



PROFESSIONAL RESPONSIBILITY PROGRAM

Manual and Reference Guide for Volunteer Hearing Panels

www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/professional-responsibility

*Adopted September 2008
Revised August 2012
Revised February 2022*

Welcome and Overview

Thank you for volunteering your time to serve on a hearing panel of the Professional Responsibility Board. This manual is intended to serve as a resource and quick-reference tool to give you a brief overview of what is involved in serving on a panel. Links and contact information are provided in the appendix for additional resources you may find useful once you are assigned a disciplinary or disability matter to adjudicate.

The Manual and Reference Guide for Volunteer Hearing Panels will not address or even touch upon every question and issue you may encounter during your hearing panel service. As trusted volunteers tasked with carrying out an important service to the public and the legal profession, you will be called upon to use your best judgment in adjudicating cases. You may be asked to decide issues of fact or law that have rarely or never been addressed in the field of lawyer regulation in Vermont. You may be asked to apply rules of procedure, rules of professional conduct or other laws that are subject to varying interpretation. You will likely have to weigh evidence and you will have to decide whether certain testimony is credible or not. Your job will involve making difficult decisions that will impact an individual lawyer's license and the ethical standards for the legal profession.

Hearing panel service is not easy, and it frequently involves fact finding and application of law that is outside the areas of expertise for one or more members. Your work on a hearing panel will combine the functions of a judge and a jury. Your group of two lawyers and one non-lawyer will have to carefully consider the matter before you and come to a decision. It is important work that protects the public and helps shape the ethical legal landscape. The Professional Responsibility Board appreciates your willingness to serve and trusts that you will thoughtfully and capably work with your fellow panel members to adjudicate the matters assigned to you during your term.

The Purpose of this Manual

One-third of panels are made up of non-lawyers, whose perspective and view on the disciplinary or disability matter before the panel is equally as important as the other two panel members. Consistent with those principles, this manual was drafted to be concise and readable for a non-lawyer audience. This manual is not a legal document and is intended to serve only as a guide, not a mandate or other requirement. Relatedly, while rules, statutes, and prior disciplinary cases are referred to throughout the manual, it is not meant to provide comprehensive legal authority or legal citations for the guidance set out. Revisions and updates are made periodically, but panels must take care to consult the most up-to-date rules, statutes, administrative orders, and other resources as questions arise in particular cases.

An appendix is provided with links to common resources panels use in adjudicating matters. For most contested matters, panels are provided assistance from the hearing panel counsel, who is available to help each panel with the details of managing and deciding cases, including performing legal research and initial drafting of orders and decisions, if requested. The manual also includes a brief description of the types of matters that ordinarily come before panels.

Authority, Jurisdiction, Powers and Duties

Hearing Panels adjudicate disciplinary and disability proceedings that are assigned to them. The proceedings ordinarily involve lawyers licensed to practice in Vermont. This includes lawyers whose licenses are inactive or suspended. *See* A.O. 9, Rule 3. Some cases are initiated by a charging document called a Petition of Misconduct, which is filed by disciplinary counsel. Some cases are initiated by a joint filing of a stipulation of facts by disciplinary counsel and the lawyer-respondent. Disability cases are initiated by filing in the Supreme Court, and then if contested, are generally assigned to a panel for fact-finding and consideration. Lawyers seeking to have their license reinstated from suspension, disbarment, or disability status may also initiate a case and have it assigned to a panel. *See* A.O. 9, Rule 14(C); 26.

Currently, there are ten panels with members appointed from different parts of the state, and cases are assigned by rotation.

In general, the powers and duties of a Hearing Panel involve:

- (1) making findings of fact;
- (2) drawing conclusions of law, including determining whether the alleged misconduct is a violation of a specific Vermont Rule of Professional Conduct charged in the petition of misconduct (or proposed in a joint recommendation by the parties);
- (3) recommending what happens to the lawyer's license –
 - (a) in a disciplinary matter the panel makes a sanctions determination;
 - (b) in a disability matter, the panel makes a disability determination;
 - (c) in reinstatement proceedings, the panel determines whether reinstatement of the license is appropriate.

See A.O. 9, Rules 13(D), 14, and 15, 26.

All final orders of hearing panels are automatically transmitted to the Supreme Court for its review along with the complete public record of the proceedings. In some cases, the Court declines to take any action, and the hearing panel's findings, conclusions, recommendation and decision are final, carrying the force of law. In other cases, the Court may decide to review a decision, exercising its ultimate authority over lawyer discipline. The Court may order the parties to brief specific issues on appeal and to give

oral argument. The Court may issue its own written decision, which may affirm or reverse a panel decision, amend the sanction, or remand portions of the matter back to a hearing panel for further consideration. In addition, any respondent or disciplinary counsel may file an appeal of a hearing panel decision within 30 days of a final order. A.O. 9, Rule 13(E).

Proof, Burdens of Proof, and forms of Evidence

For all matters alleging violations of Rules of Professional Conduct, disciplinary counsel bears the burden of proof by clear and convincing evidence. A.O. 9, Rules 13(D)(5), 20(C), (D). This means that disciplinary counsel must put on evidence (or the parties may agree to certain evidence) supporting the facts that establish a violation of the Rule or Rules charged. The “clear and convincing” standard is generally described as more stringent than the civil standard (preponderance of the evidence) and less stringent than the criminal standard (beyond a reasonable doubt). The standard for proof has been described as “highly probable, rather than merely more probable than not.”¹

When a respondent files a motion for reinstatement, the respondent bears the burden of proof by clear and convincing evidence. In reinstatement cases, the respondent must present evidence (or the parties may agree to certain evidence) supporting facts that would establish that a suspended or disbarred attorney should be reinstated. A.O. 9, Rule 20(D). Cases in which a respondent on disability inactive status seeks to return to active status are filed by respondents in the Supreme Court. In those cases, the respondent must put forth evidence that the disability has been removed. The Court may decide disability reinstatement cases on its own; or, if contested facts arise in those matters, the Court may decide to refer the matters to hearing panels for fact finding and recommendations.

Hearing panels are called upon to consider many types of evidence, such as documents, notes, memos, business records, court records, witness testimony, audio or video recordings, or photographs. Conventional courtroom Rules of Evidence apply in PRB matters. A.O. 9, Rule 20(B). As a practical matter, the parties generally work with one another to attempt to reach agreement on the documentary evidence that is admissible and that the panel should consider. But this is not always the case. Sometimes the panel, with the help of hearing panel counsel if requested, may have to rule on objections to certain evidence based upon the Rules of Evidence, and the panel may need to decide whether it would be appropriate to consider that evidence under the Rules. The lawyers on the panel should have the Rules of Evidence available during hearings in order to review evidentiary objections.

For the non-lawyer member, the basic idea to keep in mind about evidentiary objections and rulings is that the Rules of Evidence are designed to further two main goals. The first

¹ In re N.H., 168 Vt. 508, 512 (1998).

is that the decision maker should only consider evidence that is relevant and the second is that the process and presentation of evidence must not violate other established legal concepts of fairness to the party objecting to its admission. In addition, it is important to keep in mind that once evidence is admitted, a panel member is still able to decide how much weight or significance to give it.

Special note on requests for finding of probable cause

Your panel may be assigned to rule on requests for finding of probable cause filed by disciplinary counsel. A request for finding of probable cause is the required step disciplinary counsel must take before initiating a disciplinary matter by petition of misconduct. A.O. 9, Rule 13(C), 14(C)(1).

Typically, this assignment is a one-year standing assignment during which the volume of your workload could vary greatly. Board Policy No. 17. In some years, ten or more probable cause requests require review. In other years, there may be only a few or possibly none. Some cases may involve straightforward evidence in support of one or two rule violations and will not take much time to decide. Other cases may involve careful evaluation of extensive documents. **Probable cause requests are confidential, nonpublic and *ex parte*, which means the only information you will receive is from disciplinary counsel.** A.O. 9, Rules 13, 16(A). A respondent may be unaware that a probable cause request has been filed and is not entitled to any notice or opportunity to be heard during a probable cause proceeding.

Ordinarily, disciplinary counsel will submit a proposed form order with the request on which the panel can check off a box or boxes as to whether it finds probable cause that the specific rule violation occurred. The completed order is the only written record produced by the panel. *See* Board Policies Nos. 17, 18. Whether there is probable cause to believe a rule violation has occurred is a fairly low evidentiary threshold. Probable cause depends on the totality of the circumstances and requires only a probability or substantial chance of violation, not an actual showing of such activity. *See, e.g., District of Columbia v. Wesby*, 138 S. Ct. 577, 585-86 (2018). “Probable cause is not a high bar.” *Id.* at 586 (quotation omitted). Probable cause does not require the panel to rule out a respondent’s innocent explanation for suspicious facts. *Id.* at 588.

Probable cause panel work is a type of check and balance on disciplinary counsel’s authority and discretion to prosecute rule violations. In reviewing a probable cause request, a panel may find it has questions about disciplinary counsel’s submission or believe certain information is missing. Disciplinary counsel can address an evidentiary gap if requested to do so.

If the panel returns a finding of probable cause for a specific rule violation, disciplinary counsel is then required to commence the public disciplinary matter. A.O. 9, Rule 13(C). The case then proceeds before a different panel.

Public Matters, Public Access, and Confidential Matters

Once charges are filed, most matters assigned to panels are public proceedings. Public access to hearings and decisions is an important aspect of the Professional Responsibility Program. A.O. 9, Rule 16(B). Care should be taken in scheduling hearings in publicly accessible locations. The program administrator will ensure that hearing notices are timely posted to the PRB website. For public matters held using remote technology, the program administrator will provide notice and instruction to the public for how to obtain listen-only access. From time to time, parties may wish to file documents with partial redactions or file documents under seal. Panels must review these requests in accordance with the Vermont Rules for Public Access to Court Records and any other specific statute that may apply in addition to the rules specified in A.O. 9 when deciding how to handle those requests. A.O. 9, Rule 16(E).

A few types of matters assigned to hearing panels are confidential by Rule. They are requests for probable cause review (as discussed in greater detail above), disability matters, requests for approval of admonition by disciplinary counsel, and requests for investigative subpoenas. *See* A.O. 9, Rules 15(A)(5), 16(C), 19(A)(1). Some confidential matters may still require that a record be made, however, and the program administrator will assist panels in obtaining court reporter services if appropriate. It is generally a Board practice not to publish complaining witnesses' names in final orders. However, their names remain a part of the public record in any other documentation in the public proceeding.

When considering factual or legal issues in a case, the panel's deliberative process is confidential and should not be discussed or disclosed outside the hearing panel and its counsel. A.O. 9, Rule 16(B).

Evaluating conflicts and future work by panel members

Cases are assigned to panels by the program administrator. Before you are assigned to a matter, the program administrator will contact you and ask you to perform a check for any conflict of interest. *See* A.O. 9, Rule 14(D). You should briefly look over any initial filing for that case in performing that check and notify the program administrator as quickly as is feasible so that the case can be assigned. If you need help deciding whether you have a conflict of interest, Bar Counsel is available to consult with you and help you decide. It is common in a small state like Vermont that you may personally know (or know of) a respondent whose case is assigned to you. This does not necessarily mean you have a conflict that makes your participation inadvisable. You will need to evaluate

whether the personal relationship or other personal knowledge or business relationship would cause you to be unable to decide the case fairly.

Panel members are prohibited from advising or representing any respondent facing disciplinary or disability proceedings or investigations during their appointed terms. Once your term has ended, you may perform such work on new matters for different respondents if you choose to do so. Board Policy No. 20.

General Conduct of Hearings

Supreme Court Administrative Order 9 sets forth the governing procedure for disciplinary matters. Where no specific rule in A.O. 9 exists, the Rules of Civil Procedure apply. A.O. 9, Rule 20(B).

One key area that is unique in A.O. 9 is discovery. Discovery is a process by which the parties exchange information or attempt to obtain additional information related to the charged matter. Unlike civil discovery, PRB discovery is intended to be fairly simple and streamlined. Parties may make document requests and take depositions. Other civil discovery rules do not apply. A.O. 9, Rule 19(B).

In the early stage of a public proceeding, the panel may wish to issue a scheduling order that sets deadlines for the parties with respect to depositions, motions, exchange of documents, and any other pre-hearing matters the panel or the parties would like to have organized or settled before a hearing is held. A detailed scheduling order will assist respondents in understanding how the matter will proceed. A scheduling order will also help the panel and the parties achieve timely resolution of the matter and assist the program administrator in planning for hearings.

A merits hearing is a hearing where evidence is presented to prove or disprove charges. The Vermont Rules of Evidence apply to merits hearings. A.O. 9, Rule 20(B). The panel may require that the parties exchange exhibits before the hearing and attempt to reach agreement on the admissibility of some or all exhibits. These types of requirements can be set out in the scheduling order.

All three hearing panel members must be present for a merits hearing to take place. “Present” may include presence using the judiciary’s web platform if a matter is scheduled to be held remotely. A final order and decision on the merits of the charges by the hearing panel requires the agreement of at least two members. A.O. 9, Rule 15(B). For rulings on motions or other non-final matters, it is not necessary for all three panel members to participate.

As discussed above, providing public access is a key function of the Professional Responsibility Program. The panel should issue its public notice of a hearing at least 25

days before the hearing. Hearings that are held in person should be in a publicly accessible location with a court reporter. A.O. 9, Rule 13(D)(4). The program administrator will assist you in making these arrangements.

The panel may choose to schedule a pre-hearing conference with the parties. A.O. 9, Rule 20(E). The pre-hearing conference may help narrow the scope of the issues and allow the hearing to proceed more efficiently. It may also help you determine whether any additional pre-hearing written submissions by the parties would help the panel decide the case.

On the day of a disciplinary hearing, disciplinary counsel puts on evidence first, because disciplinary counsel bears the burden of proof. A.O. 9, Rule 13(D)(4). The respondent may cross-examine any witness and any panel member may also inquire directly of any witness. At the close of disciplinary counsel's case, respondent may put on evidence if he or she chooses, and cross-examination and direct inquiry by the panel is also permitted. A.O. 9, Rule 20(D). After the witness has been examined on direct, cross, and any redirect, the chair ordinarily calls upon each panelist individually so that panel questions are presented in an organized manner.

Witness testimony must be taken under oath. A.O. 9, Rule 19(C). The chair should administer the oath to each witness before he or she takes the witness stand, including the respondent, who is generally called to testify in the case.

Panels take evidence relevant to violations but they may also consider any evidence related to sanctions, including evidence supporting aggravating and mitigating factors. Unless a party specifically moves to bifurcate (separate) proceedings on violations and sanctions, the panel takes all the evidence during the course of one hearing. A.O. 9, Rule 13(D)(5)(b).

During the presentation of testimony, parties may raise evidentiary objections. A.O. 9, Rule 20(B). The panel will have to rule on those objections. Hearing panel counsel is available to assist if requested.

Unlike procedure in a jury trial, parties do not ordinarily make opening and closing statements. However, no specific rule prohibits them from doing so. The panel may choose to allow it.

The chair of the panel acts as a presiding officer and manages decorum and logistics, including the overall schedule and allowance for appropriate breaks. Other considerations may arise which the chair will have to address. A.O. 9, Rule 14(C)(2). For example, the chair may observe that someone is experiencing trouble hearing the proceedings. If any participant or observer is hearing impaired, most of the courthouses have devices available to help improve listening access, and the hearing should be paused to request

such devices from courthouse staff. Another issue the chair should bear in mind is appropriate scheduling of breaks. While the parties and panelists may feel fine continuing without breaks, the court reporter may need one. Witnesses who are unrepresented by legal counsel will likely be called to give testimony. The chair should take care to run the hearing in such a way that if a witness needs assistance or a break for any reason, that opportunity is provided. Different management issues may arise for hearings held remotely. The judiciary provides the panel with an operations assistant for remote hearings to help with technical issues if they arise.

At the conclusion of the hearing, the parties may request, or the panel may require the parties to file proposed findings and conclusions and/or memoranda of law on sanctions. A deadline should be set for any post-hearing filings.

The panel then takes time to deliberate the case. Some panels find it helpful to discuss the case immediately following the hearing. Others may wish to wait until post-hearing filings come in. If a panel believes a transcript of the proceeding is necessary for it to decide the case, the program administrator can order one.

After the completion of the hearing and submission of any post-hearing filings, the panel has sixty days to issue an order. A.O. 9, Rule 13(D)(5)(c). Hearing panel counsel is available to help with the drafting of a decision if requested. A Hearing Panel decision requires the concurrence of two members of the Panel. If one member disagrees with the decision, the member may write a dissenting opinion. The Hearing Panel's written decision must contain its findings of fact, conclusions of law, and the sanction imposed, if any. A.O. 9, Rule 13(E). Over the years, various panels have carried out that task with varying degrees of analysis and level of detail. It is up to the panel to decide what the decision should say and what it should look like. Bear in mind, however, that the decision should be readable and understandable to an average member of the public.

The public and occasionally the news media may attend a hearing and must be allowed to do so consistent with the rules for public access. Exceptions may exist for confidential matters (as required by Rule), or if a protective order has been issued for good cause. A.O. 9, Rules 16(B), (E).

Witnesses who have already testified may stay to observe the proceeding but should not be admitted to a hearing or remote hearing before they give testimony.

Panelists should bear in mind that they preside over a case with good judgment consistent with their dual roles as judge and jury. In jury trials, juries are specifically instructed to avoid news or social media coverage about the matter before them and not to post on social media about their service. Although there is no specific charge or instruction to panels that is comparable, panel members should take care to conduct themselves in such a way that they can decide a matter fairly and based upon the evidence and posting on

social media should be avoided. From time to time, a panel member may receive an inquiry from the media about a matter. The panel member should direct the inquirer to the program administrator, who can help fulfill any public records requests as necessary.

Types of Proceedings and Applicable Rule

Below is a list of matters that routinely get assigned to hearing panels, followed by a brief description of the hearing panel's duties. Matters that arise infrequently appear lower down the list.

1. Petition of Misconduct. A petition of misconduct is a public charging document filed by disciplinary counsel following a finding of probable cause by the probable cause panel. The petition alleges facts and violations sufficient to put the respondent on notice of the substance of the charge. Within 20 days of service of a petition, a respondent must file an Answer or the charges will be deemed to be admitted. A.O. 9, Rule 13(D)(3). The panel generally issues a scheduling order with certain deadlines for discovery and motions, usually with the parties' input regarding timelines. Sometimes parties reach agreement on stipulated facts after a petition is filed, which can then be filed with the panel. A hearing is held in which the parties may offer evidence. The panel may request that the parties file memoranda addressing specific legal issues and/or sanctions recommendations.
2. Stipulation. Another way for a formal proceeding to be initiated and assigned is by filing of a stipulation of facts. This is a public document consisting of facts the parties agree to. The stipulation may address only facts or it may also contain jointly proposed conclusions of law. The joint filing may (or may not) waive a hearing. The parties may make a joint recommendation as to sanction or make separate recommendations. A.O. 9, Rule 13(D)(1). Matters initiated by stipulation may still require scheduling orders. Panels may decide to reject stipulations in whole or in part for a variety of reasons within their discretion. When this occurs, parties sometimes amend the stipulation or, the matter may proceed by Petition of Misconduct. Panels may choose to proceed to issue an order consistent with the facts and law as they view it, request further written information or briefing, or notify the parties of its inclination not to accept the recommendation and set the matter for a hearing on violations and sanctions.
3. Admonition by disciplinary counsel. This is a nonpublic matter that may only be initiated by consent of the parties. A.O. 9, Rule 15(A)(5). The panel's duty in these matters is either to approve (or decide not to approve) the request as jointly filed. If approved, a summary of the conduct is published for educational purposes, but the respondent is not identified in it.

4. Matter assigned by Supreme Court. Occasionally, an Original Jurisdiction Supreme Court matter may be assigned to hearing panel for fact finding. This may occur in a confidential disability petition or in a confidential petition of a lawyer seeking to return to active status from disability status. A.O. 9, Rule 25. Another scenario where this could arise is where an attorney under disciplinary investigation seeks to resign from the practice of law. A.O. 9, Rule 23. The order assigning the matter may specify the scope of what the Court wants the panel to examine.
5. Request for reinstatement. These are matters initiated by respondents seeking to return to active practice after having served a term of suspension or disbarment. A.O. 9, Rule 26. Respondents bear the burden of proof and put on evidence to prove they should be readmitted. Disciplinary counsel may or may not oppose the request. Like Petitions of misconduct and disciplinary matters by stipulation, a scheduling order may be appropriate to keep the matter on track for timely disposition. Hearing panels shall issue decisions within 90 days of the filing of the motion for reinstatement. A.O. 9, Rule 26(D).
6. Subpoenas. Under A.O. 9, Rule 19, a hearing panel chair may be asked by the Board chair to review a request by disciplinary counsel for an investigatory subpoena. This is a procedure that may fall to any particular hearing panel chair and it is not a public matter. Another section of Rule 19 authorizes the Board to assign a hearing panel chair to enforce as a matter of reciprocity a subpoena sought in Vermont pursuant to the laws of another jurisdiction for use in lawyer discipline or disability proceedings in a different jurisdiction. For example, many Vermont licensed attorneys are also licensed in New York and New Hampshire and authorities in those states might need to utilize this process.

Determining a Violation of the Vermont Rules of Professional Conduct

The Panel must determine, based on its findings of fact, whether the attorney violated one or more of the charged rule violations. The Panel may be guided by the comments to the Rules of Professional Conduct, the recommendations of Disciplinary Counsel and Respondent, prior decisions of the Professional Responsibility Board and its predecessor, the Professional Conduct Board, and by decisions from other jurisdictions. Applying facts to law can be difficult. You should use the deliberative process and your best judgment to arrive at the best conclusion.

Determining the Appropriate Sanction

In determining the appropriate sanction, the Panel is guided by the ABA Standards for Imposing Lawyer Sanctions and case law from Vermont and other domestic jurisdictions. Appropriate sanctions are informed by the underlying purpose of public protection, not punishment.

- Admonition by Disciplinary Counsel is the only non-public sanction. It can be imposed only by agreement of the Respondent and approval of the Hearing Panel before formal charges are filed. A.O. 9, Rule 15(A)(5).
- After finding one or more violations of the Rules of Professional Conduct, the Hearing Panel may impose admonition, public reprimand, suspension for a period of up to three years, or disbarment. A.O. 9, Rule 15(A).
- When a Hearing Panel imposes an admonition after a hearing, the case is a public file, but the lawyer's name does not appear in the caption or body of the decision as it does when there is public reprimand, suspension, or disbarment. A.O. 9, Rule 15(A)(5).
- A suspension for six months or more requires the Respondent to petition for reinstatement before he or she can resume practicing. A suspension for less than six months does not require a reinstatement petition or proceeding. A.O. 9, Rule 26(B).
- The Hearing Panel can order probation for a definite term. Probation cannot be ordered except in conjunction with a sanction. Terms of probation should be tailored to address the specifics of the violations. A.O. 9, Rule 15(A)(6).
- Other types of sanctions may also be imposed, such as reimbursement of fees. A.O. 9, Rule 15(A)(7).
- In imposing disbarment or suspension, the panel should evaluate and choose an effective start date that permits a respondent some amount of time to alert clients so that they can locate new counsel if necessary.

APPENDIX

Confidentiality Quick Reference

- All matters within the Professional Responsibility Program are confidential until formal disciplinary proceeding is filed. A.O. 9, Rule 16(A).
- All proceedings and records submitted to a Hearing Panel after the filing of formal charges are public in the absence of a protective order. However, the work product of the Hearing Panel and Counsel and deliberations of the panel are confidential. A.O. 9, Rule 16(B).
- If disciplinary charges are filed by Stipulation with a Request for Approval of an Admonition by Disciplinary Counsel, then that matter remains confidential even after assignment to a panel and any order that issues is public, but does not name the respondent. A.O. 9, Rule 15(A)(5); Board Policy No. 21.
- All proceedings for transfer to or from disability inactive status are confidential, but the order itself is public. A.O. 9, Rule 16(C).

Resources for Hearing Panel Members

- [Administrative Order 9](#) provides rules for the establishment and operation of the Professional Responsibility Program, including the creation of Hearing Panels and the procedures for hearings within the program.
- The [Vermont Rules of Professional Conduct](#) define the standards of professional conduct.
- [ABA Standards for Imposing Lawyer Sanctions](#). These standards set forth guidelines for determining appropriate sanctions in disciplinary cases. The Panel Counsel has an up-to-date paper copy of the ABA Standards with case annotations and commentary.
- Decisions of the Professional Responsibility Board and its predecessor, the Professional Conduct Board, issued through 7/1/15:
[PRB and PCB Decisions before July 2015](#)
- Decisions of the Professional Responsibility Board issued after 7/1/15:
[PRB Decisions after July of 2015](#)

- Policies Adopted by the Professional Responsibility Board:
[PRB Board Policies](#)
- [The Vermont Rules of Civil Procedure](#) A.O. 9 provides that the Vermont Rules of Civil Procedure apply in disciplinary hearings unless otherwise provided.
- [Vermont Rules of Evidence](#) A.O. 9 provides that the Vermont Rules of Evidence apply in disciplinary hearings unless otherwise provided.

Staff Contacts

Merrick Grutchfield, Program Administrator. Ms. Grutchfield can help you locate any of the above resources, arrange phone conferences, schedule hearings and a court reporter, and provide other general information. She also maintains the public file.

Merrick Grutchfield, Program Administrator
c/o Court Administrator's Office
109 State Street
Montpelier, VT 05609
802.828.3204
merrick.grutchfield@vermont.gov

Michael Kennedy, Bar Counsel. Mike can help you with a variety of issues that may arise, including helping you determine whether there is a conflict of interest in accepting a particular panel assignment or helping direct you to other resources. Contact him at Michael.Kennedy@vermont.gov

Training Opportunities and Miscellaneous

Expense Reimbursement. Some minimal reimbursement for expenses for panel members is allowed. If you wish to file for expenses, the program administrator can direct you to the most current forms and rules for that process.

Professional Responsibility Program Annual Meeting. Presentations are made at each annual meeting to assist Hearing Panel members, and the meeting provides an opportunity to ask questions of the Board. CLE credit is available for attorney members who attend the Annual Meeting.