

STATE OF VERMONT
JUDICIAL CONDUCT BOARD

JCB Docket No.: 16.004

In Re:)
Assistant Judge Paul T. Kane)

RESPONDENT'S REPLICATION to
BOARD COUNSEL'S REPLY IN FURTHER SUPPORT OF MOTIONS IN LIMINE

NOW COMES Respondent, Assistant Judge Paul Kane, in the above-captioned matter by his attorney, Melvin Fink, and in Response to Board counsel's Reply in Further Support of Motions in Limine, says as follows:

1. While Board counsel continues to berate Respondent and his counsel, he continues to disregard the issue of the Respondent's alleged pre-trial nondisclosure of witnesses / exhibits.
2. The Respondent's case consists of rebuttal to the testimony and exhibits that may be admitted into evidence at the time of hearing.
3. Respondent's counsel was unable to participate in the Deposition of Attorney Moore. Board counsel knew Respondent's counsel had a Jury Trial on the same date that he had established, but proceeded nonetheless. Also, the Deposition date was beyond the Deposition deadline date established by the Board.
4. Attorney Moore has previously advised that he is unable to speak with Respondent concerning issues which may be the subject of these proceedings.
5. As a result, Respondent is not mindful of the testimonial or documentary evidence to be offered at the time of trial.¹
6. Respondent would seek to rebut such evidence presented through Attorney Moore where appropriate. Such rebuttal presentation cannot be now formulated.
7. Similarly, with the spectrum of allegations presented in Board counsel's Complaint.

WHEREFORE, the Respondent requests that the Judicial Conduct Board deny Board counsel's motion.

DATED at Ludlow, in the County of Windsor and State of Vermont, this 17th day of March, 2017.



Melvin Fink, Esq., Attorney for Respondent,
Assistant Judge Paul T. Kane

¹Though the Board ruled concerning attorney-client privilege for purposes of Attorney Moore's Deposition, the issue may surface in connection with Attorney Moore's testimony at hearing.