

**STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD**

In Re: Melvin Fink, Esq.  
PRB File No. 2021-018

**Order on Motion to Stay**

On January 6, 2022, this panel issued an order suspending the Respondent's license to practice law for 30 days. The effective date of the suspension is March 1, 2022. On January 14, 2022, Respondent appealed the panel's decision to the Vermont Supreme Court and moved to stay the effective date of the suspension pending resolution of the appeal. Disciplinary Counsel has not filed a response.

Administrative Order 9 does not specifically address the issue before the panel. However, Rule 15(D)(5)(c) states that if there is no appeal and the Court does not order review on its own motion, a panel decision becomes final after 30 days. Here, the Respondent has appealed. Therefore, by the plain language of the rule, the January 6 order is not final.

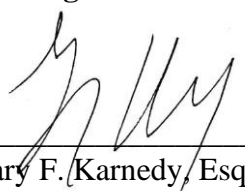
Next, the Rules of Civil Procedure apply to disciplinary proceedings. *A.O. 9, Rule 20.B.* But for exceptions that do not apply here, V.R.C.P. 62(a) prohibits enforcement of a judgment until 30 days have passed or the time to appeal has run. Moreover, when an appeal is taken from a judgment that falls within the scope of V.R.C.P. 62(a), the appeal operates to stay the underlying judgment for the duration of the appeal. *V.R.C.P. 62(d).*

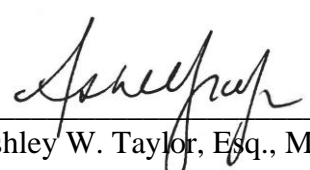
The panel concludes that its January 6 order falls within the automatic stay provision of V.R.C.P. 62(a). As such, the panel further concludes that the Respondent's appeal to the Vermont Supreme Court operates to stay the panel's order pending the Court's resolution of the appeal. Indeed, this makes sense in that the opposite conclusion could lead to the Respondent serving the 30-day suspension before the appeal is finally resolved.

For these reasons, the panel GRANTS the Respondent's Motion to Stay.

January 31, 2022.

**Hearing Panel No. 3**

  
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Gary F. Karnedy, Esq., Chair

  
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Ashley W. Taylor, Esq., Member

*Peter M. Zuk*

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Peter Zuk, Public Member