

**STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM**

**IN RE: Carolyn Adams
PRB File No. 2020-064**

RESPONDENT'S MOTION TO CONSOLIDATE OR STAY

NOW COMES the Respondent, Carolyn Adams, and hereby moves to consolidate the matter with PRB File No. 2019-014 and 2019-015 pursuant to A.O. 9, Rule 20(B) and V.R.C.P. 42(b). In the alternative, Respondent seeks to stay the matter pursuant to A.O. 9, Rule 20(G).

At the time of this filing, Respondent, through counsel, is filing a Motion for Relief from Judgment in PRB File No. 2019-014 and 2019-015. That motion seeks to vacate (1) the judgment that placed the Respondent on terms of probation; and (2) the Order of Suspension for the alleged violation of those terms. The motion is based on the failure to stop proceedings and provide a disability review when the right for a review was invoked. Any consideration of the counts in this matter is dependent upon the disposition of the pending Motion for Relief in the predicate matters. Had Respondent never been unlawfully suspended, there would be no requirement to timely notify clients as alleged in Count I. Had the Respondent never been unlawfully suspended and punished for having a disability, she would have been better able to present her IOLTA records and avoid any perceived deficiency in her record keeping as alleged in Count II. Had Respondent never been unlawfully suspended, Respondent would have never been in a position where she could not file a matter for a client as alleged in Count III.

When actions involving a common question of law or fact are pending before the court, it may [1] order a joint hearing or trial of any or all the matters in issue in the actions; it may, with consent of the parties, [2] order all the actions consolidated; and it [3] may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

V.R.C.P. 42(b). When the fact of a prior judgement plays “a critical role” in a subsequent action, due process requires a meaningful review of that prior judgement—particularly when such opportunity for review was never previously afforded. *United States v. Mendoza-Lopez*, 481 U.S. 828,837–38, 107 S.Ct. 2148, 95 L.Ed.2d 772 (1987).

Disciplinary Counsel (“DC”) has not yet had an adequate opportunity to consider consenting to the motion. Regardless, there are issues of fact surrounding the time leading up to Respondent’s suspension. These facts are relevant to both the Motion for Relief and this matter for purposes of both defense and mitigation. Were the counts here to be heard prior to the motion for relief, substantial unnecessary costs would be created; and justice would be substantially delayed. No member of this board has been involved in any prior related matter. This makes the Board ideal for consideration of the Motion for Relief as well as this matter. This Board’s oversight of the entire matter would best ensure a just and orderly consideration.

Should the Board rule against a consolidation, a stay should be ordered pursuant to Rule 20(G). A stay may be ordered for good cause shown. Were the counts here to be heard prior to the motion for relief, much duplicative litigation would inevitably result. Furthermore, Respondent’s circumstances require her to rely on *pro bono* counsel. There is no availability for *pro bono* counsel to argue two matters concurrently.

Whether the matter is consolidated or stayed, Respondent respectfully requests a scheduling order which (1) allows for the filing of any motions based on the final outcome of the Motion for Relief, and any appeal thereof, within 30 days following such outcome; and which (2) delays consideration of the counts here until after such motion is considered.

WHEREFORE, Respondent respectfully requests that the Matter be requested or stayed, and that an appropriate scheduling order is entered as set forth herein.

DATED at South Ryegate, Vermont this **17th** day of **May 2021**.

/s/ Carolyn Adams
PO Box 151
South Ryegate, VT 05069

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CERTIFICATE OF SERVICE

I, Carolyn Adams, hereby certify that on the **17th** day of **May 2021**, I served **Respondent's Motion to Consolidate or Stay** via e-mail to the following attorney of record:

Sarah Katz, Esq.
Sarah.Katz@vermont.gov

DATED at **South Ryegate**, Vermont this **17th** day of **May 2021**.

/s/ Carolyn Adams
PO Box 151
South Ryegate, VT 05069
carri757@gmail.com