

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Melvin Fink
PRB File No. 2019-012

PETITION OF MISCONDUCT

In accordance with a finding of probable cause dated February 15, 2019, Disciplinary Counsel formally charges Melvin Fink (Respondent) with the following violation pursuant to A.O. 9, Rule 11(D)(1)(b) as set forth below.

NOTICE TO RESPONDENT: This is a formal Petition of Misconduct. Pursuant to A.O. 9, Rule 11(D)(3), you are required to file an Answer within 20 days addressed to the Professional Responsibility Program, 109 State St., Montpelier, VT 05609, with copy to Disciplinary Counsel. Failure to file a timely answer may result in the facts and charges being deemed admitted.

Count 1 of 1

Melvin Fink, a licensed Vermont attorney, engaged in a serious crime; to wit: on July 17, 2017, engaged in lewd and lascivious conduct towards JH, a felony, in violation of 13 V.S.A. § 2601 and Vermont Rule of Professional Conduct 8.4(b).

Facts alleged in Support of Petition

1. Respondent is a licensed Vermont attorney who maintains a busy litigation practice in Ludlow.
2. On February 8, 2019, Respondent was arraigned on a two-count Information filed by the Attorney General, charging him with lewd and lascivious conduct towards

JH, arising out of a single encounter that occurred July 17, 2017 in Bennington county. *State v. Melvin Fink*, 124-1-19 Bncr.

3. The arraignment package contains a police affidavit which describes the conduct in detail.
4. The police affidavit states, in relevant part, that:
 - a. Respondent provided legal representation to JH's adult son in a child custody matter from November 2016 to June 2017.
 - b. On June 6, 2017, Respondent withdrew from representing JH's son, but continued to provide advice and counseling on the matter to JH.
 - c. On July 17, 2017, Respondent and JH were scheduled to meet to discuss the matter. The meeting occurred at JH's residence in Peru.
 - d. Respondent grabbed the back of JH's head, forced her face to his face, and inserted his tongue into her mouth and partially down her throat. He also pushed his fingers through the clothing of JH, into her anus. He engaged in this conduct without JH's consent and without any lawful purpose.
5. The conduct set out in the police affidavit is a felony violation of 13 V.S.A. § 2601.

DATED : February 20, 2019



Sarah Katz, Disciplinary Counsel