

PCB 19

[01-Nov-1991]

STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In re: PCB File No. 90.41

NOTICE OF DECISION

PCB NO. 19

Procedural History

A complaint was filed with the Professional Conduct Board by a witness in a divorce action in which Respondent represented one of the parties. After an investigation was completed, specially appointed bar counsel entered into a stipulation.

The Professional Conduct Board reviewed the stipulation which it accepted.

The Professional Conduct Board incorporates that stipulation into the following findings of facts and conclusions of law.

Facts

1. The Respondent is an attorney licensed to practice in the State of Vermont and subject to the powers of this Board.
2. The Respondent represented one of the parties in a divorce action.
3. In the course of said litigation, the parties and their counsel attended a hearing at a superior court on July 13, 1990.
4. Complainant attended the hearing in order to appear as a witness at the request of the opposing party.
5. Complainant was a friend of both parties to the divorce. Complainant attempted to speak with the Respondent's client outside the courtroom during a break in the hearing.
6. Respondent found complainant's attempt to talk to his client particularly disruptive and asked complainant to leave him alone with his client.
7. When complainant failed to do so, the Respondent told complainant to "[g]et the fuck away from here".
8. Complainant was upset and offended by the Respondent's comment to complainant.

Conclusion of Law

Respondent's conduct was undignified, discourteous, and was degrading to the court in violation of DR 7-106(C)(6).

Attorneys in divorce proceedings, as well as any other court proceedings, are obligated "to preserve decorum and encourage fair process, treating all involved persons with dignity." In re PCB File No. 88.125, Notice of Decision No. 7, p. 4 (May 10, 1991).

Respondent has been privately admonished for this violation.

Dated at Montpelier, Vermont, this 1st day of November, 1991.

PROFESSIONAL CONDUCT BOARD

By: /s/

J. Eric Anderson, Chair

/s/
Deborah S. Banse, Esq.

/s/
Hamilton Davis

/s/
Anne K. Batten

/s/
Nancy Foster

/s/
Leslie G. Black, Esq.

Shelley Hill, Esq.

/s/
Richard L. Brock, Esq.

/s/
Rosalyn L. Hunneman

/s/
Joseph F. Cahill, Jr., Esq.

/s/
Donald Marsh

/s/
Nancy Corsones, Esq.

/s/
Karen Miller, Esq.

/s/
Christopher L. Davis, Esq.

/s/
Edward Zuccaro, Esq.