

[01-May-1992]

ENTRY ORDER

SUPREME COURT DOCKET NO. 92-201

MAY TERM, 1992

In re George E. Taft, Esq.	}	Original Jurisdiction
	}	
	}	FROM
	}	Professional Conduct Board
	}	
	}	DOCKET NO. 91-14

In the above entitled cause the Clerk will enter:

Pursuant to the recommendation of the Professional Conduct Board filed May 4, 1992, and approval thereof, it is hereby ordered that George E. Taft, Esq., be suspended for four months for the reasons set forth in the Board's findings of fact, conclusions of law and recommended sanction attached hereto for publication as part of the order of this Court. A.) 9, Rule 8E.

The period of suspension shall begin on August 1, 1992, and end on November 30, 1992.

BY THE COURT:

/s/

Frederic W. Allen, Chief Justice

/s/

Ernest W. Gibson III, Associate Justice

/s/

[] Publish

John A. Dooley, Associate Justice

/s/

[x] Do Not Publish

James L. Morse, Associate Justice

/s/

Denise R. Johnson, Associate Justice

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PCB DECISION #32
STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In re: George E. Taft, Esq., Respondent

ADOPTED AND APPROVED AS A FINAL REPORT OF THE PROFESSIONAL CONDUCT BOARD. MAY 1, 1992.

/s/

J. Eric Anderson, Esq., Chair

PCB File 91.14

STIPULATION

Now come bar counsel and respondent George E. Taft Esq., by and through his attorney, Thomas J. Donovan, Esq., and stipulate to the following findings

of fact, conclusions of law, and waiver of procedural rights.

FACTS

1. Respondent has been a member of the Vermont Bar since 1974.
2. On January 30, 1991, respondent pled nolo contendere to two counts of knowingly failing to file Vermont income tax returns for 1987 and 1988, in violation of Section 5894(b) of 32 Vermont Statutes Annotated. Respondent was fined \$250 for each of these offenses. He paid the fines in full.
3. Respondent also failed to file income taxes with the state between 1981 and 1987. He was not prosecuted for these offenses.
4. At the time respondent failed to file his returns, respondent knew of his legal obligation to file income tax returns for each of these years.
5. Respondent attributes his failure to file income tax returns to his alcoholism which became chronic in 1976.
6. In October of 1988, the respondent's mid-day consumption of alcohol was noticed by the court. The presiding judge remarked to respondent that there was no place in court for the use of alcohol.
7. Respondent was motivated by events in his personal life to join Alcoholics Anonymous. Respondent has been sober since October 28, 1988, although he no longer attends AA meetings on a regular basis.
8. Respondent knew that he had failed to pay taxes but did not confront his tax problems voluntarily prior to October of 1990 when the Vermont Department of Taxes began its inquiry into respondent's tax liability. That inquiry resulted in his conviction.
9. Since the criminal charges were filed against him, respondent has paid all back taxes due, including all penalties and interests, and has met all his current tax obligations under the laws of Vermont.

CONCLUSIONS OF LAW

Based upon the facts stipulated above, respondent and bar counsel agree that respondent's conduct violated the following provisions of the Code of Professional Responsibility:

DR 1-102(A) (3) (illegal conduct involving moral turpitude); and

DR 1-102(A) (5) (conduct prejudicial to the administration of justice).

SANCTION

Respondent and bar counsel agree that the following mitigating factors are present:

1. absence of a prior disciplinary record;
2. personal problems;
3. full and free disclosure to bar counsel and co-operative attitude toward disciplinary proceedings;
4. imposition of other penalties.

Respondent and bar counsel also agree that the following aggravating factors are present:

1. dishonest or selfish motive;
2. multiple offenses;
3. substantial experience in the practice of law.

Respondent submits that his practice is the sole source of his livelihood, his income is modest, that he recognized and sought treatment for

his alcoholism, and that he continues his treatment on an as needed basis.

On the other hand, respondent acknowledges that the failure to file income tax

returns "is not only a failure to perform a duty imposed by law on income-earning citizens generally, it is a breach of responsibility that tends to discredit the legal profession which the respondent, as a member of the bar,

is obligated to uphold with strict fidelity." In re Calhoun, 127 Vt. 220 (1968).

Respondent and bar counsel recommend that a sanction no greater than a four month suspension be imposed in this case. See In re Knapp, 127 Vt. 222

(1968). Respondent also submits for the Board's and Court's consideration the

following attached documents: a letter from Robert Terranova (Exhibit A); an

affidavit from Attorney William C. Kittell (Exhibit B); and a letter from respondent (Exhibit C).

WAIVER OF PROCEDURAL RIGHTS

Respondent waives his procedural rights under Administrative Order 9, including the right to a hearing. Respondent requests that this stipulation

be acted upon by the full Professional Conduct Board as soon as practicable and waives his opportunity to brief this matter or to appear before the full

Board. In the event the Board should recommend a sanction greater than four

months, respondent reserves the right to appeal that recommendation to the Vermont Supreme Court.

In all respects, this document shall remain confidential as required by Administrative Order 9.

Dated: Montpelier, Vermont
March 4, 1992

/s/ _____
Wendy S. Collins, Bar Counsel

Dated: Burlington, Vermont

March 5, 1995

/s/ _____
George E. Taft, Esq., Respondent

Dated: Burlington, Vermont
March 5, 1992

/s/ _____
Thomas J. Donovan, Esq.
Counsel for Respondent

March 2, 1992
10 First St.
Colchester, VT 05446

Professional Conduct Board
Montpelier
Vermont 05601

Re: George Taft

Ladies and Gentlemen:

I am writing this at George's request to tell you something about my association with him and to try to give you my opinion for what it may be worth in your consideration of his case.

I have known George for 17 years. We have been friends for that time and I have been his client on three occasions. We see and are with one another frequently during the summer and fall because we fish and hunt together. We see one another less during the rest of the year, but we are in fairly frequent contact even then.

I have been a member of the AA fellowship for 7 1/2 years. I have functioned as a sponsor on many occasions and I am currently a sponsor for three sponsees.

George gave up the use of alcohol in October, 1988. I have attended meetings with him during the beginning of his recovery. We have talked about our recoveries at great length during our excursions fishing and hunting and during our phone conversations.

George does not attend AA regularly now but does attend when the need arises. To my best knowledge, he hasn't had the need to attend more than a few times in the past year. I am convinced from my contact with him that he has not picked up a drink since the beginning of his sobriety.

His recovery program appears to be working very well for him. It is not the traditional approach encouraged by the fellowship, but we also recognize that the best program for a participant is the one that works day in and day out.

I don't detect in George anything that would lead me to believe his sobriety is at risk. On the contrary, he speaks openly to me about his sobriety and recovery and is obviously very pleased with his success.

2.

My experience and impression of George over the years has been that he works very hard at his profession and attempts to do the best possible work for all his clients.

I don't know what George makes, but I don't believe he has much in the way of resources except his professional income.

I hope this is helpful to you in your evaluation of his case.

Sincerely,

Robert Terranova

/s/ Robert Terranova

AFFIDAVIT OF WILLIAM C. KITTELL ESQ.

To whom it may concern:

I have been a member of the Vermont Bar since 1969.

I have conducted my practice of law at 192 College Street since 1981.

I have shared office space with George Taft during this eleven year period of time. I have had ample opportunity to observe him and his habits during this period.

To the best of my knowledge, Taft has not used alcohol since October of 1988. I know that he attended AA at the onset of his sobriety and still may attend on occasion. I can also report that I never saw alcohol interfere with his practice.

I am familiar with his practice and feel that he has been a credit to his profession. He represents many people on a pro bono basis. He takes care of many people who are down and out. He performs legal aid type of service on an ongoing basis with little thanks from clients or the legal community. I am referring to guardianships and estate work with little or no compensation. He handles many Criminal and Family Court matters for a cliental of modest means.

I believe that if all members of the Vermont were ranked on their public service, George would be in the top 10%.

I would like the Board to consider the effect of suspension and public censure. There are many people who depend on George Taft and his ongoing service. A period of suspension for him will adversely affect many other people. Vermont does not have the resources or people to fill this kind of void. Most lawyers wouldn't be bothered to "stoop" to his kind of practice.

During the period that I have known him he has always been very diligent in his practice. I do not believe that he has any other source of income.

Based on my personal observation I can report that George Taft is well thought of by many, many clients.

/s/ _____
William C. Kittell, Esq.

Sworn to this 27th day of February, 1992.

/s/ __Lori Somerville_____
Notary Public

GEORGE E. TAFT
Attorney at Law
192 College Street
Burlington, Vermont 05401
Phone - 802-862-7902

March 4, 1992

Professional Conduct Board
ATTN: Wendy Collins, Esq.
Montpelier, Vt. 05601

Re: George Taft

Dear Ms. Collins:

I would respectfully ask that this letter be presented to the Board and the Court before they impose their sanction.

It is my hope and intention to return to my practice after the sanction period. My practice is the sole source of my livelihood. I have no savings. I have some accounts receivable.

It will be necessary for me to find occasional work during the sanction period. I believe I can weather a two month suspension. I think a four month suspension would put

me out of business. I probably could get through a three month suspension, but it would be tough.

I would ask the Board and the Court also to consider, if they can, making the sanction effective on or about July 1st so that I may take advantage of the good weather to land work painting or landscaping.

Thank you.

Sincerely,

/s/ George Taft

Attorney At Law