

STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In re: PCB File 90.52

NOTICE OF DECISION
PCB 38
Procedural History

A complaint was filed with the Professional Conduct Board by a former client of the respondent. Bar Counsel investigated this matter and, as a result of the investigation, entered into the stipulation of facts with the respondent. The Professional Conduct board reviewed the stipulation of facts, conclusions of law, and recommendation to the Professional Conduct Board.

The Professional Conduct Board accepted that stipulation and hereby incorporates it into the following findings of fact and conclusions of law.

Facts

1. The respondent is a member of the Vermont Bar.
2. For a period in excess of the last ten years, the respondent has practiced law as the sole partner in his firm, which has been called "(the respondent's last name) & Associates."
3. When the respondent formed his firm there were two associates employed by the firm.
4. At various times since founding his firm, the respondent has employed associates to work for the firm.
5. However, for approximately two years, the respondent was the only attorney in the office. During the majority of that period, the respondent employed a law school graduate who was not admitted to practice law.
6. During the time that the firm had no associates employed, the firm name had the effect of misleading the public as to the number of attorneys practicing in the firm.
7. The respondent was not aware that the name of the firm created any deception or misleading impression nor did he intend such effect.
8. When the problem was pointed out to the respondent, he changed the name of the firm. At that time, the respondent had a partner and they changed the firm name to "(partner's last name) & (partner's last name)."
9. There is no evidence that any member of the public suffered injury as a result of the misleading firm name.

Conclusions of Law

The Board holds that the respondent's actions, as enumerated above,

constitute practicing under a name that is misleading to the public in violation of the Code of Professional Responsibility. DR 2-102 (B) (A lawyer in private practice shall not practice under a ... name that is misleading as to the identity of the lawyer or lawyers practicing under that name, or a firm name containing the names of one or more lawyers in the firm....).

The Board finds that the respondent should be sanctioned for his violation of the Code and that the Board's admonition is an appropriate sanction in this matter. Therefore, an admonition will issue.

Dated in Montpelier, Vermont, this 13 day of , 1992.

PROFESSIONAL CONDUCT BOARD

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