, 2019, Attorney Burke was sent a letter by Bar Counsel asking that a written response to the complaint be sent to Disciplinary Counsel no later than December 3, 2019.
3. On December 20, 2019, Attorney Burke was sent a letter by Disciplinary Counsel Sarah Katz requiring an immediate response.

4. On January 8, 2020, Attorney Burke was sent a follow up letter from the Office of Disciplinary Counsel requiring a response by January 31, 2020.
5. On February 3, 2020, Disciplinary Counsel Sarah Katz again wrote a letter to Attorney Burke requiring his response.
6. In early 2020, the case was transferred to the undersigned as Specially Assigned Disciplinary Counsel.
7. On or about April 13, 2020, after interviewing a witness and E.E., Specially Assigned Disciplinary Counsel sent a follow up letter to Attorney Burke allowing seven days to respond.
8. To date, Respondent has not responded to the investigation or complaints against him.

Under Rule 8.1(b), a lawyer is prohibited from knowingly failing to respond to a lawful demand for information from Disciplinary Counsel in connection with the disciplinary matter. In this case, Respondent knowingly failed to respond to several requests for information.

DATED: October 5, 2020.


Daniel D. McCabe
Specially Assigned Disciplinary Counsel