STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: William W. Cobb, Esq.

PRB File No. 001-2024

Decision No. 256

On July 10, 2023, Respondent/Petitioner William Cobb, Esq., filed a Motion for Reinstatement pursuant to Rule 26(D) of Administrative Order No. 9. He also filed an Amended Motion for Reinstatement on November 15, 2023.

The Hearing Panel held an in-person hearing to consider Respondent's reinstatement on November 27, 2023. Respondent and his counsel, Brice C. Simon, Esq., participated in the hearing. Respondent and four witnesses (Bryce Breton, Esq., Laurie Levin, Esq., Joseph Russo, and Stephen Cobb, Esq.) testified in support of his reinstatement.

Disciplinary Counsel Jon Alexander, Esq., opposed Respondent's reinstatement.

Respondent filed Proposed Findings on December 12, 2023. Disciplinary Counsel filed Proposed Findings of Fact and Conclusions of Law on December 11, 2023. The Hearing Panel is issuing this Decision pursuant to Rule 26(D) of Administrative Order No. 9.[1]

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DISCIPLINARY COUNSEL'S OBJECTIONS TO RESPONDENT'S EXHIBIT G AND EXHIBIT DD

Due to time constraints, the Hearing Panel deferred ruling on Disciplinary Counsel's objection to the admission of Respondent's Exhibit G and Exhibit DD. For the reasons set forth below, Disciplinary Counsel's objections are sustained.

[1] Rule 26(D) of Administrative Order No. 9 calls for the Hearing Panel to issue a decision within 90 days after a Motion for Reinstatement is filed; however, the provision is directional and not jurisdictional. A.O. 9, Rule 16(I). Respondent and Disciplinary Counsel moved jointly to continue this matter, expressly waiving any objection to the Hearing Panel taking additional time to issue this decision. *See* Stipulated Motion to Continue Reinstatement Hearing at ¶ 3 (September 11, 2023).

Respondent's Exhibit G is a letter from Laurie Levin, Esq., dated June 14, 2023. Attorney Levin gave sworn testimony under direct and cross examination at the reinstatement hearing consistent with the substance of her letter, and Disciplinary Counsel did not directly or indirectly attack her credibility, influence, or motive.

Attorney Levin testified that she authored the letter and that it accurately reflected her thoughts, which were that Respondent should be reinstated based on her positive professional experiences with him. This was consistent with her more detailed oral testimony. Disciplinary Counsel objected to the letter's admission because it was impermissible hearsay.

Respondent's Exhibit DD is a letter from Joseph Russo, Jr., dated June 7, 2023. Mr. Russo gave sworn testimony under direct and cross examination at the reinstatement hearing. Disciplinary Counsel did not directly or indirectly attack Mr. Russo's credibility, influence, or motive.[2]

Mr. Russo testified that he authored the letter and that it accurately reflected his thoughts, which were that Respondent should be reinstated because he had provided helpful counsel and effectively represented Mr. Russo in the past. This was likewise consistent with Mr. Russo's oral testimony. Disciplinary Counsel objected on the same hearsay grounds.

Generally, hearsay is a statement made out of court that a party offers "to prove the truth of the matter asserted." V.R.E. 801(c). An out-of-court statement is not hearsay if a party offers it for other purposes, such as the mere fact that the statement was made. *Colombo v. Times-Argus Ass'n*, 135 Vt. 454, 458 (1977).

[2] Disciplinary Counsel also never suggested that either Mr. Russo or Attorney Levin had taken an inconsistent position or made inconsistent statements.

Respondent's counsel argued that the fact that Attorney Levin and Mr. Russo wrote letters in support of Respondent's reinstatement was significant. He also argued that the letters could rebut any implication of recent fabrication. The record does not support either proposition.

The letters by Attorney Levin and Mr. Russo were offered during direct examination (before fabrication could be implied) to prove that each witness had positive experiences with Respondent. V.R.E. 801(d)(1) allows for admission of prior consistent statements, but only if "offered for the limited purpose of rebutting a charge of recent fabrication or improper influence or motive." *Id.; see also* Federal Advisory Committee's Note to F.R.E. 801(d)(1)(B) (cited in the Reporter's Notes to V.R.E. 801). Even if Rule 801(d)(1)(B) supported admission, the letters provided no probative or rehabilitative information that was substantively different than each witness's oral testimony, rendering them inadmissible pursuant to V.R.E. 403, which prohibits cumulative evidence.

Disciplinary Counsel's objections to Respondent's Exhibit G and Exhibit DD are thus sustained and both exhibits are excluded from the record.

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FINDINGS OF FACT
AND DISCUSSION OF EVIDENCE PRESENTED AT HEARING

On May 24, 2022, the Professional Responsibility Board (PRB) publicly reprimanded Respondent and suspended him from the practice of law in Vermont for 15 months for violating Rule 1.1, Rule 8.4(d), Rule 1.3, Rule 1.6, and Rule 8.4(c) of the Rules of Professional Conduct. The PRB found Respondent violated Rule 1.1 by failing to request and review recorded interviews with the alleged child victim of his client MK (who was charged with sexual assault) before the deposition deadline passed. The PRB also concluded that Respondent violated Rule

1.3 by failing to move to modify client MK's conditions of release to allow for contact with his children, despite MK's repeated requests.

In addition, the PRB found Respondent violated Rule 8.4(d) by publicly disclosing confidential information from a juvenile court file in the course of representing another client, KH.[3] Respondent also violated Rule 1.6 by disclosing confidential information related to his representation of client BA to another attorney without BA's knowledge or consent.

Finally, the PRB found Respondent violated Rule 8.4(c) by dishonestly creating misleading timekeeping records in response to a request from then-Disciplinary Counsel Sarah Katz. When this was discovered, Respondent failed to meaningfully acknowledge the wrongful nature of what amounted to fabrication of evidence to obstruct his disciplinary proceeding.

At the time of the PRB's decision, Respondent was the probate judge for Caledonia County. He was temporarily suspended (with pay) on June 1, 2022, then suspended for the remainder of his term (without pay) effective November 3, 2022. The Judicial Conduct Board filed a Formal Complaint against Respondent for violating Canons 1.2 and 2.16 of the Vermont Code of Judicial Conduct on April 25, 2023. Respondent ultimately admitted to the violations and agreed to never again serve as a judicial officer in Vermont.

Respondent's suspension from the practice of law in Vermont began on July 10, 2022. At the time, Respondent was also admitted in New York and Connecticut; in the U.S. Immigration Court; and in the U.S. District Court for the Districts of Vermont, Connecticut, and New York (Eastern, Southern, and Northern).

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[3] Respondent's conduct may also have violated 33 V.S.A. § 5117, which provides that all records related to juvenile proceedings must be confidential except under clearly defined circumstances. Due to the sensitive nature and potential injury to juveniles from improper disclosure of these records, many Court notices contain a warning that "UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE UP TO $2,000." *Id.* at § 5118(d) (emphasis original).

Respondent testified that he notified all jurisdictions in which he was admitted of the PRB's decision to suspend him. In support, he offered copies of form letters sent to bar associations (or court clerks, where applicable) by certified mail sent on August 6, 2022. Each letter indicated Respondent was "providing a copy of the order suspending my license to practice" which was "effective July 10, 2022," and Respondent offered into evidence payment confirmation slips showing the letters were sent to each jurisdiction in which he was admitted—except New York.

Respondent offered a copy of a different letter related to New York which was dated July 8, 2022. It was addressed to "attn: Antonia Cipollone," whom Respondent identified as Staff Counsel for the Grievance Committee for the Ninth Judicial District in White Plains, New York, and mailed from St. Johnsbury, VT. Respondent sent the letter to follow up on a "background questionnaire" previously sent by Attorney Cipollone in April 2022 (before the order of suspension was issued). Respondent purportedly enclosed a copy of "a decision from the Professional Conduct Board in Vermont," without mentioning its penalty, "along with an order staying my suspension until July 10, 2022."[4]

In this letter (in contrast to his mailings to other jurisdictions) Respondent requested a return receipt showing proof of delivery.[5] However, Respondent did not offer the signed return receipt at the hearing. Nor did Respondent offer any acknowledgment, confirmation of receipt, or response from Attorney Cipollone (or anyone else from the New York judiciary system).

The seemingly small distinction between Respondent's two methods of correspondence is significant for two reasons: (1) Respondent was never suspended in New York; and (2) Respondent has a history of creating evidence designed try to avoid sanctions associated with the

[4] Respondent did not provide copies of the documents he enclosed with the letter.

[5] Respondent incorrectly testified he requested return receipts for letters mailed to every jurisdiction.

disciplinary process. When questioned by the Board, Respondent was unable to explain why he never faced suspension in New York, but it appears that the reason may have been that he did not send notice of the PRB's decision to suspend him to the proper recipient (if he sent it at all).[6]

Respondent's ability to practice in New York allowed him to avoid the most damaging collateral consequences ordinarily associated with suspension, and dramatically weakened the Order's protective effect. Respondent was able to promptly secure employment as a full-time attorney at the law firm of his brother, Stephen Cobb, Esq., in Newburgh, New York.

Respondent and his brother asserted (without corroborating evidence) that this resulted in a decreased income. Despite the Board's finding that his suspension and rehabilitation was necessary to protect the public, Respondent saw practicing with his brother as his only opportunity to meet the financial obligations of a large family and an expensive lifestyle (*e.g.,* "car payments like you can't believe").

Respondent's new firm served approximately 95% Spanish-speaking clients who often lacked much formal education. Respondent (who did not claim to speak Spanish) represented these clients in 10-15 traffic cases per week, and was lead counsel in 25-30 serious criminal cases at any given time. (He also assisted in an occasional contract review.)

Respondent and his brother made what Stephen Cobb described as a "business decision" not to disclose the suspension of Respondent's Vermont license to any of the firm's clients or

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[6] The ethical rules governing the practice of law in New York require notification to "the appropriate Court and Committee" within 30 days of any discipline for misconduct in a foreign jurisdiction. N.Y. Comp. Codes. R. & Regs. Tit. 22 § 1240.13(d). Notification should go to the general address (or email address) for the Grievance Committee—not Attorney Cipollone.

New York's rules provide that upon notification of an attorney's suspension in a foreign jurisdiction, reciprocal discipline will be imposed after investigation unless a respondent can show that they were deprived of due process, the decision was inadequately supported, or that imposition of the penalty would be unjust. *Id.* at § 1240.13(b)-(c).

potential client. They did not want to risk losing potential clients who might balk at being represented by an attorney serving a suspension in another state.

At his brother's firm, Respondent adopted practices to improve the organization and consistency of his work which included creating a daily task list, obtaining and reviewing discovery as soon as possible, utilizing timekeeping software, maintaining a call log, and scheduling regular client meetings. There were occasions where Respondent failed to maintain strict discipline with all of these practices, but he was able to consistently re-implement them. There was no evidence that Respondent violated ethical rules or failed to competently serve his New York clients. Respondent also performed legal work during his suspension at Breton & Simon, LLC, in Stowe, Vermont, which represented him in the proceeding. According to Bryce Breton, Esq., (the partner and spouse of counsel for Respondent), Respondent was hired as a subcontractor to perform research and produce written work.[7]

During the suspension period, Respondent also made efforts outside of work to address the consequences of his improper conduct and improve the quality of his practice. Respondent reviewed and summarized the Rules of Professional Conduct. He completed at least 50 hours of online, recorded continuing legal education through Lawline.[8] He served as a Guardian ad Litem in at least ten family court matters. On June 6, 2023, Respondent sent letters of apology to former clients KH, MK, and BA.

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[7] One of the witnesses who offered testimony was Respondent's former client, Joe Russo, Jr. Mr. Russo testified that he used Respondent for all of his legal needs for about a decade before Respondent's suspension. After Respondent was suspended, Mr. Russo hired Breton & Simon, LLC. There was no evidence indicating whether or not Respondent was paid to produce legal work for Mr. Russo, but it is difficult to disregard that such an arrangement would have been another way for Respondent to avoid the collateral consequences of his suspension.

[8] Many of the subjects covered, while laudable, bore minimal relation to Respondent's misconduct (including, for example, the study of implicit bias, "how to deal with bullies," preparing a client to testify before a grand jury, starting an immigration law practice, and inclusive advocacy for LGBTQ+ clients).

Less than a month later, on July 10, 2023, Respondent filed his Motion for Reinstatement. In connection therewith, Disciplinary Counsel deposed Respondent in late August or early September. This led Respondent to seek a two-month continuance of the reinstatement hearing to enable him to address questions related to his rehabilitation.

On November 15, 2023, Respondent filed an Amended Motion for Reinstatement. He indicated that he updated New York on his reinstatement, "completed" counseling with a Lyndonville practitioner, provided copies of the PRB's 2022 decision to his witnesses, offered restitution to client MK, obtained letters of support from New York clients, and apologized to Attorney Katz.

Respondent's update to New York came in the form of another letter directed to Attorney Cipollone dated November 14, 2023, one day before Respondent filed his Amended Motion for Reinstatement. It included a another completed Background Questionnaire in which Respondent disclosed the suspension and that his reinstatement hearing would occur on November 27. As with his July 8, 2022, letter, Respondent did not provide any acknowledgment, confirmation of receipt, or response from Attorney Cipollone or other representative from the Grievance Committee for the November 14, 2023, letter. Respondent's restitution to former client MK was for $2,000. While laudable, this was far less than the $5,000 Respondent testified he offered MK after the deposition by Disciplinary Counsel.

Respondent's efforts to address neurodevelopmental issues which might have contributed to his conduct were similarly incomplete. Between his deposition and the hearing, Respondent attended two sessions with a counselor he concluded was not a good fit. Thereafter, he attended five sessions with another counselor, Kristi Zola, LCMHC, which was helpful.

Respondent testified that after their second session, Ms. Zola suspected Respondent had attention deficit hyperactivity disorder (ADHD). Ms. Zola did not testify, and Respondent did not offer medical records or non-hearsay testimony in support of her purported opinion. Nor did he assert that Ms. Zola was qualified to diagnose clients with ADHD or provide expert testimony thereabout pursuant to V.R.E. 702.[9]

Based on Ms. Zola's advice, Respondent made an appointment to see a physician in December (after the hearing) and determine if medication is appropriate. Respondent credibly testified that if medication is recommended, he will utilize it.

Respondent attributed his professional misconduct, in part, to ADHD. Specifically, Respondent believed ADHD contributed to his lack of planning, organization, and follow through, as well as his difficulty prioritizing and completing tasks.

Respondent also acknowledged personal weaknesses he hopes to overcome. He expressed remorse for engaging in professional misconduct. He discussed changes he was making to his practice to avoid repeating the same mistakes.

All four witnesses believed Respondent is a competent attorney who has taken his suspension seriously, engaged in meaningful self-reflection, and implemented changes sufficient to be reinstated to the practice of law in Vermont. However, there were weaknesses in the testimony of each witness.

Attorney Breton has a personal and professional interest in his reinstatement. She also offered sparse detail as to how she could be certain Respondent would improve his practice,

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[9] Disciplinary Counsel did not object to Respondent's testimony about Ms. Zola's opinion or his plan to obtain medication if a qualified physician agreed with Ms. Zola and diagnosed him with ADHD. But, because of the lack of indicia of credibility, corroborating records, foundation for what amounted to expert testimony, and speculation as to a future diagnosis, Respondent's assertion that he suffers from ADHD and is treating it appropriately are accorded minimal weight.

except to say that she believed Respondent's desire to do so was earnest. In addition, the thing that Attorney Breton attributed Respondent's misconduct to—a large caseload—does not appear to have changed, based on the evidence about his work in New York.

Attorney Levin knew Respondent only in her role as a mediator. In her experience, Respondent was reasonable, pleasant to work with, responsive, and competent. However, it appeared that Attorney Levin did not appreciate the seriousness of Respondent's misconduct. She testified at one point that learning of the charges against him made her nervous, because similar charges could be filed against her. She attributed Respondent's misconduct to the same issue identified by Attorney Breton (that he was "spread too thin") but similarly offered little detail to explain how this would be mitigated beyond her expectation Respondent will develop a useful system.

Mr. Russo testified credibly that he felt well-served by Respondent for a period of more than ten years. It was plain that the two were close friends; they speak to each other every week, and Mr. Russo clearly empathized with the impact of the suspension on Respondent and his family. Mr. Russo was the third witness to attribute the cause of Respondent's misconduct to excessive caseload, and like the other witnesses, he could not offer persuasive details about how Respondent would avoid the triggers that led to past misconduct.

Stephen Cobb is Respondent's brother. He provided a professional lifeline to Respondent and was plainly devoted to helping him avoid the collateral consequences of the 2022 Order—even if this meant omitting information that might have been relevant to his clients, and enabling Respondent's representation of those clients prior to rehabilitation.

Attorney Cobb's testimony lacked credibility in several respects. For example, his testimony that he saw Respondent mail notification of his Vermont law license suspension to

authorities in the State of New York from his law firm in Newburgh, NY, was inconsistent with the confirmation of mailing from St. Johnsbury, VT, in evidence. Attorney Cobb's testimony about the origin of the $2,000 payment to MK was also inconsistent with the copy of the check Respondent provided and Respondent's testimony.

Respondent's testimony was similarly problematic. While Respondent credibly expressed remorse for his prior deceptive conduct, he offered little evidence that he had attempted to determine the reason for it until he was deposed in this matter in late August or early September 2023 (which was likely when Respondent realized reinstatement wasn't a given). Even after that, almost three months passed before the hearing, and Respondent could not offer a definitive medical diagnosis (much less a treatment plan) for a neurodevelopmental condition he claimed was a significant contributor to his misconduct—This was highly relevant in light of Respondent's testimony that his deception was similar to the kind of action he'd had to take "a million times" to try to pivot out of trouble or avoid embarrassment stemming from his excessive caseload and disorganization.

Moreover, Respondent seemed unconcerned that clients were endangered when he continued to work full-time as a lawyer in New York and as subcontractor in Vermont without any obvious restrictions or written agreement limiting the scope of his work.[10]

Respondent's cross examination revealed another issue from the period prior to his suspension that became relevant just prior to the hearing. In 2017, Respondent represented Kandeh Kebbie. In 2019, Mr. Kebbie filed a petition for post-conviction relief (PCR), seeking a new trial based on ineffective assistance of counsel.

[10] *See* VBA Advisory Ethics Opinion 97-11 at 5-6 (Employment by a suspended lawyer is permissible provided their activities are "clearly restricted" as "reflected in a written Memorandum," which should be copied to the PRB.).

Mr. Kebbie's attorney sought to depose Respondent in the PCR matter. On November 21, 2023—days before the hearing in the case at bar—Respondent sent an email to Rutland County State's Attorney Ian Sullivan, Deputy State's Attorney Nicholas Battey, and Mr. Kebbie's attorney. Respondent proposed that the parties resolve the PCR by decreasing Mr. Kebbie's minimum and increasing his maximum sentence, noting, "Kandeh would like to have a 6 year minimum, 6 years reduced from the current 12 year minimum, and he should offer that time back on the maximum, and making the maximum 31 years. 12-25 years becomes 6-31 years. Shuffling the deck, the years are the same and Kandeh has the ability to get out in a year or so and get supervised on parol [sic]." Disciplinary Counsel's Ex. 1 at 2.

There were several issues with this email. Respondent appeared to be holding himself out as an advocate for what type of settlement "Kandeh would like," which would have been improper during the period of his suspension. Moreover, Respondent proposed to *increase* Mr. Kebbie's maximum sentence.[11] This was potentially prejudicial to Respondent's former client but helpful to him; if the PCR action were resolved as Respondent proposed, there would be no judicial determination that he provided deficient representation to Mr. Kebbie (and less exposure to a suit for malpractice).[12]

In the course of cross-examination, Disciplinary Counsel pointed out that Respondent's conduct could constitute the unauthorized practice of law and an impermissible conflict of interest, and asked for Respondent's position. To his credit, Respondent acknowledged he did not consider that his conduct might implicate the Rules of Professional Conduct. This shows

[11] This is particularly notable because Mr. Kebbie, convicted of a serious sex crime, will be more likely to serve a sentence that exceeds the minimum. *See* 28 V.S.A. § 204b (providing that those designated as high-risk sex offenders must serve "70 percent of his or her maximum sentence").

[12] This might also allow Respondent to avoid deposition.

admirable candor, but exacerbates concerns related to rehabilitation and delayed effort to investigate and address contributory health issues which may remain unaddressed.

CONCLUSIONS OF LAW

Respondent bears "the burden of demonstrating by clear and convincing evidence that [he] has the moral qualifications, competency, and learning required for admission to practice law in the state, and the resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest and that [he] has been rehabilitated." A.O. 9, Rule 26(D). Respondent has not met this burden.

To determine whether a suspended attorney has been rehabilitated, the Hearing Panel considers the underlying causes of the suspension and "evaluate[s] whether, at the time of the petition for reinstatement, the attorney had sufficient understanding of his situation and had made the necessary changes to assure the Panel both that he had been rehabilitated and that when faced with similar situations upon return to practice, the attorney would not revert to prior behavior." *In re Neisner*, PRB Decision No. 139 (March 30, 2011), approved by Supreme Court Entry Order No. 11-127 (April 5, 2011); *see also In re Lichtenberg*, PRB Decision No. 1 (December 3, 1999), approved by Supreme Court Entry Order No. 99-533 (January 5, 2000).

Respondent and his witnesses attributed much of his professional misconduct to ADHD. ADHD is a serious condition that, without treatment or measures to mitigate its symptoms, can impair an attorney's capacity to competently practice, especially if their practice involves a large caseload. Conversely, with successful treatment, ADHD does not necessarily prevent lawyers from practicing their profession effectively.

Here, apart than Respondent's own testimony, there was no admissible evidence that he has been assessed or diagnosed with ADHD by a qualified medical provider. More importantly, despite Respondent's awareness that lack of organization and inconsistent caseload management led to ethical lapses which harmed Respondent's clients, he did virtually nothing to assess his mental fitness after the incidents, or the complaints that followed, or the first hearing before the Panel. Nor did Respondent seek assessment following the Order of suspension, except after his deposition by Disciplinary Counsel, when he sought counseling six weeks before this hearing. Respondent devoted more time to opposing the initial charges, earning income during his suspension, and efforts (like online CLEs) that, while laudable, did not get to the root of the problem.

For the purpose of this decision, the Panel credits Respondent's assertion that ADHD was probably a significant contributor to many of his mistakes. As of the date of the reinstatement hearing, Respondent's ADHD remained untreated. If untreated ADHD led to problems before the suspension, this militates sharply against immediate reinstatement. Moreover, as the witnesses (including Respondent) acknowledged, there is no evidence that Respondent's deceptive conduct was attributable to ADHD.

On that issue, there was insufficient evidence that Respondent has been fully rehabilitated. Respondent's non-suspension in New York did not make sense without further explanation. The burden on Respondent to show that he fully notified the appropriate officials in New York, particularly given his history of fabricating evidence to avoid disciplinary consequences, was very high. Respondent did not satisfy this burden; indeed, the evidence he offered on the subject raised more questions than it answered. In addition, Respondent's

"business decision" to avoid disclosing his suspension to his New York clients continued a pattern of choosing expediency over candor.[13]

The Panel notes that, while it was a less significant factor in this decision, it was troubled by Respondent's judgment in proposing a settlement in Mr. Kebbie's PCR action, apparently without considering its potential impropriety under the Rules of Professional Conduct.[14] This suggested Respondent's continuing tendency to try to solve his problems without considering the ethical implications or the potential consequences for the client.

The Panel recognizes that Respondent expressed remorse for his misconduct to affected clients, former Disciplinary Counsel, and his witnesses. Respondent implemented changes to his legal practice that might address or mitigate some of the causes for his misconduct, such as scheduling regular client meetings, prompt discovery review, and systematic time-tracking. Respondent also completed more than 50 hours of continuing legal education, and reviewed and summarized the Rules of Professional Conduct.

However, these efforts were not sufficient to assure the Panel Respondent has been rehabilitated when weighed against the above-discussed concerns. Doing so will require evidence of successful implementation of treatment for ADHD following an appropriate assessment, full and complete documentation of proper notification to authorities in New York, and sufficient evidence that Respondent's candor is more important than his self-interest.

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[13] If Respondent appropriately notified New York authorities, he should have presumed he would be imminently prevented from continuing to represent those clients, requiring them to incur fees to retain new counsel and likely delaying resolution of their matters.

[14] The Hearing Panel takes no position as to whether Respondent violated the Rules of Professional Conduct. Such a determination can only be made pursuant to the disciplinary process outlined in Administrative Order No. 9.

On that issue, while Respondent presented credible evidence establishing that he had done soul searching about the weaknesses that led to his misconduct, he has not shown evidence of improved honesty or judgment apart from conclusory opinions of witnesses who are friends and family. *See, e.g., In re John Burgess*, 169 Vt. 533, 725 A.2d 302, 303 (1999) (disbarring rather than reinstating suspended attorney for failure to show that the circumstances leading to his misconduct, "whether internal or external, have been addressed in a way that would make less likely the potential for a recurrence of this behavior"); *In re Blais*, PRB Decision No. 58 (October 1, 2003) (Respondent must show that he "understands and recognizes what led to his violations of the Code, that he has truly changed his ways, and that his attitude toward the practice of law has changed."), approved by Supreme Court Entry Order No. 2003-44 (October 21, 2003).

For these reasons, Respondent has not established by clear and convincing evidence that he has a sufficient understanding of the causes of his misconduct and that those causes have been ameliorated such that he would not engage in similar misconduct if he were reinstated to the practice of law in Vermont – i.e., that he has been rehabilitated. Accordingly, his reinstatement to the practice of law in Vermont is not warranted at this time.

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Based upon the evidence in the record and the submissions of the parties, the Hearing Panel ORDERS as follows:

1. Disciplinary Counsel's objection to the admission of Respondent's Exhibit G is SUSTAINED. Exhibit G is excluded from the record.
2. Disciplinary Counsel's objection to the admission of Respondent's Exhibit DD is SUSTAINED. Exhibit DD is excluded from the record.

3. Respondent's Motion for Reinstatement is DENIED. William W. Cobb, Esq., remains suspended from the practice of law in Vermont. Pursuant to Rule 26(C) of Administrative Order No. 9, he may move for reinstatement again no earlier than one (1) year from entry of this Decision.

Dated March 7, 2024.

Hearing Panel No. 4

By: 
James A. Valente, Esq., Chair

By: 
James W. Murdoch, Esq.

By: 
Thad Richardson, Public Member