

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

*Decisions of the Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue*

<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
1 <i>In re Andrew Lichtenberg 2000-038</i>  SCT 99-533	Not Applicable	<b>Reinstatement</b>	12/03/1999 01/05/2000	<b>Upon successful petition of Respondent, previous suspension order lifted by the Supreme Court E.O. 99-533 on January 5, 2000- 170 VT 576.</b>
2 <i>Unidentified Attorney 1999-149</i>	DR 1-102(A)(7)	<b>Admonition by Disciplinary Counsel</b>	02/28/2000	Respondent possessed marijuana. <b>No review by Court undertaken.</b>
3 <i>Unidentified Attorney 1998-028</i>	DR 4-101(B)(1)	<b>Admonition by Disciplinary Counsel</b>	04/13/2000	Respondent sold a computer to a non-lawyer, knowing that it contained confidential client files. <b>No review by Court undertaken.</b>
4 <i>Unidentified Attorney 1999-009</i>	DR 4-101(B)(1)	<b>Admonition by Disciplinary Counsel</b>	04/20/2000	Respondent disclosed the secrets of one client to a second client without disclosing the first client's name. Respondent provided so many details about the first client's situation that second client was able to identify the first client. When the second client told Respondent she thought she knew the person, the Respondent confirmed the first client's identity. <b>No review by Court undertaken.</b>
5 <i>Unidentified Attorney 1997-049</i>	DR 6-101(A)(3)	<b>Admonition by Disciplinary Counsel</b>	04/21/2000	Respondent neglected a legal matter entrusted to him by failing to complete service of a complaint within sixty days of filing, thus resulting in the Court granting a motion to dismiss. Respondent promptly referred client to malpractice carrier. <b>No review by Court undertaken.</b>
6 <i>In re David Singiser 1999-020 1999-038 1999-051 1999-054 1999-090 1999-104</i>	DR 1-102(A)(5) DR 1-102(A)(7) DR 1-110(A)(2) DR 6-101(A)(3) DR 9-102(B)(3) DR 1-102(A)(4) DR 2-110(C)	<b>Disbarment</b>	5/31/2000	Respondent abandoned his clients, failed to provide accountings of client funds, made misrepresentations to the court, and failed to respond to Disciplinary Counsel. <b>No review by Court undertaken.</b>

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7 <i>In re Katherine Kent</i> 1999-039 1999-052 1999-053 1999-094	DR 1-102(A)(5) DR 1-102(A)(7) DR 2-110(A)(2) DR 6-101(A)(3)	<b>2 Year Suspension</b>	05/31/2000	Respondent neglected her client, failed to return a file to him, improperly withdrew from representation, and abandoned her client. Respondent failed to respond to a request from Disciplinary Counsel for information and failed to advise the Board of Bar Examiners of a correct and current address. <b>No review by Court undertaken.</b>
8 <i>Unidentified Attorney</i> 1999-172	DR 6-101(A)(3)	<b>Admonition by Disciplinary Counsel</b>	06/01/2000	Respondent failed to file a Quit Claim Deed which awarded to the client the marital residence, free and clear of her ex-husband's interests. <b>No review by Court undertaken.</b>
9 <i>Unidentified Attorney</i> 2000-015	DR 7-104(A)(1)	<b>Admonition by Disciplinary Counsel</b>	06/08/2000	Respondent communicated with an adverse represented party, on the subject matter of the litigation, without receiving permission from opposing counsel. <b>No review by Court undertaken.</b>
10 <i>In re Sheldon Keitel</i> 1999-121  SCT 2000-290	Hearing Panel found violations of DR 7-10(C)(6) and DR 7-102(A)(1) by default judgment and recommended public reprimand. Supreme Court ordered further review on its own motion.	<b>Dismissed</b>	07/05/2000 06/02/2001	Supreme Court declined to find that Respondent, a lawyer on inactive status appearing pro se, violated DR 7-102(A)(1) (prohibiting a lawyer from taking any action "on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another") or DR 7-106(C)(6)(prohibiting a lawyer "appearing in his professional capacity before a tribunal") when he wrote a letter to the family court stating that the magistrate in his divorce case had his "head up his ass." The Court, nevertheless, required the Board of Bar Examiners to consider this conduct should Respondent ever choose to reactivate his license to practice law. <b>Supreme Court E.O. 2000-290 filed March 2, 2001 172 VT 537</b>
11 <i>Unidentified Attorney</i> 1998-021	DR 1-102(A)(5)	<b>Admonition by Disciplinary Counsel</b>	07/21/2000	Prosecutor failed to disclose to defense counsel or the court that prosecutor's deputy had previously represented the defendant in a related matter. <b>No review by Court undertaken.</b>

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12 <i>Unidentified Attorney</i> 1997-028	DR 6-101(A)(3)	<b>Admonition by Disciplinary Counsel</b>	07/25/2000	Respondent neglected a client's case for two years, missing a statute of limitations, and causing clients to lose their cause of action. <b>No review by Court undertaken.</b>
13 <i>In re Joseph Wool</i> 1999-180 1999-189 2000-050 2000-061 2000-077 2000-082 2000-087	DR 1-102(A)(5) Rule 8.4(d) Rule 7(D) of A.O. 9	<b>Public Reprimand</b>	12/04/2000	Respondent failed to comply with probationary terms imposed by the Supreme Court in 1999, requiring Respondent to submit written reports to Disciplinary Counsel every 60 days. Respondent failed to co-operate with Disciplinary Counsel's investigation of four new complaints, all filed after the 1999 probation order requiring that no new disciplinary violations be committed. <b>No review by Court undertaken.</b>
14 <i>In re Craig Wenk</i> 1996-050	DR 6-101(A)(3) DR 7-101(A)(2) DR 1-102(A)(4)	<b>6 Month Suspension</b>	10/16/2000	Respondent failed to communicate properly with his client over a three-year period and gave his client false information about the status of client's case in court when, in truth, Respondent had never filed the law suit. <b>No review by Court undertaken.</b>
15 <i>Unidentified Attorney</i> 2000-019	Rule 8.4(d)	<b>Admonition by Hearing Panel</b>	10/24/2000	Respondent failed to co-operate with Disciplinary Counsel's investigation, ignoring two letters requesting a response to a complaint filed by another lawyer. <b>No review by Court undertaken.</b>
16 <i>Unidentified Attorney</i> 1995-019	A.O. 9, Rule 7(D)	<b>Admonition by Disciplinary Counsel and 6 Months of Probation</b>	01/24/2001	Respondent did not respond to request from PCB counsel seeking information about Respondent's compliance with conditions imposed by a PCB hearing panel sitting as an alternative dispute resolution (NDR) panel. In fact, Respondent did not comply with NDR panel's conditions. Hearing Panel found that Respondent violated Rule 7(D) by failing to furnish information to Disciplinary Counsel or a Hearing Panel. <b>No review by Court undertaken.</b>
17 <i>In re Joseph Wool</i> 2000-164 2000-171 2000-196 2000-209	Rule 1.15(b) Rule 1.16(d) Rule 8.4(c) Rule 8.4(h) Rule 1.3	<b>1 Year Suspension and Reimbursement of Retainers</b>	05/24/2001	Respondent failed to render an accounting of retainers received from clients, failed to refund advance payments that were not earned, failed to represent clients in a diligent manner and neglected a client's case. <b>No review by Court undertaken.</b>

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18 <i>Unidentified Attorney</i> 1997.011	None	<b>Dismissed</b>	05/31/2001	Insufficient evidence of misrepresentation or conduct prejudicial to the administration of justice in the way prosecutor answered inquiry from defense counsel re: the identity of person participating in deposition. <b>No review by Court undertaken.</b>
19 <i>In re Arthur Heald</i> 2000-197 2001-051  SCT 2001-264	Rule 1.3 Rule 1.4(a) Rule 8.4(d)	<b>2 Months Suspension &amp; Reimbursement of Legal Fees and Expenses Incurred by Complainant</b>  <b>Supreme Court imposes Public Reprimand &amp; Restitution to Client</b>	06/05/2001   01/18/2002	Respondent publicly reprimanded and ordered to reimburse legal fees after he neglected to remit his client's withholding taxes in a timely manner, resulting in the assessment of an IRS penalty. Respondent failed to respond to his client's requests for help in rectifying this error. Client incurred substantial expenses in bringing suit against Respondent. <b>Per Supreme Court E.O. 2001-264, Hearing Panel decision reversed and public reprimand imposed on January 18, 2002- 173 VT 557</b>
20 <i>Unidentified Attorney</i> 2000-091	Rule 1.11(c)(1)	<b>Admonition by Disciplinary Counsel</b>	07/13/2001	Respondent improperly presided at a Town Board meeting during which that Board considered the merits of a matter in which Respondent had served as private counsel. <b>No review by Court undertaken.</b>
21 <i>Unidentified Attorney</i> 2000-217	DR 6-101(A)(3)	<b>Admonition by Hearing Panel</b>	07/23/2001	Respondent neglected a foreclosure action entrusted to him. <b>No review by Court undertaken.</b>
22 <i>In re Sigismund Wysolmerski</i> 2001-171  SCT 2001-381	Not applicable	<b>Reinstatement</b>	08/15/2001 08/30/2001	<b>Respondent readmitted to the Vermont Bar per E.O. 2001-381 of the Supreme Court on August 30, 2001- 172 VT 616</b>
23 <i>Unidentified Attorney</i> 2001-022	DR 4-101(B)(1)	<b>Admonition by Hearing Panel</b>	08/20/2001	Respondent disclosed to a relative of a murder victim an unsolicited letter from the pre-trial detainee charged with that murder. <b>No review by Court undertaken.</b>

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24 <i>Unidentified Attorney</i> 2001-176	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	09/12/2001	Respondent failed to explore with his client whether there might be any defenses to a collection action. Respondent further acted without diligence or promptness when Respondent neglected to file any opposition to a Motion for Summary Judgment. Little or no injury resulted. <b>No review by Court undertaken.</b>
25 <i>In re Kjaere Andrews</i> 2001-014	Rule 1.5(b) Rule 1.15(a) Rule 1.15(A) Rule 1.16(d)	<b>6 Months and 1 Day Suspension Respondent to reimburse client for unearned fees</b>	10/01/2001	Respondent spent client funds for personal use and attempted to double her agreed upon hourly rate retroactively. <b>No review by Court undertaken.</b>
26 <i>In re William Frattini</i> 2001-078  SCT 2001-397		<b>Affidavit of Resignation Disbarment on Consent</b>	08/31/2001 09/26/2001	Respondent was convicted of three criminal offenses in the state of Maine for violations of embezzlement from a financial institution, mail fraud and tax evasion. <b>Supreme Court E. O. 2001-397 accepts resignation on September 26, 2001. 171 VT 659</b>
27 <i>Unidentified Attorney</i> 1998-020	DR 1-102(A)(5)	<b>Admonition by Hearing Panel</b>	10/15/2001	Respondent negligently failed to disclose to defense counsel or to the Court the fact that Respondent had previously represented the defendant being prosecuted by Respondent's Office. <b>No review by Court undertaken.</b>
28 <i>In re David Sunshine</i> 2001-001 2001-075	DR 6-101(A)(3) Rule 1.3 Rule 8.4(d) Rule 8.4(c)	<b>4 Month Suspension commencing 1/1/02; followed by 2 years of probation</b>	12/05/2001	Respondent neglected two different client's cases, resulting in the dismissal and barring of the client's claims. Respondent also deceived one client by failing to disclose to him that his case had been dismissed and by leading him to believe that the case would soon go to trial. <b>No review by Court undertaken.</b>
29 <i>Unidentified Attorney</i> 2001-200	None	<b>Dismissed</b>	12/12/2001	A petition of misconduct for failing to respond to Disciplinary Counsel's request for information in violation of A.O. 9, Rule 7D was dismissed after Respondent provided evidence of reasonable grounds to justify his inaction. <b>No review by Court undertaken.</b>

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30 <i>Unidentified Attorney</i> 2000-167	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	01/15/2002	Respondent failed to respond to client or to probate court's many requests for action over a two-month period due to conflicting trial court responsibilities. <b>No review by Court undertaken.</b>
31 <i>In re Norman Blais</i> 1998-033 1999-043 2000-042  SCT 2002-086	DR 6-101(A)(3) DR 1-102(4)	<b>5 Months Suspension 18 Months of Probation</b>	02/14/2002 12/19/2002	Respondent neglected five client matters and failed to file claims in court, thereby allowing the statute of limitations to expire in two cases. In addition, Respondent also made misrepresentations to three of his clients. <b>Supreme Court E.O. 2002-086 filed December 19, 2002; 174 VT 628</b>
32 <i>Unidentified Attorney</i> 2001-184	Rule 8.4(h)	<b>Admonition by Disciplinary Counsel</b>	03/25/2002	Respondent was rude and made unjustified comments about another attorney's youth, which presumably implied criticism because of lack of experience. Respondent also inappropriately handled the transfer of a file and the claim of an attorney's lien. <b>No review by Court undertaken.</b>
33 <i>In re Thomas Daly</i> 2001-189	None	<b>Dismissed</b>	05/13/2002	A petition of misconduct for violating Rules 1.5 and 1.15(b) of the Vermont Rules of Professional Conduct was dismissed because of lack of jurisdiction over the Respondent for conduct alleged to have occurred prior to his admission to the Vermont Bar. <b>No review by Court undertaken.</b>
34 <i>In re Andrew Goldberg</i> 2000-081	DR 6-101(A)(3) DR 6-101(A)(1) DR 1-102(A)(5)	<b>Public Reprimand Transfer to Inactive Status for 4 Months If license is reactivated; 2 Year Probation also imposed</b>	05/14/2002	A solo practitioner with only three years of experience undertook representation in a products liability case in which he had no experience or expertise. He subsequently neglected the case, causing it to be dismissed. Complainant recovered for damages through a legal malpractice action. A public reprimand was imposed due to several mitigating circumstances including Respondent having left the practice of law with no plans to return to Vermont and with strong probationary conditions imposed in the event he should seek to reactivate his license to practice. <b>No review by Court undertaken.</b>

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35 <i>In re Thomas Bailey</i> 2002-118  SCT 2002-228	Rule 1.3 Rule 1.4 Rule 8.4(c) Rule 8.4(d)	<b>Affidavit of Resignation Disbarment on Consent</b>	05/17/2002 05/31/2002	Respondent neglected a legal matter entrusted to him by failing to pursue an accident claim for his client, as agreed to, and subsequently allowing the statute of limitations to lapse. <b>Supreme Court E.O. 2002-228 accepts resignation on May 31, 2002. 174 VT 447</b>
36 <i>Unidentified Attorney</i> 2001-117	Rule 1.4(a) Rule 8.4(d)	<b>Admonition by Hearing Panel with 18 Months of Probation</b>	06/14/2002	Respondent who did not return her client's calls regarding the status of a six-month overdue QDRO in a post-divorce matter was disciplined for failing to keep her client reasonably informed. <b>No review by Court undertaken.</b>
37 <i>Unidentified Attorney</i> 2000-161	Rule 8.4(d)	<b>Admonition by Hearing Panel with 18 Months of Probation</b>	06/14/2002	Respondent failed to comply with an agreement reached with a Assistance Panel. <b>No review by Court undertaken.</b>
38 <i>Unidentified Attorney</i> 2002-214	Rule 7.3	<b>Admonition by Disciplinary Counsel</b>	07/30/2002	Respondent sent written solicitations for legal work not identified as advertising material. <b>No review by Court undertaken.</b>
39 <i>In re Raymond Massucco</i> 1998.050	DR 6-101(A)(3) DR 2-106	<b>Public Reprimand</b>	08/14/2002	Respondent neglected an estate matter that caused the heirs to experience unnecessary stress, anxiety and emotional turmoil as well as extensive litigation in the probate court. In addition, Respondent charged excessive fees. <b>No review by Court undertaken.</b>
40 <i>Unidentified Attorney</i> 2002-201	Rule 1.4(a)	<b>Admonition by Disciplinary Counsel</b>	09/17/2002	Respondent failed to comply with his client's reasonable request for an accounting of his fee. <b>No review by Court undertaken.</b>
41 <i>In re Robert Andres</i> 2002-110  SCT 2002-428	Rule 1.3	<b>2 Months Suspension</b>	09/18/2002 08/06/2004	Respondent failed to act with reasonable diligence and promptness in a criminal case by failing to attend a pretrial hearing and he intentionally abandoned his client's case by failing to respond to a motion for summary judgment. <b>Supreme Court E.O. 2002-428 dated August 6, 2004, adopts hearing panel's ruling. 2004 VT 71</b>



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42 <i>In re Frederick S. Lane III</i> 2002-205  SCT 2002-431	Rule 8.4(b)(c) & (h)	<b>Affidavit of Resignation Disbarment on Consent</b>	10/09/2002	While serving as Treasurer of the Chittenden County Democrats, Respondent temporarily used the Party's funds under his control for personal purposes. <b>Supreme Court E.O. 2002-431 accepts resignation on October 9, 2002-174 VT 550</b>
43 <i>In re Howard Sinnott</i> 2001-190  SCT 2003-170	Rule 1.5(a)	<b>Public Reprimand &amp; Restitution</b>	10/22/2002 04/07/2003 02/12/2004	Respondent, who voluntarily left the practice of law, was reprimanded and ordered to reimburse to \$1200 to his client for charging an unreasonable fee when he used a standard flat rate but did nothing to advance his client's cause. <b>Supreme Court E.O. 2003-170 dated February 12, 2004 declined to reach the issue of whether Respondent's fee agreement was a nonrefundable fee. 2004 VT 16</b>
44 <i>In re Robert DiPalma</i> 2002-031	Rule 1.3 DR 6-101(A)(3)	<b>Public Reprimand 2 Years of Probation</b>	10/29/2002	Respondent neglected a client litigation matter for several months, resulting in the suit being dismissed, and failed to keep his client informed about the status of his case. <b>No review by Court undertaken.</b>
45 <i>Unidentified Attorney</i> 1999-065 2000-122	DR 7-102(A)(1)	<b>Admonition by Disciplinary Counsel</b>	10/29/2002	Respondent filed pleadings containing intemperate language which was unprofessional, uncivil and intended solely to harass and embarrass the opposing party and her counsel. <b>No review by Court undertaken.</b>
46 <i>Unidentified Attorney</i> 2001-165	Rule 4.3	<b>Admonition by Disciplinary Counsel</b>	11/20/2002	Respondent interviewed a municipal employee against whom he knew he might bring a tort action. Based on Respondent's assurances that he wasn't going to sue the town, the employee obviously understood that there was no liability on his own part either, a misunderstanding which Respondent did not correct. The employee made several incriminating statements which Respondent later used in a suit against the employee personally. <b>No review by Court undertaken.</b>



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47 <i>Unidentified Attorney</i> 2002-203	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	12/12/2002	Respondent completed a real estate closing, withheld tax funds, but forgot to file the tax withholding with the Tax Department for seven months until his client brought the error to his attention. <b>No review by Court undertaken.</b>
48 <i>In re Norman Blais</i> 2002-108	Rule 1.3 Rule 1.4(a)	<b>6 Months Suspension 12 Months of Probation (Minimum) concurrent with sanction imposed in PRB 31</b>	12/30/2002	Respondent neglected a client's personal injury case and failed to keep his client reasonably informed about the status of her case. <b>No review by Court undertaken.</b>
49 <i>In re Thomas Daly</i> 2002-042	Rule 8.4(d)	<b>3 Years Suspension Effective May 21, 2003</b>	3/07/2003	Respondent engaged in conduct prejudicial to the administration of justice by failing to supplement his Petition for Admission to the Vermont Bar to reveal that he was the defendant in a consumer fraud complaint and that his firm was the subject of an inquiry by the New York Committee on Professional Standards. <b>No review by Court undertaken.</b>
50 <i>In re Anne Whitten</i> 2000-040	None	<b>Dismissed</b>	3/13/2003	A Petition of Misconduct alleging a violation of DR 7-104(A)(1) (causing another to communicate with a represented party) was dismissed upon motion of Special Disciplinary Counsel due to failure to meet burden of clear and convincing evidence. <b>No review by Court undertaken.</b>
51 <i>In re Charles Capriola</i> 1999-035 1999-036	DR 5-104(a) DR 1-102(A)(7)	<b>Public Reprimand</b>	4/7/2003	Respondent borrowed money from two different clients without advising either client that his interests in the loan differed from their interests. <b>No review by Court undertaken.</b>
52 <i>In re Robert Andres</i> 2002-043 2003-031  SCT 2003-171	Rule 8.4(h)	<b>3 Years Suspension effective 4/28/03</b>	4/07/2003 9/29/2004	Respondent engaged in conduct adversely reflecting on his fitness to practice law in violation of Rule 8.4(h) because his conduct of engaging in simple assault, disregarding terms of his probation and violating a court order demonstrated a pattern of disregard for the law. <b>Supreme Court E.O. 2003-171 dated September 29, 2004, adopts hearing panel's ruling. 177 VT 652</b>

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53 <i>In re Lance Harrington</i> 2002-144	DR1-102(A)(3) Rule 8.4(b)	<b>3 Years Suspension effective 1/9/03</b>	04/14/2003	Respondent entered into fee agreements that led to a federal investigation. Respondent was convicted of submitting false information to the Social Security Administration stating that his fee agreements complied with the law, when in fact he knew they did not. <b>No review by Court undertaken.</b>
54 <i>In re Arthur Heald</i> 2003-141 2003-142	Rule 8.4(d)	<b>30 Day Suspension, commencing 45 days from date of decision</b>	05/5/2003	Respondent, who has a significant disciplinary history, was suspended after he failed to respond to a complaint filed against him and then failed to file an answer to a petition of misconduct. <b>No review by Court undertaken.</b>
55 <i>Unidentified Attorney</i> 2002-093  SCT 2003-159	Rule 7.1(c) Rule 7.1(b)	<b>Admonition by Disciplinary Counsel</b>	06/4/2003  <b>Amended</b> 11/19/2003 01/11/2005	Respondent placed an advertisement in the Yellow Pages stating that the lawyers in the firm were “ <b>the</b> experts in...” enumerated areas of law, thereby impermissibly comparing their services to those of other lawyers and making a misleading statement that could not be proven. <b>Affirmed by Supreme Court E.O. 2003-159 on January 11, 2005-2005 VT 2</b>
57 <i>Unidentified Attorney</i> 2002-219	Rules 1.3 Rule 1.4(a)	<b>Admonition by Hearing Panel and 3 Years of Probation</b>	07/07/2003	Respondent failed to act with reasonable diligence and promptness in the handling of an application for a building permit and failed to keep her client informed of the status of this matter. <b>No review by Court undertaken.</b>
58 <i>Norman Blais</i> 2004-010  SCT 2003-444	Not Applicable	<b>Reinstatement</b>	10/01/2003 10/21/2003	<b>Respondent readmitted to the Vermont Bar per E.O. 2003-444 of the Supreme Court on October 21, 2003-176 VT 652</b>
59 <i>Unidentified Attorney</i> 2003-271	Rule 7.5(d)	<b>Admonition by Disciplinary Counsel</b>	10/24/2003	Respondent used law office letterhead which indicated that he had associates when in fact, he did not. <b>No review by Court undertaken.</b>
60 <i>Unidentified Attorney</i> 2003-202	Rules 1.3, Rule 1.4(a) Rule 1.5(b)	<b>Admonition by Disciplinary Counsel</b>	10/29/2003	Respondent failed to act with diligence, to keep his clients informed of the status of their case and to communicate clearly about his fees in connection with his handling of a collection matter. <b>No review by Court undertaken.</b>

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61 <i>Unidentified Attorney</i> 2004-066	Rules 1.15 Rule 1.15A	<b>Admonition by Disciplinary Counsel</b>	01/26/2004	Respondent deposited client funds in wrong trust accounts and failed to reconcile accounts for over two months. <b>No review by Court undertaken.</b>
62 <i>Unidentified Attorney</i> 2004-082	Rule 1.15(a)	<b>Admonition by Disciplinary Counsel</b>	01/28/2004	Respondent disbursed \$95,000 in funds in connection with a real estate closing on the assumption that his client's wire transfer of funds had been received when, in fact, it had not, thus causing the use of other client's funds to cover the overdrafts created by the disbursements. <b>No review by Court undertaken.</b>
63 <i>In re Kenneth Levine</i> 2002-246	Rule 8.4(c) Rule 3.3(a)(1)	<b>3 Years Suspension 30 Days Suspension</b>	03/23/2004 09/13/2004	Respondent filed a false affidavit in connection with an application to appear pro hac vice in a Vermont proceeding. The Hearing Panel initially imposed a 3-year suspension which was reduced to a 30-day suspension following Respondent filing a Motion to Reconsider. <b>No review by Court undertaken.</b>
64 <i>In re George Rice</i> 2001-168	Rule 1.2(d) Rule 8.4(c) Rule 4.4	<b>90 Days Suspension</b>	05/03/2004 09/13/2004	Respondent, who intentionally hid his client's life insurance benefits in his own name to prevent attachment by known creditors, was suspended from practice for 90 days. Upon appeal, the Hearing Panel amended this Decision on September 13, 2004, to provide for the suspension to commence on December 16, 2004. <b>No review by Court undertaken.</b>
65 <i>In re Mark Furlan</i> 2003-048 2003-051	Rule 1.3 Rule 1.4(a) Rule 1.4(b)	<b>Public Reprimand 12 Months of Probation</b>	05/5/2004	Contract public defender who took no action on behalf of two incarcerated clients and who failed to communicate with those clients or otherwise keep them adequately informed as to the status of their cases was publicly reprimanded and placed on probation for one year. <b>No review by Court undertaken.</b>
66 <i>In re Arthur Heald</i> 2003-041	Rule 1.15(a) Rule 1.15C(a)	<b>Public Reprimand</b>	05/14/2004	For over five months, Respondent held escrowed funds in his client's file rather than depositing them in his trust account. <b>No review by Court undertaken.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

*Decisions of the Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue*

<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
67 <i>In re Arthur Heald</i> 2004-104	Rule 8.4(c) Rule 8.4(h) Rule 8.4(d)	<b>3 Year Suspension</b>	06/15/2004	Respondent failed to file state income tax returns, made a false statement on his licensing statement filed with the Board of Bar Examiners and failed to cooperate with disciplinary authorities. <b>No review by Court undertaken.</b>
68 <i>Unidentified Attorney</i> 2004-062	Rules 1.3 Rule 1.4(a)	<b>Admonition by Disciplinary Counsel</b>	07/23/2004	Respondent neglected to resolve an issue arising out of a real estate closing and failed to communicate with his client in a timely manner. <b>No review by Court undertaken.</b>
69 <i>Unidentified Attorney</i> 2004-206	Rule 3.5(b)(1)	<b>Admonition by Disciplinary Counsel</b>	07/26/2004	Respondent had an <i>ex parte</i> conversation with an acting judge on the subject of a pending matter. <b>No review by Court undertaken.</b>
70 <i>Unidentified Attorney</i> 2002-194	Rules 7.1 Rule 7.5(d)	<b>Admonition by Disciplinary Counsel</b>	07/27/2004	Respondent used law office letterhead which indicated that he had associates when in fact, he did not. <b>No review by Court undertaken.</b>
71 <i>In re Mark Stephen</i> 2004-053	DR 6-101(A)(3) Rules 1.3 Rule 1.4	<b>Public Reprimand</b>	09/08/2004	Respondent neglected for several years to resolve benefit issues remaining in a worker's compensation case after resolution of the client's permanent disability and failed to communicate with her. <b>No review by Court undertaken.</b>
72 <i>Unidentified Attorney</i> 2004-007	Rule 3.5(c)	<b>Admonition by Hearing Panel and 1 Year Probation</b>	12/23/2004	Respondent was discourteous to an acting judge during a status conference. <b>No review by Court undertaken.</b>
73 <i>In re: James P. Carroll</i> 2004-059	Rule 1.3 Rule 1.4(a)	<b>Public Reprimand by Hearing Panel</b>	01/07/2005	In a contested estate matter, Respondent failed to pursue his client's case and failed to respond to his client's inquiries and to keep his client informed over a three-year period in which Respondent did little or nothing to advance the client's case despite the client's 83 or more phone calls to Respondent's office, most of which were not returned. <b>No review by Court undertaken.</b>
74 <i>Unidentified Attorney</i> 2005-117	Rule 4.5	<b>Admonition by Disciplinary Counsel</b>	03/28/2005	As part of his demand letter in a civil dispute, Respondent threatened to report the matter to the State's Attorney if his settlement demand was not met. <b>No review by Court undertaken.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
75 <i>In re: Robert Andres</i> 2004-204	Rule 3.5(c)	<b>Public Reprimand</b>	03/28/2005	Respondent made discourteous and inappropriate remarks about a judge in pleadings when he compared her to a crack cocaine user. <b>No review by Court undertaken.</b>
76 <i>In re: Vaughan H. Griffin, Jr.</i> 2004-122	Rule 8.4(c)	<b>30 Months Suspension</b>	05/12/2005	During a fee dispute with a former client, Respondent created a fictitious fee agreement and forged his client's signature to it, thereby creating a promise to pay which did not, in fact, exist. <b>No review by Court undertaken.</b>
77 <i>In re: E. Michael McGinn</i> 2005-069 2005-080 2005-094  SCT 2005-237	Rules 8.4(b)(c)(d)(h)	<b>Affidavit of Resignation Disbarment</b>	06/16/2005 06/28/2005	Respondent misappropriated and diverted to his own use and benefit a portion of the funds that were entrusted to him in the course of his real estate practice. In an attempt to cover up these embezzlements, Respondent used funds he received in connection with later transactions to pay out moneys owed on earlier transactions. <b>Supreme Court E.O. 2005-237 accepts resignation on June 28, 2005- 2005 VT 71</b>
78 <i>Unidentified Attorney</i> 2004-208	Rule 3.4(f)	<b>Admonition by Disciplinary Counsel</b>	09/30/2005	Respondent was admonished for "requesting a person other than a client to refrain from voluntarily giving relevant information," Rule 3.4(f), when, after opposing counsel wrote a letter to 31 of Respondent's witnesses asking for an informal interview or a deposition, Respondent wrote to the witnesses stating that it was his client's request "that you not speak with [opposing counsel] or anyone from his office in an informal interview." <b>No review by Court undertaken.</b>
79 <i>In re: Howard Sinnott</i> 2002-240  SCT 2005-337	Rules 8.4(b) Rule 8.4(c), Rule 8.4(d) Rule 8.4(h)	<b>Affidavit of Resignation Disbarment on Consent</b>	08/12/2005 08/25/2005	Respondent, having been convicted of interstate transportation of stolen property in violation of U.S.C. § 2341 by transmitting over \$500,000 that he knew had been stolen, converted, or taken by fraud from clients, was disbarred by Supreme Court following Respondent's resignation by affidavit. <b>Supreme Court E.O. 2005-337 entered on August 25, 2005- 2005 VT 109</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
80 <i>Unidentified Attorney</i> 2004-132	Rules 1.3 Rule 1.4(a) Rule 8.4(c)	<b>Admonition by Hearing Panel and 1 Year of Probation</b>	08/18/2005	Respondent neglected client matters, failed to communicate adequately, and deceived a client, for all of which, due to mitigating circumstances, he was admonished by the hearing panel. <b>No review by Court undertaken.</b>
81 <i>Unidentified Attorney</i> 2005-202		<b>Dismissed by Hearing Panel;  Referred to an Assistance Panel</b>	11/22/2005	Hearing Panel dismissed case and recommended referral to an Assistance Panel after finding that a single instance of a missed court date due to a calendaring error, without more, does not show a lack of “reasonable diligence or promptness” in violation of Rule 1.3. <b>No review by Court undertaken.</b>
82 <i>In re: Robert Farrar</i> 2005-203	Rules 1.3 and 1.4(a)	<b>Public Reprimand</b>	11/28/2005	Respondent failed to take any action on his client’s behalf from the time of the denial of an appeal by the Supreme Court in October 2001 through the conclusion of contempt proceedings in June 2002- Respondent also failed to communicate with his client during a critical period of time. <b>No review by Court undertaken.</b>
83 <i>In re George Harwood</i> 2005-184  SCT 2005-534	Rules 1.15(a), 8.4(c), and 8.4(d)	<b>Disbarment</b>	12/06/2005	Respondent commingled and misappropriated client funds and made false statements in his sworn response to Disciplinary Counsel’s trust account management survey. <b>Disbarred by Vermont Supreme Court. E.O. 2005-534. 2006 VT 15.</b>
84 <i>In re: Brian P. Dempsey</i> 2005-200 2005-201  SCT 2005-519		<b>Transferred to Disability/Inactive Status</b>	12/20/2005	<b>Respondent transferred to Disability/Inactive Status per E.O. 2005-519 of the Supreme Court on December 20, 2005, effective immediately.</b>
85 <i>Unidentified Attorney</i> 2005-188	Rule 7.1	<b>Admonition by Disciplinary Counsel</b>	12/28/2005	Respondent engaged in false and misleading advertising when she and her partner advertised themselves as the “County’s Premier Criminal Defense firm,” a statement which she cannot factually establish. See companion case PRB Decision 86. <b>No review by Court undertaken.</b>



## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
86 <i>Unidentified Attorney</i> 2005-250	Rule 7.1	<b>Admonition by Disciplinary Counsel</b>	12/28/2005	Respondent engaged in false and misleading advertising when she and her partner advertised themselves as the “County’s Premier Criminal Defense firm,” a statement which she cannot factually establish. See companion case PRB Decision 85. <b>No review by Court undertaken.</b>
87 <i>In re: Thomas Daly</i> 2006-001  SCT 2006-143		<b>Affidavit of Resignation Disbarment on Consent</b>	03/10/2006 04/20/2006	Respondent, having been indicted for conspiracy to defraud, interstate transportation of stolen money, and making a false tax return, and having pled guilty to two counts, <b>was disbarred by Supreme Court following Respondent’s resignation by affidavit. Supreme Court E.O. 2006-143 entered on April 20, 2006 was made retroactive to April 7, 2003, the date upon which his license to practice law was suspended. 2006 VT 32</b>
88 <i>In re: John Ruggiero</i> 2005-058 2005-130  SCT 2006-154		<b>Affidavit of Resignation Disbarment on Consent</b>	03/10/2006 04/20/2006	Respondent, having been convicted of mail fraud arising from a scheme to embezzle money from his trust account, <b>was disbarred by Supreme Court following Respondent’s resignation by affidavit. Supreme Court E.O. 2006-154 entered on April 20, 2006. 2006 VT 39</b>
89 <i>In re: Andrew Lichtenberg</i> 2006-141		<b>Reciprocal Disbarment</b>	02/28/2006	Respondent, who had been disbarred by the Hawaii Supreme Court for misappropriation of client funds and other misconduct, was <b>reciprocally disbarred by E.O. 2006-012 of the Vermont Supreme Court on February 28, 2006- 2006 VT 21</b>
90 <i>Unidentified Attorney</i> 2005-191	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	03/17/2006	Respondent failed to file a notice of appearance and to comply with court’s scheduling order. <b>No review by Court undertaken</b>
91 <i>Unidentified Attorney</i> 2006-127	Rule 8.4(d) Rule 8.4(h)	<b>Admonition by Disciplinary Counsel</b>	06/26/2006	Respondent revealed confidential juvenile information in the course of a cross examination. <b>No review by Court undertaken.</b>



## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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92 <i>Unidentified Attorney</i> 2006-167  SCT 2006-287	None	<b>Dismissed</b>	07/13/2006 05/02/007	The hearing panel dismissed a case where the parties had stipulated to a violation of V.R.P.C. 1.3, on the grounds that a single act of negligence does not breach the rules of professional conduct absent some compounding factor such as failure to communicate with client, or to take remedial action. <b>Supreme Court's E.O. 2006-287 dated May 2, 2007, affirms Hearing Panel's decision to dismiss. 2007 VT 50.</b>
93 <i>Unidentified Attorney</i> 2006-241	Rules 1.15(e)(1) and (2)	<b>Admonition by Disciplinary Counsel</b>	080/9/2006	Respondent was disciplined for disbursing funds which she erroneously assumed had been wired to her trust fund following a real estate closing. This failure to determine that funds were available or "collected funds" was in violation of Rules 1.15(d)(1) and (2). <b>No review by Court undertaken.</b>
94 <i>Unidentified Attorney</i> 2006-015	Rule 1.4(a)	<b>Admonition by Disciplinary Counsel</b>	09/29/2006	Respondent's purposeful avoidance of her client's 14 phone calls to her placed over a four-month period violated the duty to communicate with one's client. <b>No review by Court undertaken.</b>
95 <i>Unidentified Attorney</i> 2005-123	Rule 3.5(b)(1)	<b>Admonition by Disciplinary Counsel</b>	10/06/2006	When opposing counsel was not present, Respondent solicited the legal opinion of a judge on matters pending before that judge. <b>No review by Court undertaken.</b>
96 <i>In re: Mary Grady;</i> 2006-253		<b>Transferred to Disability/Inactive Status by Court on 4/12/07</b>	12/14/2006 10/17/2007	<i>See Decision 100 for final status.</i>
97 <i>Unidentified Attorney</i> 2006-172	Rule 1.3	<b>Admonition by Hearing Panel, 18 Months of Probation and 13 conditions.</b>	12/26/2006	Respondent failed to record mortgages and pay money due in four separate real estate closings. <b>No review by Court undertaken.</b>
98 <i>In re: W. Bradney Griffin</i> 2007-071	Rule 8.4(d)	<b>30 Days Suspension followed by 90 Days Probation</b>	04/11/2007	Respondent's license suspended for 30 days, followed by 90 days of probation, for failing to respond to a petition of misconduct, in violation of V.R.P.C. 8.4(d) (engaging in conduct prejudicial to the administration of justice. <b>No review by Court undertaken.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
99 <i>In re: Christopher O. Reis</i> 2004-195, 2006-080 2006-15 2006-154  SCT 2006-242		<b>Transferred to Disability/Inactive Status by Court on 4/24/07</b>	10/22/2007	Following hearing panel's determination that Respondent is unable to defend due to continuing health problems, <b>the Supreme Court per E.O. 2006-242 dated November 5, 2007, deferred all disciplinary proceedings against Respondent pending Respondent's return to active status.</b> Rule 21.B(1).
100 <i>In re: Mary Grady</i> 2006-253 2007-140 2007-143 2007-144 2007-176  SCT 2006-524		<b>Transferred to Disability/Inactive Status by Court on 4/12/07</b>	10/17/2007 11/30/2007	Following hearing panel's determination that Respondent is unable to defend due to continuing health problems, <b>the Supreme Court per E.O. 2006-524 dated November 30, 2007, deferred all pending disciplinary proceedings until Respondent's disability has been removed and she returns to active status.</b> Rule 21.B(1).
101 <i>In re: Robert Farrar</i> 2006-189  SCT 2007-212	Rule 1.15	<b>Admonition by Hearing Panel 12 Months of Probation (Publicly Reprimanded by Supreme Court)</b>	05/30/2007 03/12/2008	<b>Vermont Supreme Court publicly reprimanded</b> Respondent for regularly depositing non-client funds in his client trust account. <b>E.O. 2007-212 dated March 12, 2008, 2008 VT 31</b>
102 <i>In re: Matthew Colburn</i> 2006-200 2006-251 2006-267	Rule 1.3 Rule 1.4(a) Rule 8.4(c) Rule 8.4(h)	<b>3 Years Suspension</b>	06/18/2007	Respondent purposefully avoided or misled three different clients by such actions as reporting the progress of court cases that did not exist and billing for work not done. <b>No review by Court undertaken.</b>
103 <i>In re: Lorin Duckman</i> 2005-087	Rules 3.5(c) and 8.4(d)	<b>Public Reprimand</b>	06/26/2007	Respondent was publicly reprimanded after engaging in contemptuous conduct before a tribunal during a sentencing hearing. <b>No review by Court undertaken.</b>
104 <i>Unidentified Attorney</i> 2007-202	Rules 1.2(a) Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	01/18/2008	Respondent, hired to obtain financial records because of client's suspicion that his sister had embezzled money from their late mother, took insufficient steps to obtain and review the complete records and failed to advise client of statute of limitations. <b>No review by Court undertaken.</b>

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105 <i>Unidentified Attorney</i> 2007-137	Rule 1.15(d)(2) Rule 1.3	<b>Admonition by Disciplinary Counsel and 1 Year Probation</b>	02/04/2008	At a real estate closing, Respondent neglected to collect \$10,000 deposit held by realtor, resulting in her disbursing more funds than she had collected, thereby using without authority the funds of other client on deposit in her lawyer trust account to pay the outstanding checks written at closing. <b>No review by Court undertaken.</b>
106 <i>In re: Edward Seager</i> 2008-066  SCT 2007-420		<b>Transferred to Disability/Inactive Status</b>	11/05/2007	<b>Respondent transferred to Disability/Inactive status per E.O. 2007-420 of the Supreme Court on November 5, 2007, effective immediately.</b>
107 <i>Unidentified Attorney</i> 2007-242	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	02/26/2008	Respondent failed to promptly obtain a mortgage discharge after a real estate closing, completing the task some seven years after telling his client he would resolve the clouded title issue. <b>No review by Court undertaken.</b>
108 <i>In re: Frederick Lane</i> 2008-120  SCT 2008-153	n/a	<b>Reinstatement</b>	04/17/2008 05/08/2008	<b>Respondent readmitted to the Vermont Bar per E.O. 2008-153 of the Supreme Court on May 8, 2008- 2008 VT 73</b>
109 <i>Unidentified Attorney</i> 2007-046 <b>(consolidated with 2007-047)</b>  SCT 2008-214 & SCT 2008-215	Rule 4.1	<b>Admonition by Disciplinary Counsel</b>	05/28/2008 11/25/2009	In a 3-2 decision, on November 25, 2009, the Vermont Supreme Court upheld a hearing panel's admonition of two lawyers who made false statements of material fact when they told a witness they were not recording his telephone conversation when, in fact, they were. <b>E.O. 2008-214 &amp; 2008-215. 2009 VT 115.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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110 <i>Unidentified Attorney</i> 2007-047 <b>(consolidated with 2007-046)</b>	Rule 4.1	<b>Admonition by Disciplinary Counsel</b>	05/28/2008 11/25/2009	In a 3-2 decision, on November 25, 2009, the Vermont Supreme Court upheld a hearing panel's admonition of two lawyers who made false statements of material fact when they told a witness they were not recording his telephone conversation when, in fact, they were. <b>E.O. 2008-214 &amp; 2008-215. 2009 VT 115.</b>
111 <i>In re: Eileen Hongisto</i> 2007-082 et al.  SCT 2008-202	Rules 1.3, Rule 1.4 (a) Rule 1.16(d)	<b>6 Month Suspension</b>	05/08/2009 06/03/2010	Suspended for failure to cooperate with Disciplinary Counsel in three separate professional conduct complainants, neglect, failure to communicate, and failure to return a client's file. The Supreme Court affirmed the Hearing Panel's decision, adding an additional condition that, upon application for reinstatement, Respondent must provide a detailed explanation for her lack of participation over the course of these proceedings. Consolidated with PRB Decision No. 122. <b>2010 VT 51 (June 3, 2010).</b>
112 <i>In re: Philip van Aelstyn</i> 2004-026	Rule 8.4(b) Rule 8.4(h)	<b>1 Year Suspension</b>	07/28/2008	Respondent was suspended for one year for engaging in serious criminal conduct, i.e., extortion and felonious stalking. <b>No review by Court undertaken.</b>
113 <i>Unidentified Attorney</i> 2008-129	Rule 8.4(c)	<b>Admonition by Disciplinary Counsel</b>	08/18/2008	Respondent misrepresented to the Bankruptcy Court that client-husband had signed a repayment plan, in reliance upon client-wife's representation to that effect, when, in fact, client-husband did not and would not do so. <b>No review by Court undertaken.</b>
114 <i>Unidentified Attorney</i> 2007-215	Rule 3.1	<b>Admonition by Disciplinary Counsel</b>	08/18/2008	Hearing Panel held that Respondent violated Rule 3.1 when he indicated to the trial court that he had a letter documenting the date of a discovery request when, in fact, he did not have such a document. <b>No review by Court undertaken.</b>
115 <i>Unidentified Attorney</i> 2007-244	Rule 1.15(a) Rule 1.15A	<b>Admonition by Disciplinary Counsel &amp; 6 Months of Probation</b>	08/21/2008	Respondent was admonished for sloppy bookkeeping and failure to reconcile his trust account on a regular basis. <b>No review by Court undertaken.</b>

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116 <i>Unidentified Attorney</i> 2007-003  SCT 2008-433	Rule 1.3 Rule 3.2	<b>Admonition by Conflict Disciplinary Counsel</b>	10/21/2008 08/20/2009	After review on its own motion, the Supreme Court admonished attorney for neglecting to further litigation diligently due to attorney's lack of experience in handling complex litigation, also noting that it is unacceptable for an attorney to cease work on a case pending receipt from client of compensation. <b>Vermont Supreme Court E.O. 2008-433 at 2009 VT 82 (August 20, 2009).</b>
117 <i>In re: Martha Davis</i> 2008-065	Rule 8.4(b) Rule 8.4(h)	<b>3 Months Suspension and 1 Year Probation</b>	10/31/2008	Respondent was suspended for three months and placed on probation for one year for possession of marijuana and marijuana cultivating equipment. <b>No review by Court undertaken.</b>
118 <i>In re: John Davis Buckley</i> 2008-026	Rule 1.3	<b>Public Reprimand</b>	12/03/2008	Respondent was publicly reprimanded for neglecting matters in three different courts by failing to comply with a magistrate's order in Family Court, failing to request oral argument at the Supreme Court, and failing to attend a status conference in Superior Court. <b>No review by Court undertaken.</b>
119 <i>In re: Melvin Neisner</i> 2008-080  SCT 2008-499	Rule 8.4(b)	<b>Panel's sanction of 1 year suspension, 1 year probation following reinstatement increased by Supreme Court to 2-year suspension plus 200 hours of pro bono services.</b>	10/9/2009 12/30/2010	Respondent engaged in serious criminal activity by impeding a public officer and engaging in misrepresentation and deceit was suspended for 2 years, effective Jan 9, 2009, with one year probation and 200 hours pro bono legal services upon reinstatement. <b>2010 VT 102 (12/30/10)</b>
120 <i>Unidentified Attorney</i> 2008-104	Rule 1.15(d)(2)	<b>Admonition by Hearing Panel</b>	02/26/2009	For seven years, Respondent failed to make timely reconciliations of his client trust account. <b>No review by Court undertaken.</b>
121 <i>In re: Alan Sheredy</i> 2008-139	Rules 1.15 Rule 1.15A	<b>Public Reprimand</b>	06/04/2009	Respondent was publicly reprimanded for co-mingling client funds by depositing his own funds in his trust account in order to maintain a positive balance and for failing to reconcile trust accounts. <b>No review by Court undertaken.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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122 <i>In re: Eileen Hongisto</i> 2009-107  SCT 2009-196	Rule 5.5(a)	<b>6 Month Suspension</b>	6/17/2009 6/03/2010	Respondent suspended for practicing law without a license. The Supreme Court affirmed the Hearing Panel's decision, adding an additional condition that, upon application for reinstatement, Respondent must provide a detailed explanation for her lack of participation over the course of these proceedings. Consolidated with PRB Decision No. 111. <b>2010 VT 51 (June 3, 2010).</b>
123 <i>Unidentified Attorney</i> 2009-117	Rules 1.9(a) Rule 1.7(b)	<b>Admonition by Disciplinary Counsel</b>	09/17/2009	Respondent represented both victim and defendant in the same criminal prosecution in violation of the conflict of interest rules, 1.9(a) and 1.7(b). <b>No review by Court undertaken.</b>
124 <i>In re: John Davis Buckley</i> 2009-052 2009-143  SCT 2009-338		<b>Transferred to Disability/Inactive Status</b>	09/30/2009	<b>Respondent transferred to Disability/Inactive Status per E.O. 2009-338 of the Supreme Court on September 30, 2009, effective immediately.</b>
125 <i>Unidentified Attorney</i> 2009-148	Rules 1.3 Rule 1.4	<b>Admonition by Disciplinary Counsel</b>	09/24/2009	Respondent failed to communicate with his client and neglected to address her property tax adjustment claim, all in violation of Rules 1.3 and 1.4. <b>No review by Court undertaken.</b>
126 <i>In re: John Darcy Toscano</i> 2009-114  SCT 2009-407	Rules 1.15(d)(1) Rule 1.15(d)(2)	<b>Public Reprimand and 1 Year Probation</b>	11/04/2009 02/16/2010	Respondent permitted a bank to make automatic withdrawals from his trust account to pay debts of client without notice to Respondent, resulting in misuse of other client funds and inadequate accounting of disbursements. <b>Supreme Court dismissed Respondent's appeal on February 16, 2010.</b>
127 <i>In re: John D. Hansen</i> 2009-198	Rule 8.4(d)	<b>Petition Dismissed</b>	02/4/2010 08/9/2010	Hearing Panel vacated earlier decision of February 4, 2010 suspending Respondent from the practice of law for failing to co-operate and granted Disciplinary Counsel's Motion to dismiss the petition of misconduct.

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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128 <i>In re: Margaret Strouse</i> 2008-207  SCT 2010-053	Rule 8.4(c)	<b>6 Month Suspension</b>  <b>Supreme Court imposes Public Reprimand</b>	02/04/2010 07/15/2011	Respondent publicly reprimanded by the Vermont Supreme Court for violating Rule 8.4(c)(engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) by deceiving her law firm about her ongoing romantic relationship with the husband of the firm's divorce client, which relationship created a conflict of interest for the firm. <b>Supreme Court E.O. 2010-053, 2011 VT 77 (July 15, 2011).</b>
129 <i>Unidentified Attorney</i> 2010-048 2010-147	Rule 1.15(d)(2) in effect prior to 9/1/09 and Rule 1.15(f)(2) of rules that went into effect 9/1/09	<b>Admonition by Disciplinary Counsel</b>	04/29/2010	On two occasions Respondent used client funds from IOLTA accounts in one bank to the benefit of clients whose funds were not in those accounts, thereby using client funds without authority to do so. <b>No review by Court undertaken.</b>
130 <i>In re: Melvin Fink</i> 2008-132  SCT 2010-164	Rule 1.5(c) Rule 8.4(a)	<b>Public Reprimand Probation (12 months minimum)</b>	04/27/2010 04/15/2011	Supreme Court publicly reprimanded Respondent and placed him on probation for knowingly and negligently failing to secure a written contingency fee agreement in a personal injury case and attempting to charge an unreasonable fee of 12% of recovery, over and above chief counsel's standard one-third, for doing nothing more than facilitating communications as local counsel. <b>2011 VT 42 (April 15, 2011).</b>
131 <i>Unidentified Attorney</i> 2010-143	Rules 1.3 Rule 1.4	<b>Admonition by Disciplinary Counsel</b>	05/17/2010	Respondent failed to provide a written title opinion to client until nearly 6 months after closing and failed to respond to client's emails, phone calls, or letter requesting contact. <b>No review by Court undertaken.</b>
132 <i>In re: Michael Nawrath</i> 2009-166	None	<b>None</b>	06/23/2010	Upon stipulation of parties, a hearing panel dismissed the petition of misconduct without prejudice after Respondent provided information indicating that the charges could not be proven by clear and convincing evidence. <b>No review by Court undertaken.</b>



## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

*Decisions of the Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue*

<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
133 <i>In re:</i> <i>Michael Hermann</i> 2011-027  SCT 2010-406		<b>Transferred to Disability/Inactive Status</b>	11/02/2010	<b>Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2010-406 of the Supreme Court dated November 2, 2010.</b>
134 <i>Unidentified Attorney</i> 2009-213	Rules 4.2 and 5.3	<b>Admonition by Disciplinary Counsel</b>	12/03/2010	Respondent failed to ensure that a paralegal, over whom he had direct supervisory authority, did not have direct contact with an opposing party who was represented by counsel. <b>No review by Court undertaken</b>
135 <i>In re: Mark Tapper</i> 2010-259 2011-014 2011-032 2011-057 2011-077 2011-078 2011-081 2011-129  SCT 2010-371		<b>Transfer to Disability Inactive Status</b>	10/18/2010 04/28/2011	Following an immediate interim suspension order issued on October 18, 2010 and a subsequent finding by a hearing panel that Respondent is disabled, the Supreme Court transferred respondent to disability inactive status on April 28, 2011, suspending pending disciplinary proceedings until further order and appointing a trustee to protect Respondent's clients. <b>Supreme Court E.O. 2010-371.</b>
136 <i>In re:</i> <i>Jasdeep Pannu</i> 2011-029	Rule 3.4(c) Rule 3.4(e) Rule 8.4(d)	<b>Public Reprimand</b>	01/31/2011	Respondent attempted to introduce prejudicial evidence in a criminal case, contrary to the trial court's previous ruling as well as Vermont's Rape Shield Law, resulting in a mistrial. <b>No review by Court undertaken</b>
137 <i>Unidentified Attorney</i> 2010-162	Rules 1.3, 1.4(a)(3) and 8.4(d)	<b>Admonition</b>	02/08/2011	Respondent failed to do any work on case he had accepted, failed to keep any appointments to meet with client, and failed to co-operate with investigation by Disciplinary Counsel. <b>No review by Court undertaken</b>

# DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
138 <i>Unidentified Attorney</i> 2010-007	Rule 1.15(C)(a)(1999), now 1.15(A)(a)(2009)	<b>Admonition by Disciplinary Counsel</b>	03/14/2011	Respondent failed to deposit client funds into a client trust account. <b>No review by Court undertaken</b>
139 <i>In re: Melvin B. Neisner, Jr.</i> 2011-138  SCT 2001-127	n/a	<b>Reinstatement</b>	03/30/2011 4/05/2011	Respondent, who was suspended in 2009 for engaging in serious criminal conduct, was reinstated under probationary conditions including probation monitoring and donation of 200 hours of pro bono legal services. <b>E.O. 2011-127, 2011 VT 35 (April 5, 2011).</b> See also Decision No. 119 above.
140 <i>In re: Unidentified Attorney</i> 2011-038	Rule 4.1	<b>Admonition by Disciplinary Counsel</b>	06/06/2011	Respondent provided opposing counsel with a <i>curriculum vitae</i> of his expert witness without clarifying that the lawyer had amended the document without the knowledge of the witness. <b>No Review by Court undertaken.</b>
141 <i>In re William McCarty</i> 2005-084  SCT 2012-156	Rule 1.2(d) Rule 4.1 Rule 4.4 Rule 8.4(c) Rule 8.4(h)	<b>Six Month Suspension Recommended by Hearing Panel</b>  <b>Supreme Court imposes Three-month suspension</b>	06/09/2011 05/08/2012 06/28/2013	On June 28, 2013, the Supreme Court suspended Respondent for three months, effective immediately. The Court affirmed a hearing panel's findings that the Respondent violated the Vermont Rules of Professional Conduct by drafting and having served upon a tenant documents that the Respondent knew were misleading, misstated the law, and had no purpose other than to evict the tenant without following the statutory process. The Court declined to accept the panel's recommendation that a six-month suspension issue, imposing a three-month suspension instead. <b>2013 VT 47.</b>
142 <i>In re: Rosemary A. Macero</i> 2011-213  SCT 2011-152		<b>Reciprocal Suspension</b>	06/20/2011	Vermont Supreme Court entered a reciprocal disciplinary order, suspending Respondent for one year following imposition of a one year suspension by the Massachusetts Supreme Judicial Court. <b>E.O. 2011-152 of the Vermont Supreme Court on June 20, 2011. 2011 VT 67.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
143 <i>In re Janet Van DerPoel-Andrea</i> 2011-237  SCT 2011-237		<b>Transfer to Disability/Inactive Status</b>	07/07/2011	<b>Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2011-237 of the Supreme Court dated July 7, 2011.</b>
144 <i>In re: Unidentified Attorney</i> 2011-046	Rule 8.4(c)	<b>Admonition by Disciplinary Counsel</b>	10/14/2011	Respondent negligently engaged in misrepresentation which adversely reflected on his fitness to practice law by preparing documents in 2006 memorializing agreements reached several years earlier without indicating on the face of the documents that they were created after the fact. <b>No review by Court undertaken.</b>
145 <i>In re: Elizabeth Hibbitts</i> 2010-227	Rule 1.15A(a)(1) Rule 1.15A(a)(2) Rule 1.15A(a)(3) Rule 1.15(a)	<b>Public Reprimand 1 Year Probation</b>	11/03/2011	Respondent reprimanded and placed on probation for inadequate trust accounting practices which resulted in an account overdraft and for failing to maintain her own funds separate from those of her clients. <b>No review by Court undertaken.</b>
146 <i>In re: Susan Rockwell</i> 2011-152 2012-097  SCT 2011-234		<b>Interim Suspension Transfer to Disability/Inactive Status</b>	11/04/2011 08/23/2016	<b>Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2011-234 of the Supreme Court dated August 23, 2016.</b>
147 <i>In re: Unidentified Attorney</i> 2010-104	Rule 1.15A(f)(1) Rule 1.15A(f)(2)	<b>Admonition by Disciplinary Counsel</b>	01/06/2012	Respondent disbursed funds from his client trust account on the erroneous assumption that wired funds had been deposited in the account, thus disbursing uncollected funds and using other clients' money without their authority. <b>No review by Court undertaken.</b>

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
148 <i>In re: William M. MaGill</i> 2011-157	Rule 1.3 Rule 1.4(a) in effect prior to 9/1/09 and  Rule 1.3 Rule 1.4(a)(3) Rule 1.4(a)(4) that went into effect 9/1/09	<b>Public Reprimand</b>	01/17/2012	Respondent neglected client by failing to take any action over a 4-year period to close an estate and for failing to respond to the executrix' requests for information. <b>No review by Court undertaken.</b>
149 <i>In re: Unidentified Attorney</i> 2011-145 2011-177	Rule 1.3 Rule 8.4(d)	<b>Admonition by Hearing Panel</b>	01/18/2012	Respondent neglected an estate of which she had been appointed administrator and she failed to cooperate with disciplinary investigation by Disciplinary Counsel. <b>No review by Court undertaken.</b>
150 <i>In re: Unidentified Attorney</i> 2011-092	Rule 1.15(f)(1) Rule 1.15(f)(2)	<b>Admonition by Disciplinary Counsel (Vacated)</b>	02/02/2012 09/20/2012	In February of 2012, a hearing panel issued a decision in which it approved an Admonition by Disciplinary Counsel after concluding that the Respondent had violated Rule 1.15 of the Vermont Rules of Professional Conduct by disbursing trust funds in reliance upon the deposit of a client's personal check that exceeded \$1,000.00. The client's check was not honored, causing checks drawn on the respondent's trust account to be presented against insufficient funds. Neither party appealed. However, the Supreme Court ordered review on its own motion. On appeal, it became clear that the parties' original request to approve an Admonition by Disciplinary Counsel included a Stipulation of Facts that was based on a mistaken understanding of what had occurred. Therefore, the Court agreed to the parties' request to remand the matter to the hearing panel. Then, the Panel granted the parties' request to reject the Stipulation of Facts.

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
151 <i>In re: W. David Pellenz</i> 2012-189  SCT 2012-088	Rule 8.4(b)	<b>Reciprocal Disbarment</b>	05/07/2012	Respondent had been disbarred by the New Hampshire Supreme Court. That disbarment was predicated on Respondent's guilty plea to the crime of hindering apprehension or prosecution. The criminal charge arose from wiretap evidence of Respondent attempting to induce a witness to withhold and/or change testimony in a criminal prosecution of Respondent's client. Respondent was <b>reciprocally disbarred by E.O. 2012-088 of the Vermont Supreme Court on May 7, 2012. 2012 VT 39</b>
152 <i>In re: Richard A. Scholes</i> 2011-006 2011-053 2011-225  SCT 2012-205	Rule 1.3	<b>Public Reprimand</b>	06/18/2012 07/10/2012	A hearing panel of the Professional Responsibility Board publicly reprimanded the Respondent after concluding that he failed to act with reasonable diligence while representing bankruptcy clients. The neglect involved three separate clients and spanned several years. The Supreme Court adopted the panel's decision as a final order of the Court. <b><i>In re Scholes, 2012 VT 56 (July 10, 2012).</i></b>
153 <i>Unidentified Attorney</i> 2012-129	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	08/20/2012	Respondent violated Rule 1.3 of the Vermont Rules of Professional Conduct by failing to act with reasonable diligence while reasonable diligence on behalf of the executor of an Estate. Specifically, a hearing panel concluded that two years to prepare a final accounting and a tax clearance amounted to an "unreasonable delay." <b>No review by Court undertaken.</b>
154 <i>In re: William E. Simendinger</i> 2013-047  SCT2012-351	Rule 1.1 Rule 3.1 Rule 4.1	<b>Interim Suspension by Vermont Supreme Court</b>	10/23/2012	On October 23, 2012, the Supreme Court entered an order immediately suspending the Respondent's license on an interim basis pending the resolution of a disciplinary investigation into his conduct. The Court concluded that the Respondent violated the Rules of Professional Conduct and posed a substantial threat of harm to the public. In particular, the Court found that the Respondent had filed pro se pleadings in the Superior Court that contained knowing false statements of fact and that, taken together, were neither minimally competent nor reasonably based in fact or law.

# DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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155 <i>In re:</i> <i>William MaGill</i> 2012-230  SCT 2012-449	Rule 1.3, Rule 1.4, Rule 1.15(a)(1) Rule 1.15A, Rule 8.4(c).	<b>Affidavit of Resignation Disbarment on Consent</b>	04/28/2014	On April 28, 2014, the Supreme Court entered an order disbaring the Respondent. <b>Supreme Court E.O. 2012-449. 2014 VT 47.</b> Disciplinary Counsel investigated allegations that Respondent had neglected client matters, failed to communicate with clients, commingled funds, failed to maintain proper trust account records, and engaged in conduct involving dishonesty, deceit, and misrepresentation. Respondent submitted an affidavit of resignation in which he acknowledged that the material facts upon which the investigation was predicated were true and that he could not successfully defend against them. <i>See A.O. 9, Rule 19.</i>
156 <i>In re: Timothy A. O'Meara</i> 2013-063  SCT 2012-355	A.O. 9, Rule 20	<b>Reciprocal Disbarment</b>	03/06/2013	After the Respondent was disbarred in New Hampshire, the Vermont Supreme Court imposed reciprocal discipline, disbaring him in Vermont pursuant to Rule 20(D) of Administrative Order 9. Respondent was disbarred in New Hampshire after having been found to have conveyed a settlement offer that he knew he did not have his client's authority to make, intentionally falsifying the date of a letter purporting to withdraw the settlement offer, violating the conflict rules by letting his personal interest in receiving a fee materially limit his duties of loyalty and competence to his client, and knowingly making a false statements of fact at a fee arbitration hearing in which he sought a fee higher than what his clients had agreed to pay. The Vermont Supreme Court's decision appears at <b>2013 VT 17.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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157 <i>In re: George Harwood</i> 2013-032  SCT 2013-102	n/a	<b>Reinstatement</b>	03/25/2013	On March 25, 2013, the Vermont Supreme Court reinstated George Harwood to the Bar. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Mr. Harwood to comply with the requirements of § 8 of the Rules for Mandatory Continuing Legal Education. Mr. Harwood had been disbarred in 2006 for violations of the Rules of Professional Conduct that related to the misappropriation of funds from his trust account.
158 <i>Unidentified Attorney</i> 2013-024	Rule 1.3	<b>Admonition by Disciplinary Counsel and 9 Months of Probation</b>	04/01/2013	Respondent failed to promptly attend to a worker's compensation case. <b>No review by Court undertaken.</b>
159 <i>Unidentified Attorney</i> 2013-156	Rule 1.4(a)(3) Rule 1.4(a)(4)	<b>Admonition by Disciplinary Counsel</b>	06/24/2013	The Respondent went more than four months without updating his client as to the status of an eviction that Respondent was handling for the client-landlord. During that time frame, Respondent failed to reply to numerous of the client's reasonable requests for information about the case. <b>No review by Court undertaken.</b>
160 <i>Unidentified Attorney</i> 2013-194	Rule 1.7	<b>Admonition by Disciplinary Counsel</b>	06/27/2013	Respondent failed to promptly identify a concurrent conflict of interest. Specifically, Respondent simultaneously represented criminal defendants when one was the complaining witness in the other's case. <b>No review by Court undertaken.</b>



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161 <i>In re Rosemary Macero</i> 2013-022  SCT 2013-284	n/a	<b>Reinstatement</b>	07/24/2013	On July 31, 2013, the Vermont Supreme Court reinstated Rosemary Macero to the Bar. In so doing, the Court accepted the recommendation made by a hearing panel of the Professional Responsibility Board following a hearing on Ms. Macero's Petition for Reinstatement. As a condition of reinstatement, the Court ordered Ms. Macero to comply with § 8 of the Rules for Mandatory Continuing Legal Education. Ms. Macero was suspended for one year by the Supreme Judicial Court of Massachusetts in May of 2011. The Vermont Supreme Court imposed a reciprocal suspension in June of 2011.
162 <i>In re Aaron Smith.</i> 2012-183  SCT 2013-285		<b>Interim Suspension by Vermont Supreme Court</b>  <b>Disbarment</b>	06/17/2014 07/18/2014	On July 18, 2014, the Vermont Supreme Court entered an order disbaring Aaron Smith. A hearing panel of the Professional Responsibility Board had previously concluded that Mr. Smith should be disbarred as a result of his criminal conviction for the possession of child pornography. <b>2014 VT 77</b>
163 <i>Unidentified Attorney</i> 2013-049	Rule 1.15(a)(1) Rule 1.15(b) Rule 1.15(d)	<b>Admonition by Disciplinary Counsel</b>	10/17/2013	An audit of the Respondent's pooled interest bearing trust account revealed that the Respondent kept \$1,000 of his firm's money in the trust account under the mistaken impression that his bank required the firm to maintain that amount on deposit. The panel concluded that this constituted an improper commingling in violation of Rules 1.15(a)(1) and 1.15(b). The audit also revealed that the Respondent had approximately \$5,000 in outstanding checks drawn on the trust account that were at least five years old and, further, that the trust account included funds held for several clients whose cases had been closed. The panel concluded that this violated Rule 1.15(d). The panel approved the <i>Admonition by Disciplinary Counsel</i> that the parties had presented via stipulation and joint recommendation. <b>No review by Court undertaken.</b>

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
164 <i>Unidentified Attorney</i> 2013-089	Rule 1.3 Rule 1.4	<b>Admonition by Disciplinary Counsel</b>	10/18/2013	Respondent was assigned to represent a criminal defense client. Respondent and Disciplinary Counsel stipulated that, for approximately eight months, the Respondent failed to respond to the client's reasonable requests for information, failed to keep the client updated as to the status of his case, and failed to act with reasonable diligence on the client's behalf. A hearing panel accepted the stipulation, concluded that the Respondent had violated Rules 1.3 and 1.4 of the Vermont Rules of Professional Conduct, and approved an <i>Admonition by Disciplinary Counsel</i> . <b>No review by Court undertaken.</b>
165 <i>In re: Janet Andrea</i> 2013-200  SCT 2013-178	n/a	<b>Petition to Transfer to active status</b>	11/14/2013	On November 12, 2013, the Vermont Supreme Court transferred Ms. Andrea's law license from disability inactive status to active status. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Ms. Andrea to be placed on probation for a period of one year and to satisfy all the necessary continuing legal education requirements. Ms. Andrea's license had been transferred to disability inactive status in 2011 pursuant to a stipulated agreement with Disciplinary Counsel.
166 <i>In re: John Davis Buckley</i> 2014-007  SCT 2013-156	n/a	<b>Petition to Transfer to active status</b>	11/22/2013	On December 9, 2013, the Vermont Supreme Court transferred Mr. Buckley's law license from disability inactive status to active status. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Mr. Buckley to be placed on probation for a period of one year and to satisfy all the necessary continuing legal education requirements. Mr. Buckley's license had been transferred to disability inactive status in 2009 pursuant to a stipulated agreement with Disciplinary Counsel.

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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167 <i>Unidentified Attorney</i> 2013-153  SCT 2014-978	Rule 1.15(a)(1) Rule 1.15(c)	<b>Admonition by Disciplinary Counsel</b>	03/11/14  Adopted by Supreme Court on 04/17/14	Respondent failed to regularly reconcile his pooled interest-bearing trust accounts, failed to maintain a central trust accounting system, and deposited unearned fees in his operating account instead of his pooled interest-bearing trust account.
168 <i>Unidentified Attorney</i> 2012-155	Rule 1.15(a)(1) Rule 1.15(b) Rule 1.15(f)(2)	<b>Admonition by Hearing Panel affirmed by Supreme Court E.O.</b>	03/21/2014 04/03/2015	The Supreme Court affirmed a hearing panel's decision to admonish an attorney. <b>2015 VT 57.</b> A hearing panel imposed an admonition after concluding that the attorney (1) commingled funds by depositing into a trust account more personal funds than were necessary to cover bank fees and (2) used funds held in trust for one client to carry out the business of another client. The panel concluded that the attorney's violation was not intentional or knowing, but negligent and, therefore, that the presumptive sanction was a public reprimand. The panel concluded that the mitigating factors warranted a departure to an admonition. On appeal, the sole issue was sanction. A majority agreed with the panel. Two justices concurred in the result, but wrote separately to opine that the presumptive sanction should have been a suspension, with the extraordinary mitigating factors warranting a reduction beyond public reprimand and all the way to admonition.
169 <i>In re: W. Michael Nawrath</i> 2014-030 2014-099 2014-154 2014-158 2014-167  SCT 2014-074	Rule 1.3 Rule 1.4 Rule 1.16(d) A.O. 9, Rule 7(D)	<b>Interim Suspension by Vermont Supreme Court</b>  <b>Disbarment</b>	03/14/2014  8/30/2017	Disciplinary Counsel charged Respondent with multiple violations of the Rules of Professional Conduct. Respondent did not answer or otherwise defend. Thus, the charges were deemed admitted and a hearing panel issued a decision disbaring Respondent. No appeal was taken and the Supreme Court did not order review on its own motion. As such, the decision became final and has the full force & effect of an order of the Supreme Court.

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170 <i>Unidentified Attorney</i> 2013-228	Rule 1.15(a)(1)	<b>Admonition by Disciplinary Counsel</b>	04/22/2014	Respondent transferred funds from his operating account to his trust account in order to pay business expenses for his law firm. In so doing, Respondent commingled his funds with client funds. <b>No review by Court undertaken.</b>
171 <i>Unidentified Attorney</i> 2014-112	Rule 1.15(f)(2)	<b>Admonition by Disciplinary Counsel</b>	04/29/2014	Respondent maintained multiple trust accounts. At a real estate closing, Respondent disbursed funds from a different trust account than the trust account into which the buyer's funds had been deposited. A hearing panel concluded that the Respondent violated the rule that prohibits lawyers from using funds held in trust for one person to carry out the business of another. <b>No review by Court undertaken.</b>
172 <i>Unidentified Attorney</i> 2014-193	Rule 1.15(f)	<b>Admonition by Hearing Panel</b>	06/16/2014	Respondent disbursed trust funds in connection with a real estate closing without first confirming that a wire transfer had reached his trust account. <b>No review by Court undertaken.</b>
173 <i>Unidentified Attorney</i> 2014-124		<b>Admonition by Disciplinary Counsel</b>	08/04/2014	Respondent disbursed trust funds at a real estate closing without confirming that the funds had been deposited to his trust account. This caused the Respondent to violate the rule that prohibits lawyers from using one client's funds to carry out another client's business. <b>No review by Court undertaken.</b>
174 <i>In re: Katherine Pope</i> 2014-048  SCT 2014-119		<b>Reciprocal Two-Year Suspension</b>	08/01/2014	Respondent is licensed to practice in New York and Vermont. Her New York license was suspended for two years as a result of her conviction of identity theft in the third degree, a class A misdemeanor. The Vermont Supreme Court imposed reciprocal discipline. The Vermont Supreme Court's decision appears at <b>2014 VT 94.</b>

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175 <i>Unidentified Attorney</i> 2014-141	Rule 1.15(a)(2) Rule 1.15A(a)(4) Rule 1.15(a)(1) Rule 1.15(d)	<b>Admonition by Disciplinary Counsel</b>	08/27/2014	Respondent's trust account was chosen to be audited as part of the audit program conducted by Disciplinary Counsel. The audit revealed several problems with the Respondent's trust accounting system, including a failure regularly to reconcile the trust account to bank statements and a failure to maintain a single source for identification of all trust accounts. As a result, a hearing panel approved an Admonition by Disciplinary Counsel. The panel dismissed a charge that Respondent had improperly commingled funds. <b>No review by Court undertaken.</b>
176 <i>In re: John Burke</i> 2013-280	Rule 1.3 Rule 1.4(a)(3) Rule 1.4(a)(4)	<b>Public Reprimand</b>	09/02/2014	Respondent failed to act with diligence and promptness in handling an estate, failed to keep the Executrix updated as to the status of probating the estate, and failed to cooperate with Disciplinary Counsel's investigation of the matter. <b>No review by Court undertaken.</b>
177 <i>Unidentified Attorney</i> 2014-038	DR 6-101 and DR 9-102(B)(4) of the Code of Professional Responsibility  Rule 1.15(d) <i>(previously designated Rule 1.15(b)) of the Rules of Professional Conduct.</i>	<b>Admonition by Disciplinary Counsel</b>	09/10/2014	Respondent deposited funds in trust in 1982. In 1987, Respondent disbursed a portion of the funds on behalf of the client. Respondent was negligent in remitting the remainder to the client. Eventually, the funds escheated from Respondent's trust account to the State. It was not until 2013 that Respondent learned that his bank had paid the abandoned funds to the State. Respondent recovered the funds, returned them to the client, with interest, and self-reported to Disciplinary Counsel. A hearing panel approved an Admonition by Disciplinary Counsel. <b>No review by Court undertaken.</b>
178 <i>Unidentified Attorney</i> 2013-150	Rule 1.4(a)(3)	<b>Admonition by Disciplinary Counsel</b>	09/16/2014	Respondent failed to keep a criminal defense client reasonably informed about the status of a case. The hearing panel concluded that the communication failure did not cause any injury and, therefore, the panel approved an Admonition by Disciplinary Counsel. <b>No review by Court undertaken.</b>

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
179 <i>Unidentified Attorney</i> 2014-133	Rule 1.15(a)(1) Rule 1.15(a)(2) Rule 1.15(a)(3) Rule 1.15(a)(4)	<b>Admonition by Disciplinary Counsel with Probation</b>	10/8/2014 04/9/2015	The Supreme Court admonished an attorney, adopting as its own the decision of a hearing panel. <b>2015 VT 63.</b> The panel had approved an Admonition by Disciplinary Counsel and placed on disciplinary probation an attorney who failed to maintain adequate trust account records. In its decision, the panel dismissed a charge that the attorney violated Rule 1.15(b) by depositing his own money into his trust account. The panel's decision replaced a decision that it issued, then withdrew.
180 <i>Unidentified Attorney</i> 2014-168  SCT 2014-472	Rule 1.15A(a)(1) Rule 1.15A(a)(4) Rule 1.15(a)(1)	<b>Admonition by Disciplinary Counsel</b>	12/26/2014 01/9/2015	A hearing panel accepted a stipulation of facts in which Disciplinary Counsel & Respondent agreed that Respondent failed to maintain complete trust account records, failed to regularly reconcile a trust account, and comingled funds. The panel approved an Admonition by Disciplinary Counsel. The Supreme Court ordered review on its own motion, waived briefing & oral argument, and adopted the panel's decision as a final order of the Court. <b>2015 VT 9.</b>
181 <i>Unidentified Attorney</i> 2014-169	Rule 1.15A(a)(3) Rule 1.15(a)(1)	<b>Admonition by Disciplinary Counsel</b>	01/07/2015	Respondent failed to deposit client funds into a pooled interest-bearing trust account and failed to provide clients with timely notice of receipts and disbursements from trust. The panel dismissed a charge that the respondent had failed to make timely reconciliations of his trust account. <b>No review by Court undertaken.</b>
182 <i>Unidentified Attorney</i> 2014-063	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	01/23/2015	Respondent failed to comply with the court's discovery schedule and failed to respond to a motion, which resulted in the dismissal of his client's Petition for Post-Conviction Relief. <b>No review by Court undertaken.</b>
183 <i>Unidentified Attorney</i> 2014-115	Rule 1.6(a)	<b>Admonition by Disciplinary Counsel</b>	01/27/2015	Respondent's clients terminated a representation. The clients made arrangements to pick up the file at Respondent's office. When the clients arrived, they found the file outside of the Respondent's office, in an area that was accessible to anyone who entered the building, including other clients and the occupants & invitees of other offices in the same building. <b>No review by Court undertaken.</b>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
184 <i>Unidentified Attorney</i> 2014-147	Rule 1.15A(a)(1) Rule 1.15A(a)(2) Rule 1.15A(a)(4)	<b>Admonition by Disciplinary Counsel</b>	02/20/2015	Respondent failed to maintain a trust accounting system that complied with the minimum requirements of the rule. The hearing panel dismissed a charge that the respondent had deposited into trust her own funds in an amount that exceeded the amount necessary to pay service charges and fees. <b>No review by Court undertaken.</b>
185 <i>Unidentified Attorney</i> 2013-144	Rule 1.15A(a)(2)	<b>Admonition by Disciplinary Counsel</b>	03/12/2015	Respondent failed to maintain running balances for funds held on behalf of real estate clients. A hearing panel approved an admonition by disciplinary counsel. <b>No review by Court undertaken.</b>
186 <i>Unidentified Attorney</i> 2013-160  SCT 2015-110	Rule 1.15A(a)(1)	<b>Admonition by Disciplinary</b>	03/19/2015 03/30/2015	Respondent issued trust account checks payable to her firm. She did not deposit them into her operating account or otherwise negotiate them. She held them. The failure to negotiate the checks resulted in the lawyer's own funds remaining trust. A hearing panel admonished the lawyer after concluding that the practice constituted commingling in violation of Rule 1.15(a)(1). The Court ordered review of the decision on its own motion, adopted the hearing panel decision in its entirety as a final order of the Court, waived briefing and oral argument and ordered that the decision be published in Vermont Reports. <b>2015 VT 54.</b>
187 <i>In re: Christopher Sullivan</i> 2013-221  SCT 2015-217		<b>Interim Suspension by Vermont Supreme Court</b>  <b>Affidavit of Resignation Disbarment on Consent</b>	06/12/2015  11/24/2015	On June 12, 2015, the Vermont Supreme Court ordered the immediate interim suspension of Mr. Sullivan's law license. Respondent and Disciplinary Counsel had stipulated to Respondent's interim suspension based upon his conviction of two felonies which constitute "serious crimes" under A.O. 9, Rule 17. On November 24, 2015, the Supreme Court accepted Mr. Sullivan's Affidavit of Resignation and disbarred him.



## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
188 <i>In re: Christena Obregon</i> 2012-133  SCT 2015-250	Rule 8.4(c)	<b>Public Reprimand</b>	07/07/2015 03/11/2016	Respondent failed to file state income tax returns in 2006, 2008, 2009, and 2010. A hearing panel of the PRB accepted a joint recommendation from the parties that it publicly reprimand the Respondent for failing to file tax returns. The Supreme Court ordered review and requested the parties to address whether it should find additional violations from Respondent's filing of attorney licensing statements in which she certified that she was in good standing with respect to taxes owed to the State. With respect to the failure to file tax returns, the Court affirmed the public reprimand. With respect to the licensing statements, the Court concluded that Respondent's certifications of being in good standing did not violate the Rules of Professional Conduct. <b><i>In re Obregon, 2016 VT 32.</i></b>
189 <i>Unidentified Attorney</i> 2015-002  SCT 2015-258	Rule 1.5(c)	<b>Admonition by Disciplinary Counsel</b>	07/14/2015 08/11/2015	Respondent self-reported a failure to reduce a contingent fee agreement to writing. A hearing panel approved an Admonition by Disciplinary Counsel. The Court ordered review of the decision on its own motion, adopted the hearing panel decision in its entirety as a final order of the Court, waived briefing and oral argument and ordered that the decision be published in Vermont Reports. <b>2015 VT 101.</b>
190 <i>Unidentified Attorney</i> 2015-022  SCT 2015-293	Rule 4.2	<b>Admonition by Disciplinary Counsel</b>	08/11/2015	Respondent communicated with a person known to be represented by counsel without the other lawyer's consent in violation of Rule 4.2 of the Vermont Rules of Professional Conduct. <b>No review by Court undertaken.</b>
191 <i>Unidentified Attorney</i> 2016-045  SCT 2015-362		<b>Reciprocal Admonition</b>	11/23/2015	A Vermont attorney who is also admitted in Arizona was disciplined in Arizona. The Vermont Supreme Court imposed reciprocal discipline here in Vermont.

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
192 <i>In re William M. O'Brien</i> 2016-052  SCT 2015-463		<b>Interim Suspension</b>  <b>Affidavit of Resignation Disbarment</b>	01/12/2016  12/19/2016	On January 12, 2016, the Vermont Supreme Court ordered the immediate interim suspension of Mr. O'Brien's law license. The Court concluded that disciplinary counsel had transmitted to the Court evidence sufficient to establish that Mr. O'Brien had committed a violation of the Rules of Professional Conduct and posed a substantial threat of serious harm to the public. On December 19, 2016, the Supreme Court accepted Mr. O'Brien's Affidavit of Resignation and entered an order disbaring him.
193 <i>In re Kenneth Appel</i> 2016-063 2016-090  SCT 2016-007		<b>Transfer to Disability/Inactive Status</b>	10/19/2016	Respondent transferred to Disability/Inactive Status per E.O. 2016-007 of the Supreme Court dated October 19, 2016.
194 <i>In re: Norman R. Blais</i> 2015-084  SCT 2016-092	Rule 1.3	<b>Public Reprimand and 24 Months of Probation</b>	03/22/2016	Respondent failed to respond to formal discovery requests in an uninsured motorist case by failing to respond to Opposing Counsel's motion to compel discovery, and by failing to comply with the Court's discovery order. <b>No review by Supreme Court.</b>
195 <i>Unidentified Attorney</i> 2016-096	Rule 1.3	<b>Admonition by Disciplinary Counsel</b>	03/29/2016	Respondent failed to act with reasonable diligence and promptness in a probate matter. <b>No review by Supreme Court.</b>
196 <i>In re Phyllis McCoy-Jacien</i> 2016-023	Rule 8.4(c)	<b>Public Reprimand and 6 Months of Probation</b>	07/18/2016	Respondent failed to file her Vermont income tax returns for calendar years 2011, 2012, 2013 and 2014. <b>No review by Supreme Court.</b>
197 <i>In re: Elizabeth K. Norsworthy</i> 2016-182  SCT 2016-214		<b>Interim Suspension</b>  <b>Transfer to Disability/Inactive Status</b>	07/12/2016  08/01/2017	On July 1, 2016, the Vermont Supreme Court issued an entry order immediately suspending Elizabeth K. Norsworthy's license to practice law on an interim basis. On August 1, 2017, the Respondent was transferred to Disability/Inactive Status, effective immediately, per stipulation of the parties and entry order of the Supreme Court.

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
198 <i>Unidentified Attorney</i> 2016-042  SCT 2016-259	Rule 1.15(a) Rule 5.3(a) Rule 5.3(b)	<b>Admonition by Disciplinary Counsel</b>	07/28/2016 08/24/2016	Respondent failed to maintain proper control and oversight of his client trust accounts, enabling an employee to misappropriate client funds. A hearing panel approved an admonition by disciplinary counsel after concluding that Respondent had violated Rules 1.15(a), 5.3(a) and 5.3(b) of the Vermont Rules of Professional Conduct. The Court ordered review of the decision on its own motion, adopted the hearing panel decision in its entirety as a final order of the Court, waived briefing and oral argument and ordered that the decision be published in Vermont Reports. <b>2016 VT 94.</b>
199 <i>In re: Clare Creek Kelsey</i> 2016-049  SCT 2016-290		<b>Transfer to Disability/Inactive Status</b>	08/25/2016	Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2016-290 of the Supreme Court dated August 25, 2016.
200 <i>In re James LaMonda</i> 2015-087	Rule 1.15(a) Rule 1.15(d) Rule 1.15(e)	<b>Public Reprimand with Restitution</b>	12/19/2016	Respondent was publicly reprimanded and ordered to pay restitution for failing to notify his former firm that he had collected fees subject to an interest asserted by the firm, and by failing to segregate and hold those disputed fees in a trust account until the firm's claim was resolved. Respondent violated Rules 1.15(a), 1.15(d) and 1.15(e) of the Vermont Rules of Professional Conduct. <b>No review by Court undertaken.</b>
201 <i>In re Alan R. Sheredy</i> 2017-116  SCT 2017-111		<b>Interim Suspension</b>  <b>Transfer to Disability/Inactive</b>	04/25/2017  06/05/2018	On April 25, 2017, the Vermont Supreme Court issued an entry order immediately suspending Alan Sheredy's license to practice law on an interim basis. On June 5, 2018, the Respondent was transferred to Disability/Inactive Status effective immediately per E.O. 2017-111 of the Supreme Court

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202 <i>In re Susan L. Morale</i> 2017-067  SCT 2016-430		<b>Interim Suspension</b>  <b>Transfer to Disability/Inactive Status</b>	12/29/2016  05/26/2017	On December 29, 2016, the Vermont Supreme Court issued an entry order immediately suspending Susan L. Morale's license to practice law on an interim basis. On May 26, 2017, the Respondent was transferred to Disability/Inactive Status, effective immediately, per entry order of the Supreme Court.
203 <i>Unidentified Attorney</i> 2013-145  SCT 2017-007	Rule 1.15A Rule 1.15A(a) Rule 1.15A(a)(2)	<b>Admonition by Hearing Panel; Affirmed by SCT</b>	01/05/2017 01/25/2017	Disciplinary Counsel and the respondent presented stipulated facts to a hearing panel of the Professional Responsibility Board. The parties did not agree as to violations or sanction. Following a hearing, the panel concluded that respondent failed to perform timely trust account reconciliations and failed to maintain accurate trust account records. The panel rejected disciplinary counsel's argument that respondent had commingled funds. The panel admonished respondent, declining to accept disciplinary counsel's argument that a public reprimand was appropriate. On January 25, 2017, the Vermont Supreme Court issued an order adopting the hearing panel's decision as its own, noting that it "presents a well-reasoned discussion of a problem common in legal practice, particularly for small firms and solo practitioners." <b>2017 VT 8.</b>
204 <i>In re Katherine Pope</i>  2017-008  SCT 2017-015	n/a	<b>Reinstatement</b>	01/09/2017  6/14/2017	On June 14, 2017, the Vermont Supreme Court reinstated Katherine Pope to the Bar. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. Respondent is licensed to practice in New York and Vermont. Her New York license was suspended for two years as a result of her conviction of identity theft in the third degree, a class A misdemeanor. The Vermont Supreme Court imposed reciprocal discipline on August 1, 2014. <b>2017 VT 55.</b>

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205 <i>In re John Canney III</i> 2017-113  SCT 2017-174		<b>Interim Suspension Affidavit of Resignation Disbarment on Consent</b>	05/12/2017 07/09/2018 07/12/2018	The Vermont Supreme Court accepted John Canney's affidavit of resignation and disbarred Mr. Canney on consent. The effective date of the order is May 30, 2017, the date that the Court suspended Mr. Canney's law license on an interim basis. The interim suspension followed Mr. Canney's admission that he had willfully filed false individual and corporate tax returns in violation of federal law. <b>2018 VT 69</b>
206 <i>In re: Aaron Goldberg</i> 2017-127  SCT 2017-171		<b>Transfer to Disability/Inactive Status</b>	05/23/2017	Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2017-171 of the Supreme Court dated May 23, 2017.
207 <i>In re Joseph P. Palmisano</i>  2017-045  SCT 2017-219	Reciprocal	<b>Interim Suspension  Two Year Suspension</b>	07/25/2017  10/2/2017	Attorney Palmisano is licensed in Arizona & Vermont. Arizona authorities suspended his law license for 6 months, with a 2-year probation period as a result of numerous & repeated violations of the Arizona Rules of Professional Conduct. On October 2, 2017, the Vermont Supreme Court imposed reciprocal discipline: a 2-year suspension of Attorney Palmisano's Vermont law license. <b>2017 VT 94</b>
208 <i>In re Amy Klingler</i>  2018-019  SCT 2017-320		<b>Interim Suspension</b>	09/07/2017	On September 7, 2017, the Supreme Court issued an Order immediately suspending Respondent's license to practice law on an interim basis due to a medical condition that prevents her from practicing law. Update: On January 17, 2020, the Court issued an order granting the Respondent's request to dissolve the interim suspension and reinstate the Respondent to the active practice of law. <b>See, PRB Decision 229.</b>

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209 <i>In re Scott Williams</i>  2018-011  SCT 2017-421		<b>Transfer to Disability/Inactive Status</b>	12/04/2017	Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2017-421 of the Supreme Court dated December 4, 2017.
210 <i>In re Jacob Durell</i>  2018-066  SCT 2017-432	n/a	<b>Transfer to Disability/Inactive Status</b>	12/12/2017	Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2017-432 of the Supreme Court dated December 12, 2017.
211 <i>In re Matthew Gilmond</i>  2018-048, 049 and 050 SCT 2018-051	V.R.Pr.C. 1.3 V.R.Pr.C. 1.4(a)(3) V.R.Pr.C. 4.1 V.R.Pr.C. 8.4(c)	<b>6 Month Suspension</b>	02/05/2018	A hearing panel suspended the Respondent's law license for 6 months after concluding that he had failed to effectuate a settlement that his client had reached with an opposing party, failed to communicate with the client, and engaged in conduct involving misrepresentation and dishonesty while dealing with his client and opposing counsel. <b>No review by Court undertaken.</b>
212 <i>In re Phyllis McCoy-Jacien</i>  2018-024 SCT 2018-075	A.O. 9, Rule 8(a)(6)(C) V.R.Pr.C. 8.1(b)	<b>Nine Month Suspension</b>	02/27/2018  03/29/2018	A hearing panel suspended the Respondent's law license for 9 months after concluding that she had failed to file her Vermont tax return as directed under PRB Decision No. 196 and failed to respond to numerous written and oral requests for information regarding compliance with the probation conditions that were imposed in PRB Decision No. 196. On March 29, 2018, the Vermont Supreme Court issued an order adopting the hearing panel's decision as its own, <b>2018 VT 35</b>
213 <i>In re Robert Hamm Moyer</i> 2018-078  SCT 2018-042		<b>Reciprocal Public Reprimand</b>	3/7/18	Respondent is licensed in both Vermont and Tennessee. The Tennessee Board of Professional Responsibility publicly reprimanded respondent for a violation of Tennessee conduct rules. The Vermont Supreme Court imposed reciprocal discipline. <b>2018 VT 29</b>

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214 <i>In re Glenn Robinson</i> 2013-172  SCT 2018-112	Rule 1.7 Rule 4.3 Rule 8.4(g)	<b>Disbarment</b>	2/22/19	The Vermont Supreme Court disbarred the Respondent after concluding that he had engaged in a pattern of misconduct that included inappropriate sexual relationships with clients. In addition, the Court conditioned any petition for reinstatement on the Respondent undergoing a mental health evaluation and completing sexual harassment training.
215 <i>In re Jacob Durell</i> 2018-119  SCT 2018-133	n/a	<b>Transferred from Disability/Inactive Status to Active Status</b>	05/03/2018	Respondent transferred from Disability/Inactive Status to Active Status per E.O. 2018-133 of the Supreme Court.
216 <i>In re: Gregory Vigue</i> 2018-034	Rule 1.1 Rule 1.3	<b>Public Reprimand</b>	06/06/2018	Respondent was publicly reprimanded for failing to provide competent & diligent representation to a client in an immigration matter. <b>No review by Supreme Court.</b>
217 <i>In re William E. Conner</i>  2018-097  SCT 2018-087	A.O. 9, Rule 11(D)	<b>Reciprocal Disbarment</b>	06/01/2018	Attorney Conner was disbarred in New Hampshire in 2008. Vermont authorities were not notified until 2018. In a reciprocal discipline case, Disciplinary Counsel asked the Vermont Supreme Court to impose a 3-year suspension. Attorney Conner asked the Court to impose a public reprimand. The Court disbarred Attorney Conner. <b>2018 VT 60.</b>
218 <i>Unidentified Attorney</i> 2017-029  SCT 2018-361	Rule 4.2 Rule 5.3(a) Rule 5.3(b)	<b>Admonition</b>	11/13/2018	Respondent was admonished as a result of a nonlawyer assistant communicating directly with a represented person without the consent of that person's attorney. <b>No review by Court undertaken.</b>
219 <i>In Errol Tabacco</i> 2018-070  SCT 2018-367	Rule 8.4	<b>15 Month Suspension</b>	11/19/2018	A Vermont Superior Court convicted Respondent of two misdemeanors that involved domestic violence. A hearing panel of the PRB concluded that the convictions violated Rule 8.4(b). The panel accepted a joint recommendation to suspend Respondent's Vermont law license for 15 months. <b>No review by Court undertaken.</b>



## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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220 <i>In re Unidentified Attorney</i> 2018-087  <i>SCT 18-390</i>	Rule 1.15 Rule 1.15(a)(1)-(4)	<b>Admonition</b> <b>Probation</b>	12/17/2018	Disciplinary Counsel and the respondent presented stipulated facts to a hearing panel of the Professional Responsibility Board. The Hearing Panel admonished Respondent and placed him on probation for noncompliance of his attorney trust account. On January 18, 2019, the Court ordered review of the decision on its own motion, adopted the hearing panel decision in its entirety as a final order of the Court, waived briefing and oral argument and ordered that the decision be published in Vermont Reports. <b>2019 VT 5.</b>
221 <i>In re Stacey Adamski</i> <i>PRB No. 2018-088</i>	Rule 8.4(c)	15-day suspension	1/23/19 1/24/20	A hearing panel publicly reprimanded the Respondent after concluding that the Respondent violated Rule 8.4(c) by attempting to conceal from the Respondent's law firm a settlement that Respondent had reached on behalf of a client. Respondent's conduct included removing the settlement check from the office and attempting to delete any record of it from the firm's electronic records. The panel dismissed a charge that Respondent directed an assistant to notarize a document that had been signed outside the presence of the notary. The Supreme Court ordered review on its own motion and, after briefing, suspended the Respondent's law license for 15 days.
222 <i>In re Unidentified Attorney</i> <i>PRB No. 2018-145</i>  <i>SCT 2019-048</i>	Rule 1.15 Rule 1.15(a)	<b>Admonition</b>	2/5/2019	The respondent was admonished for a series of violations related to trust account management. The violations included failure to maintain required records of trust account deposits & disbursements, failure to reconcile in a timely fashion, and using funds held for a client or third person to carry out the business of another. No appeal was taken and the Supreme Court did not order review on its own motion.

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223 <i>In re Christopher Moll</i> 2018-032  SCT 2019-032	Rule 1.3 Rule 1.4	<b>Public Reprimand</b>	3/8/2019	Respondent represented a client charged in a professional licensing case. Respondent failed to appear at or notify his client of a hearing. The hearing resulted in the client's license being suspended. Upon learning of the suspension, Respondent failed to file a proper appeal and failed to communicate with his client as to the status of the matter. Pending 30 day review period.
224 <i>In re Norman Watts</i> No. 2019-151	Rule 1.15(a)(1) Rule 1.15(c) Rule 1.15(f)(1) Rule 1.15(f)(2)	<b>Public Reprimand</b>	4/18/2019	Disciplinary Counsel and the Respondent stipulated to the facts and filed joint recommendations as to conclusions of law. A hearing panel accepted the facts and publicly reprimanded the Respondent for multiple failures to handle, track, and maintain client funds in the manner required by the Rules of Professional Conduct.
225 <i>In re Carolyn Adams</i> PRB Nos. 2019-014 and 015	Rule 1.1 Rule 1.3	<b>One-year Probation with Conditions</b>	4/24/2019	Disciplinary Counsel filed a petition of misconduct. The Respondent did not file answer. Thus, the charges were deemed admitted. Specifically, that the Respondent's failed to provide clients with competent & diligent representation by failing to appear at and prepare for multiple hearings. A hearing panel publicly reprimanded the Respondent and placed the Respondent on disciplinary probation for one year.
226 <i>In re Sigismund Wysolmerski,</i> PRB No. 2018-069	Rule 1.4(c)(3) Rule 3.3(a)(1) Rule 8.4(c)	Disbarment	6/26/20	The Vermont Supreme Court disbarred the Respondent after concluding that the Respondent had engaged in dishonest conduct while notarizing affidavits presented in a client's matter, failed to include material information in a motion for default judgment, and failed to keep a client reasonably informed as to the status of the client's matter.
227 <i>In re Jeremy Dworkin</i> PRB No. 2019-009		<b>Dismissed with Prejudice</b>	7/22/2019	Disciplinary Counsel charged the respondent with violating Rule 4.1 by making a false statement of material fact or law to an opposing party and, in the alternative, by failing to correct that person's misunderstanding of the law. A hearing panel dismissed the charge with prejudice after concluding that Disciplinary Counsel failed to prove the violation by clear and convincing evidence.

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228 <i>In re Michelle Sherer</i> <i>PRB No. 2019-037</i>	Rule 1.3 Rule 5.5(a) Rule 8.4(c)	Disbarred	9/12/19	A hearing panel disbarred Respondent after concluding that she lied to a seller while negotiating to buy a condominium, failed to act with reasonable diligence on behalf of client; and engaged in the unauthorized practice of law while her law license was under administrative suspension for failing to pay the licensing fee & file a licensing statement. The Respondent did not participate in the disciplinary proceeding. The order requires her to explain her lack of participation should she ever petition for reinstatement. No appeal was taken, and the Supreme Court did not order review on its own motion. As such, the panel decision has the same force and effect of an order of the Court.
229 <i>In re Jasdeep Pannu</i> <i>PRB Nos. 2018-113, 115, and 134</i>	Other	<b>Other</b>	3/31/2020	A hearing panel sanctioned the respondent. On its own motion, the Supreme Court ordered review of the panel's decision. The Respondent passed away before the Court rendered a decision. As such, the Court vacated the panel decision and dismissed the appeal.
230 <i>In re Amy Klinger</i> <i>PRB No. 2018-018</i>		<b>Reinstatement</b>	1/17/2020	On January 17, 2020, the Supreme Court issued an order granting the Respondent's request to dissolve an interim suspension that was issued in September 2017. See, PRB Decision 208. The 2020 order reinstates the Respondent to the active practice of law
231 <i>In re Kenneth Merritt</i> <i>PRB Nos. 2017-018, 2017-024</i>	Rule 8.4(c)	Public Reprimand	1/31/20	A hearing panel publicly reprimanded the Respondent after concluding that the Respondent violated Rule 8.4(c) of the Vermont Rules of Professional Conduct when by knowingly making numerous false statements in his capacity as the administrator of his law firm's defined benefit plan. The false statements were made to the Internal Revenue Service, the United States Department of Labor.

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
232 <i>In re Michelle Sherer</i> <i>PRB No. 2020-013</i>	2019 VT 70	RECIPROCAL DISBARMENT	9/23/19	Respondent, who was licensed in Colorado and Vermont, was disbarred from the practice of law in Colorado for multiple violations of the rules. Respondent abandoned a client without accounting for or refunding an advance payment, charged an unreasonable fee to another client for whom she failed to provide diligent representation, knowingly made false statements to a client and opposing party, and failed to cooperate with an investigation conducted by Colorado disciplinary authorities. As required by the rules that govern Vermont's Professional Responsibility Program, Disciplinary Counsel notified the Supreme Court that Respondent had been disbarred in Colorado. Pursuant to Rule 20 of Administrative Order 9, the Court imposed reciprocal discipline and disbarred Respondent in Vermont.
233 <i>In re Richard K. Bowen,</i> <i>PRB File Nos.</i> <i>2019-083,</i> <i>2019-088</i>	Rule 1.8(b) Rule 1.9(c)(2)	3- Month Suspension	2/12/21	The Vermont Supreme Court suspended the Respondent's law license for 3 months after concluding that Respondent violated Rules 1.8(b) and 1.9(c)(2). Respondent represented the buyer in a land purchase. The seller was a former client who Respondent claimed owed an unpaid bill for legal fees. Without informing buyer, Respondent secured an ex parte lien and placed it on the seller's proceeds of the sale, putting the transaction in jeopardy when seller balked. In addition, the Respondent disclosed information relating to the representation of the former client to the new client without the former client's consent. The Court affirmed the decision of a hearing panel of the Professional Responsibility Board.

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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<u>Case and Docket Number</u>	<u>Violation Found</u>	<u>Sanction Imposed</u>	<u>Decision Date</u>	<u>Summary</u>
234 <i>In re Phyllis McCoy-Jacien,</i> <i>PRB No. 2020-085</i>	A.O. 9, Rule 23	DISBARMENT	6/3/20	The Respondent was disbarred in New York for failing to cooperate with two disciplinary investigations. The Respondent was also admitted to practice in Vermont. Upon being notified of the New York disbarment, the Vermont Supreme Court imposed reciprocal discipline.
235 <i>In re Jason Tiballi</i> <i>PRB No. 2020-084</i>	Rule 1.15(f)(2) Rule 1.15A(a)(4)	Public Reprimand	3/16/21	A hearing panel publicly reprimanded the Respondent after concluding that the Respondent failed to reconcile pooled interest-bearing trust accounts for months at a time. (IOLTA) The Respondent's failure to reconcile the accounts resulted client funds being used to carry out other clients' transactions.
236 <i>In re Lance Shader</i> <i>PRB-101-2020</i>	V.R.Pr.C. 1.15(a) V.R.Pr.C. 1.15A(a) V.R.Pr.C. 1.15(d) V.R.Pr.C. 1.3	Public Reprimand and 18-month probation.	4/7/21	A hearing panel publicly reprimanded the Respondent and placed the Respondent on disciplinary probation for 18 months. The sanction followed conclusions that the Respondent had failed to reconcile his trust account, failed to maintain required trust account records, commingled funds, failed promptly to disburse title insurance premiums collected at real estate closings, and failed to act with reasonable diligence when representing clients post-closing. The panel concluded that a suspension was the presumptive sanction, but that the mitigating factors warranted reducing the sanction to a reprimand. The Vermont Supreme Court approved the panel's decision and adopted it as its own.
237 <i>In re William Tracy Carris</i> <i>PRB-098-2021,</i> <i>PRB-116-2021</i>	V.R.Pr.C. 1.3 A.O. 9, Rule 22.B	Interim Suspension	5/3/21	The Vermont Supreme Court entered an order immediately suspending the Respondent's law license pending resolution of an underlying proceeding. The order followed the Court's conclusion that the Respondent had either violated the Rules of Professional Conduct or suffered from a disability and, further, posted a substantial threat of harm to the public.

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238 <i>In re Carrie Legus</i> <i>PRB No. 2020-102</i>	V.R.Pr.C. 8.1(b); Administrative Order 9, Rule 7(D)	Suspension	8/30/21	A hearing panel suspended the Respondent's license for 9 months after concluding that Disciplinary Counsel established that Respondent had failed to comply with a disciplinary investigation.
239 <i>In re Denise Bailey</i> <i>PRB-031-2022</i>	A.O. 9, Rule 22	Interim Suspension	9/20/21	The Vermont Supreme Court concluded that Respondent's current medical condition prevents Respondent from practicing law and ordered that the Respondent be transferred to interim suspension status. For an update, see PRB Decision 247.
240 <i>In re Paul Kulig</i> <i>PRB No. 2020-066</i>	V.R.Pr.C. 1.7(a)(2)  V.R.Pr.C. 1.8(c)	5-month suspension	9/ 27/21  7/ 15/22	A hearing panel imposed a 3-month suspension after concluding that Respondent violated V.R.Pr.C. 1.7(a)(2) by preparing for the client at deed that conveyed the client's property to the Respondent; and (2) V.R.Pr.C. 1.8(c) by preparing estate planning documents for the client that conveyed substantial gifts to the Respondent. Upon review, the Supreme Court affirmed the panel's findings of fact & conclusions of law, but then increased the suspension by two months to a total of five.
241 <i>In re Stuart</i> <i>Robinson</i> <i>PRB-099-2021</i> <i>PRB-007-2020</i>	A.O. 9, Rule 25	Transfer to disability inactive status.	10/15/21	The Vermont Supreme Court transferred the Respondent's law license to disability inactive status after concluding that the Respondent's medical condition left him unable to assist in his defense against charged violations of the Rules of Professional Conduct.
242 <i>In re Melvin Fink</i> <i>PRB No. 2021-018</i>	V.R.Pr.C. 4.2	30-day suspension.	1/6/22	A hearing panel suspended Respondent's law license for 30 days after concluding that Disciplinary Counsel had clearly and convincingly established that Respondent violated V.R.Pr.C. 4.2 by communicating with a represented person on the subject of the representation without the consent of the person's lawyer.

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243 <i>In re Shawn Tao</i> <i>PRB Nos.</i> <i>2021 -134,</i> <i>2022-070</i>		Interim Suspension	2/ 9/22	The Supreme Court suspended the Respondent's license pending the resolution of the investigation of multiple disciplinary complaints. The Court agreed with Disciplinary Counsel that the Respondent had failed to cooperate with the disciplinary investigations, failed to cooperate with a trust account audit, and, as a result, posed a substantial threat of harm to the public.
244 <i>In re Jean Pagliughi</i> <i>PRB No. 2021-101</i>	V.R.Pr.C. 1.1 V.R.Pr.C. 1.15(a)(1) V.R.Pr.C. 1.15(a)(2) V.R.Pr.C. 1.15(a)(4) V.R.Pr.C. 1.15A	Public Reprimand	2/17/22	A hearing panel publicly reprimanded the Respondent for failing to competently handle two real estate transactions and for failing to comply with the trust accounting rules, with the result being multiple overdrafts to the lawyer's trust account.
245 <i>In re Carolyn Adams</i> <i>PRB No. 2020-064</i>		Dismissal	3/15/22	Disciplinary Counsel charged the Respondent with violating the Rules of Professional Conduct. The Respondent's license has been suspended for longer than 6 months in another case. Therefore, Disciplinary Counsel and the Respondent joined to request that the hearing panel dismiss the current charges. The panel granted the motion.



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246 <i>In re William Cobb</i> <i>PRB No. 2020-99</i> <i>and 2020-103</i>	V.R.Pr.C. 1.1 V.R.Pr.C 1.3 V.R.Pr.C 1.6 V.R.Pr.C 8.4(c) V.R.Pr.C 8.4(d)	15- month suspension	10/ 13/22  5/ 24/22	<b>Update:</b> On October 13, 2022, the Vermont Supreme Court issued an entry order adopting PRB Decision 247 in its entirety and as a final order of the Court.  <b>Panel Decision:</b> Following a contested evidentiary hearing, a hearing panel suspended Respondent's law license for 15-months. The panel concluded as follows: (1) that Respondent's license should be suspended for 6 months for violating Rule 8.4(d) by disclosing confidential juvenile records; (2) that Respondent should be reprimanded for violating Rule 1.1 by failing to provide competent representation to a DUI client; (3) that Respondent's license should be suspended for 3 months for violating Rule 1.3 by failing to seek to modify a client's conditions of release; (4) that Respondent's license should be suspended for 1.5 months for violating Rule 1.6 by disclosing confidential information relating to the representation of a client; and (5) that Respondent's license should be suspended for 3 months for violating Rule 8.4(c) by falsifying records submitted in response to a disciplinary investigation. The panel concluded that the aggravating factors warranted an additional 1.5-month suspension, bringing the total to 15 months.
247 <i>In re Denise Bailey</i> <i>PRB-031-2022</i>		Interim Suspension Dissolved	5/11/22	Respondent moved the Court to dissolve an interim suspension of Respondent's law license. Disciplinary Counsel did not oppose the request. The Court granted the petition. <i>See, Administrative Order 9, Rule 22.D</i>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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248 <i>In re C. Robert Manby, Jr.</i> <i>PRB-089-2019</i>	V.R.Pr.C. 1.1 V.R.Pr.C. 1.14 V.R.Pr.C. 1.4(b)	1-year suspension.	10/7/22  8/4/23	<p>In October 2022, a hearing panel concluded that the Respondent failed to take reasonable steps to assess an estate planning client's competence to make informed decisions about the representation and disregard several red flags about the client's competence. As such, the panel suspended the Respondent's license for 5 months.</p> <p>The Vermont Supreme Court ordered review on its own motion.</p> <p>On August 4, 2023, the Court affirmed the hearing panel's findings of fact &amp; conclusions of law. However, the Court increased the sanction, suspending the Respondent's law license for one year.</p>
249 <i>In re John Downes Burke</i> <i>PRB-040-2020</i>	V.R.Pr.C. 8.1(b)	6-month suspension	1/11/23	<p>A hearing panel of the Professional Responsibility Board suspended the Respondent's law license for six (6) months after concluding that the Respondent violated V.R.Pr.C. 8.1(b) by knowingly failing to cooperate with a disciplinary investigation. Neither party appealed and the Supreme Court declined to order review on its own motion.</p>
250 <i>In re George Spangler</i> <i>PRB-064-2023</i>	Reciprocal Discipline	Disbarment	1/10/23	<p>In an order dated May 7, 2021, the State of Maryland indefinitely suspended the Respondent's law license. By order dated November 22, 2022, the District of Columbia did the same. The Respondent had a law license in Vermont. Therefore, as required by Rule 24 of Administrative Order 9, Disciplinary Counsel notified the Vermont Supreme Court of the foreign orders. On January 10, 2023, the Vermont Supreme Court issued a reciprocal discipline order in which it disbarred the Respondent</p>
251 <i>In Re Lisa Wellman-Ally</i> <i>PRB-123-2023</i>	A.O. 9, Rule 24(D)	Reciprocal Disbarment	7/ 7/13	<p>On May 31, 2023, the New Hampshire Supreme Court disbarred Respondent for misconduct committed in New Hampshire. On July 7, 2023, the Vermont Supreme Court entered an order reciprocally disbarring the respondent in Vermont.</p>

## DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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252 <i>In re Unidentified Attorney</i> <i>PRB-021-2022</i>	V.R.Pr.C. 1.1 V.R.Pr.C. 3.1	Private Admonition	8/22/23	A hearing panel approved a stipulation in which the parties agreed that the respondent failed to research the law prior to filing a pleading and, upon filing the pleading that misstated the law, violated Rules 1.1 and 3.1.
253 <i>In Re Theodore Studdert-Kennedy</i> <i>PRB-021-2022</i>	V.R.Pr.C. 3.1 V.R.Pr.C. 3.4	Public Reprimand	8/22/23	A hearing panel approved a stipulation in which the parties agreed that the respondent violated Rule 3.4(c) by failing to attend a final divorce hearing and Rule 3.1 by filing a post-hearing memorandum that purported to be based on what happened at the hearing.
254 <i>In Re Norman Watts</i> <i>PRB-102-2019</i> <i>PRB-011-2020</i>	V.R.Pr.C. 1.4(b) V.R.Pr.C. 1.5 V.R.Pr.C. 1.15 V.R.Pr.C. 1.15(d) V.R.Pr.C. 1.15A(a)(1) V.R.Pr.C. 8.1 V.R.Pr.C. 8.4(c)	1-year suspension.  Reimbursement of \$2,652 in overpaid fees & expenses.  Minimum 1-year probation upon reinstatement.	9/22/23	Following a contested trial, a hearing panel concluded that the respondent (1) failed promptly to return unused retainers to two clients; (2) commingled client property with his own; (3) failed to maintain records documenting timely reconciliation of his trust account; (4) failed to maintain appropriate trust account ledgers; (5) misled a client into thinking that the lawyer could withdraw immediately unless the client paid an outstanding fee; charged an unreasonable fee; and (6) provided false information to Disciplinary Counsel.
255 <i>In re Unidentified Attorney</i> <i>PRB-130-2022</i>	Dismissed.	None.	9/28/23	In May 2022, Disciplinary Counsel filed a petition to transfer the respondent's license to disability inactive status. On 9/28/23, a hearing panel approved the parties' stipulation to dismiss the petition.
256 <i>In re: William W. Cobb, Esq.</i> <i>PRB File No. 001-2024</i>	Petition for Reinstatement	Denied.	3/7/24  4/10/24	On March 7, 2024, a hearing panel issued PRB Decision 256 in which it denied William Cobb's petition for reinstatement to the active practice of law. The panel concluded that Mr. Cobb, whose license had previously been suspended (See, PRB Decision 247) had not met the burden required for reinstatement. Mr. Cobb did not appeal and the Supreme Court did not order review on its own motion. As such, on April 10, 2024, the Supreme Court entered an order declaring that the hearing panel's decision had become final.

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Last Updated 04/17/2024