

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM

In re William Cobb, Esq.  
PRB No. 2020-99 and 2020-103

AFFIDAVIT OF WILLIAM W. COBB

I, William W. Cobb, being duly sworn, depose and say as follows:

1. I am the petitioner in this action. I come to the Board and respectfully request that the Board allow me to be reinstated as an attorney. My goal is to practice law in Vermont again and to be a member in good standing of the Vermont bar.
2. Upon my suspension, I closed my law practice in St. Johnsbury, Vermont, withdrew from all cases, transferred files to clients or to attorneys taking over the cases, finalized all client accounts, and communicated with all clients and other necessary parties regarding my suspension and reasons for withdrawal.
3. I have been admitted to practice law in the following jurisdictions: State of Vermont; District of Vermont; State of Connecticut; District of Connecticut; US Immigration Court; State of New York; Eastern District of New York; Southern District of New York; and the Northern District of New York.
4. Once suspended, I timely notified all jurisdictions of my Vermont suspension. In some, but not all jurisdictions, I have received a 15-month reciprocal suspension. The summary of the legal proceedings in each jurisdiction is as follows:
  - A. The State of Vermont suspended my license effective July 10, 2022.
  - B. The District of Vermont issued a reciprocal suspension on December 21, 2022. (Attachment 1)
  - C. The State of Connecticut issued a reciprocal suspension on September 12, 2022. (Attachment 2)
  - D. The District of Connecticut issued a reciprocal suspension on May 11, 2023. (Attachment 3)
  - E. The US Immigration Court issued a reciprocal suspension on January 5, 2023. (Attachment 4)
  - F. The State of New York has taken no action despite being provided notice of the Vermont suspension. (Attachment 5, notice to New York)
  - G. The Eastern District of New York has taken no action despite being provided notice of the Vermont suspension. (Attachment 6, notice to Eastern District of New York)
  - H. The Southern District of New York has taken no action despite being provided notice of the Vermont suspension. (Attachment 7, notice to Southern District of New York)

- I. The Northern District of New York has taken no action despite being provided notice of the Vermont suspension. (Attachment 8, notice to Northern District of New York)
5. At the time of the proceedings I was a probate judge in Caledonia County. Once the Vermont suspension commenced, I began serving a suspension as probate judge. I am no longer serving as a probate judge.
6. During the suspension period, I have not provided any legal advice to any former clients or to any party seeking legal advice in Vermont. When necessary, I have referred any such communications to other attorneys.
7. When my suspension began, I secured employment in New York working as a lawyer with my brother, Stephen S. Cobb, Esq., and my mother, Verna W. Cobb, Esq., who share office space at 724 Broadway, Newburgh, New York 12550. While in Newburgh, I have assisted Stephen handling criminal defense and traffic ticket cases mostly in Orange County, but also in Putnam and Ulster counties. I have assisted Verna with family law cases in Orange County. I have worked under their supervision at all times. Stephen has been a lawyer for 8 years and was admitted to practice law in New York in 2015. Verna has been a lawyer for 42 years and was admitted to practice law in New York in 1981. (Attachment 9, Letters from Stephen S. Cobb and Verna W. Cobb)
8. While in Newburgh, I have donated my time helping clean up the Newburgh waterfront, the local Downing Park, and Crystal Lake.
9. While in Newburgh, I have worked pro bono for indigent residents.
10. I continue to support my wife and five children, and am home on weekends in Lyndon, Vermont. In Vermont, I continue to volunteer time as a corporator at Northern Vermont Regional Hospital in St. Johnsbury, Vermont.
11. During my suspension, I have been a GAL in Bennington Family Division. (Attachment 10, List of GAL cases) I was assigned to ten cases since my suspension began. Some cases have resolved and some still require further hearings. I have found the work to be rewarding and have worked closely with the parties involved as well as the attorneys. I will be happy to continue acting as a GAL in the future.
12. As for keeping up with Vermont law and practice, I have taken 56.5 hours of Vermont CLEs since my suspension began. (Attachment 11, List of CLEs) I have also taken CLEs in New York and Connecticut in order to keep up with my CLE requirements in those states. I regularly review Michael Kennedy's blog posts regarding Vermont ethics. I also review the newly published Vermont Supreme Court decisions online and have done so throughout my suspension. I keep up with all United States Supreme Court decisions and keep current with any new developments with the United States Supreme Court.
13. I have reviewed the professional responsibility board decisions that are available online.
14. I have reviewed the Vermont Rules of Professional Responsibility many times. As a way of reviewing the rules, I have summarized the 58 rules in my own words, "My Rules," which I can review on a regular basis to follow as a lawyer. (Attachment 12, My Rules)
15. I have written letters of apology to the parties involved with my case. (Attachment 13, Letters)



16. I have no pending ethical or professional responsibility complaints in any jurisdiction.
17. I use a more detailed fee agreement/letter of representation when taking on new clients. (Attachment 14, Letter of Representation). My letter of representation now includes more detailed discussion related to 1.1 (competence), 1.3 (diligence), 1.5 (reasonable fees), and 1.6 (confidentiality).
18. I have incorporated the following changes in my legal practice which I will continue if allowed to come back to practice in the State of Vermont:
  - a. Having a systematic conflict check system. In New York, our office has maintained every client's file on the computer since the inception of the business. Each time a conflict check needs to be performed, one can hit Control Q on the computer and then put in the party's name. If we have represented a party before, we can find out within seconds since Control Q will automatically identify a client's file with that name whether it's an active or archived case. In Vermont, I will follow a similar system.
  - b. Maintaining a call log. This was recently introduced to our office and we have incorporated it into our practice. Phone calls are tracked on a daily call sheet. After each call, the paralegal, legal assistant or attorney must enter the party's name, phone number, time of call, and reason for call. After each entry, a second entry is made regarding when the phone call was returned and any other relevant information. I have found this to be helpful to ensure that our office returns all calls. In Vermont, I will follow this practice.
  - c. Reviewing the fee agreement/letter of representation with my client at the first meeting, and explaining each paragraph before signing. The fee agreement I use now is much more detailed than my fee agreement in the past. I will continue to use the more formal, detailed fee agreement.
  - d. Scheduling regular client meetings. My letter of representation outlines that a "next appointment" will always be scheduled at the end of a client meeting. This means that once our meeting is over, I discuss the date and time of next meeting with my client. I then put the new date and time on my calendar and give my client a business card with the date and time of our next meeting. Generally, this means that I will be seeing most clients on average every two weeks in my office. This has been helpful. It allows the clients to realize that there is follow-up and a plan to keep communicating so that we can discuss goals of the case, review discovery in a timely manner, and follow-up with our preparation plans for either preparing for a hearing or trial or resolving a case.
  - e. Regular memos. At our meetings, I draft summaries of what we have discussed and next steps to take. Then I print out the document and give it to my client and keep a copy in my file. This is helpful for both of us to know exactly what we have discussed in our meeting and what next steps we are taking.
  - f. Organizing my time more efficiently. With the system of scheduling meetings with clients, I generally find that clients don't need to call me out of the blue so much to discuss the case. They understand that we have a meeting coming up, so they wait for us to meet and then we review everything at that time. This is much more effective. In the past, I did not have a regular systematic way of scheduling meetings with clients.


This meant that clients could call me multiple times during the week to talk about the case and to discuss goals or options. Having a good system in place – with scheduled meetings – means more productive meetings, better efficiency, and greater client satisfaction.

- g. Closing letters. Once a case is completed, I write my client a letter advising that the case is over and my representation as it relates to the case has ended.
  - h. Obtaining discovery early and reviewing it with my client as early as possible. Generally, once I have entered an appearance in a case, I expect to have videos and other discovery within a day or two. I therefore plan on meeting with my client at the next available time to review the video and discuss the merits of the case. This process gives us time to develop strategy to resolve the case or prepare for trial.
  - i. Keeping track of time. Whether a case is billed hourly or a flat fee, I track all my time.
  - j. Utilizing a case management system. In Vermont, I will most likely adopt a new case management system, e.g., Clio, or a similar system, to allow me to utilize a more comprehensive system of keeping my calendar organized, entering time, billing clients, and taking advantage of other organizational tools.
19. I submit the following character references: Christina Mansfield, Esq., attorney and resident of Bennington County, Vermont; Laurie Levin, Esq.; John F. Alexander, a former client and resident of Newark, Vermont; Joe Russo, longtime client and resident of North Hero, Vermont; Phyllis Wood, former client; Sue Mescher, GAL. (Attachment 15, Letters attached)
20. I believe that the time away from my Vermont practice has allowed me the opportunity to review the relevant ethical and other rules related to my practice. I have focused on the rules of professional conduct as well as the need for an improved office system so that I can follow up more thoroughly with all pending matters.
21. I would like the Board to know that I have taken my suspension from the practice of law in the State of Vermont seriously, and will take all necessary steps to ensure that I adhere to all professional and ethical rules in the future. I reflect daily on the reasons for my suspension including but not limited to the ethical and professional violations related to breaching client and juvenile confidentiality, not preparing or handling cases correctly, and not being candid and honest with disciplinary counsel. I make no excuses, but take full responsibility for my conduct. I will use this experience to help guide me in the future: to take more time in preparing my cases; to be more active with CLEs and other educational tools to allow me to stay on top of current issues and changes in our legal practice; to focus on ethics and professional obligations; and to create a better-structured work environment so that there exists greater oversight and collaboration with my work.
22. I apologize sincerely to any and all parties that were harmed by my actions. I understand that my actions undermined the legal system and that ethical and professional misconduct creates a black mark on the system. I blame only myself and ask the Board to accept my remorse as well as my effort to show that I have learned from this experience and will strive to do whatever I can to make sure something similar does not happen again. I believe that we have an effective system and the punishment was fair. I can do better, and

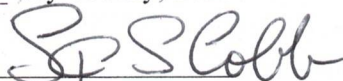


will use this experience as an important lesson for my future growth. This sentiment was expressed to the Vermont Supreme Court on August 2, 2022, and I feel the same way today. (Attachment 16, Letter to Vermont Supreme Court)

Thank you for considering my petition for reinstatement.

  
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William W. Cobb

Sworn to before me this  
10<sup>th</sup> day of July, 2023.

  
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Notary Public

My Commission Expires:

**STEPHEN S. COBB**  
Notary Public, State of New York  
No. 01CO6074250  
Qualified in Orange County  
Commission Expires May 13, 2026