

**STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM**

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| In Re: Paul Kulig PRB File No. 2020-066 |
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**NOTIFICATION TO PANEL OF RESPONDENT’S POSITION ON A STAY OF THE
ORDER**

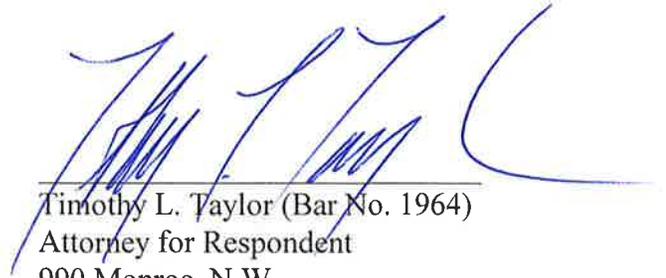
Timothy L. Taylor, attorney for the Respondent, hereby states that he believes the Panel’s order that “Respondent is suspended from the office of attorney and counselor at law for a period of three (3) months, to commence fourteen (14) days following the date of this decision” is stayed by operation of law. This conclusion is based on the following:

- A hearing panel decision becomes final if no appeal is filed and served within 30 days and the Supreme Court does not order review on its own motion. Administrative Order 9, Rule 11.D. Until then, it is not a final decision;
- The Vermont Rules of Civil Procedure govern disciplinary cases (A.O. 9, Rule 16.B), and the Vermont Rules of Appellate Procedure govern disciplinary proceedings on appeal. A.O. 9, Rule 11.E. Under V.R.Civ.P. 62(a)(1), no judgment is to be enforced until the expiration of 30 days after its entry or the time to appeal has run;
- In addition, under V.R.Civ.P. 62(d)(1), there is an automatic stay of a decision during the pendency of the appeal;
- Pursuant to its authority under A.O. 9, Rule 13(E), the Vermont Supreme Court has ordered review of this case on its own motion. Hence, the matter is on appeal, and therefore stayed.
- This conclusion is supported by the documents in the In re Bowen matter (PRB Docket Nos. 2019-083 & 2019-088). The Panel’s Order of May 13, 2020 (Exhibit A) concluded that a hearing panel decision did not take effect for 30 days, and then it was further subject to the matter being appealed. The Vermont Supreme Court Entry Order after affirming the decision of that Panel (Exhibit B) also suggests a decision order of this Panel does not take effect until after any appeal is concluded.

The Respondent will therefore continue to practice law until the conclusion of the appeal in this matter. If the Panel disagrees with this interpretation, it is respectfully requested that it so

indicate to Respondent's counsel so that the issue can be brought to the attention of the Vermont Supreme Court.

Dated: October 8, 2021



Timothy L. Taylor (Bar No. 1964)
Attorney for Respondent
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Exhibit

A

**Vermont Supreme Court
Professional Responsibility Program**

**In re Richard Bowen, Esq.
PRB File Nos. 2019-083 & 2019-088**

Hearing Panel 10

ORDER

On May 7, 2020, the panel issued Decision 233. In it, the panel ordered the Respondent's license to practice law suspended for three (3) months. Respondent filed a motion to stay the execution of the order until May 15, 2020.

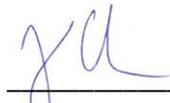
A hearing panel decision becomes final if no appeal is filed and served within 30 days and the Supreme Court does not order review on its own motion. *Administrative Order 9, Rule 11.D*. Until then, it is not a final decision. This makes sense, especially in cases in which a brief suspension could run before a respondent had 30 days to decide whether to appeal. If that were to happen, the appeal would be moot, and a respondent would serve a suspension without being able to challenge it.

Furthermore, the Rules of Civil Procedure govern disciplinary cases, *A.O. 9, Rule 16.B*, and the Rules of Appellate Procedure govern disciplinary proceedings on appeal. *A.O. 9, Rule 11.E*. Per Rule 62(a)(1) of the Rules of Civil Procedure, no judgment will be enforced until the expiration of 30 days after its entry or the time to appeal has run.

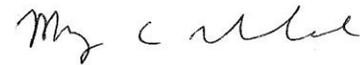
For these reasons, the panel concludes that Decision 233 is not yet a final order. As such, Respondent's motion to stay is DENIED. If no appeal is filed, and if the Supreme Court does not order review on its own motion, the panel ORDERS that the three (3) month suspension of Respondent's law license commence on June 8, 2020. Thereafter, Respondent shall comply with the provisions of Rule 23 of Administrative Order 9.

DATED May 13, 2020.

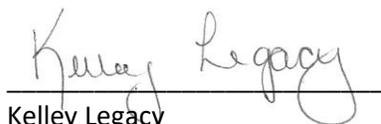
Hearing Panel 10.



Jonathan Cohen, Esq., Chair



Mary Welford, Esq.



Kelley Legacy

Exhibit

B

ENTRY ORDER

2021 VT 7

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

FEB 12 2021

SUPREME COURT DOCKET NO. 2020-137

NOVEMBER TERM, 2020

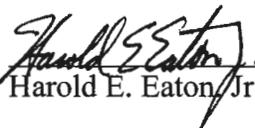
In re Richard Bowen, Esq.

} Original Jurisdiction
}
} Professional Responsibility Board
}
} PRB DOCKET NOS. 2019-083 & 2019-088

In the above-entitled cause, the Clerk will enter:

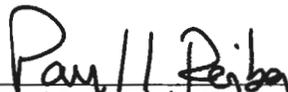
Affirmed. Respondent is suspended from the practice of law for three months; his suspension will begin on the date the mandate executes under Vermont Rule of Appellate Procedure 41.

FOR THE COURT:



Harold E. Eaton, Jr., Associate Justice

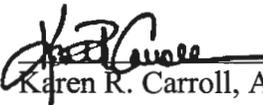
Concurring:



Paul L. Reiber, Chief Justice



Beth Robinson, Associate Justice



Karen R. Carroll, Associate Justice



William D. Cohen, Associate Justice