

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM

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

**NOTICE OF DISMISSAL**

Now comes Specially Assigned Disciplinary Counsel and hereby dismisses the charges against John Downes Burke as follows:

Pursuant to A.O. Rule 20(b), Vermont Rules of Civil Procedure apply to disciplinary actions. Pursuant to V.R.C.P. 41, an action can be dismissed without motion if the Defendant has not filed an answer. Here, Respondent has never filed an answer.

It is noted that Respondent signed and acknowledged his failure to communicate with Disciplinary Counsel during an investigation, a violation of Vermont Rule of Professional Conduct 8.1(b). Respondent subsequently surrendered his law license and has no intent to practice in Vermont, or any other jurisdiction in the future. Upon information and belief, Respondent has retired, closed his practice, and there is no reasonable likelihood that he will seek to reinstate his license.

Respondent's actions were a significant violation of Vermont's Rules of Professional Conduct, and this Dismissal is not meant to give the impression that attorneys do not need to fully cooperate and take seriously investigations by disciplinary counsel. However, in this specific instance, it appears that completing the process and sanctioning the Respondent would make no practical difference to Respondent given that he is no longer practicing law, and has no intent to practice law in the future.

It is the undersigned's opinion that the preservation of legal and public resources outweighs pursuing this case through to its conclusion.

Respectfully submitted this 28<sup>th</sup> day of June, 2021.

A handwritten signature in black ink, appearing to read "Dan McCabe", written in a cursive style.

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Daniel D. McCabe  
Specially Assigned Disciplinary Counsel