

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

In Re: Carolyn Adams
PRB File No. 2020-064

Decision No. 245

PROCEDURAL HISTORY

Disciplinary Counsel has moved to dismiss the 08/26/20 petition in this matter without prejudice. *D.C. Motion to Dismiss*, dated 01/13/22. Respondent’s law license has already been suspended, though she is eligible to apply for reinstatement. *See, PRB Decision No. 225; see, also, PRB Decision No. 225-A*. Disciplinary Counsel notes that “[i]n the event that Respondent files a petition seeking reinstatement, any or all of the issues set out in the currently pending petition of misconduct could be raised by disciplinary counsel in conjunction with a reinstatement proceeding”. *D.C. Motion to Dismiss*, dated 01/13/22, p. 2. Critical issues would likely concern whether or not the former client of Respondent who was allegedly charged an unreasonable fee was ever made whole and the extent of Respondent’s acceptance of responsibility for any consequences therefrom. *See, Petition, Count 3; see, also, Answer to Petition, ¶¶ 37 & 38*.

Respondent, through counsel, has responded by stipulating to the dismissal without prejudice. *See, Respondent’s Stipulation and Memorandum Supporting Dismissal*, dated January 18, 2022. She indicates that “[e]xtraordinary physical pain and psychological challenges, along with accompanying financial hardship, precipitated the initial complaint and continued through what has become a pandemic long suspension”. *Id.*, p. 1; *see, also, PRB Decision No. 225, pp. 3 - 4*. Respondent further indicates that she “has not decided if, or when, she may seek reinstatement”. *Id.*, p. 2. The duration of the mental health challenges to her

fitness to practice law reflects their persistence. The proliferation of overlapping charges across three dockets appears to reflect the impact of those challenges upon her practice of law.

CONCLUSIONS OF LAW

It is doubtful that a disciplinary panel has the authority to order unwilling parties to litigate claims of lawyer misconduct. See, Vt. A.O. 9 Rule 14. By analogy, stipulations to dismiss under Vermont Rule of Civil Procedure 41(a)(2) are effective automatically and are self-executing. *See, Alma Realty Co. v. Sugarbush Valley Corp.*, 136 Vt. 406, 392 A.2d 379 (1978) (effective automatically); *Gloss v. Delaware & Hudson Railroad*, 135 Vt. 419, 378 A.2d 507 (1977) (self-executing). The parties know the facts and circumstances better than the panel and their agreement to not proceed must be respected. The reinstatement hearing mechanism contained in Rule 26 of Administrative Order 9 will therefore be the means for another panel to assess the claims made in this petition upon Respondent’s motion for reinstatement, if need be.

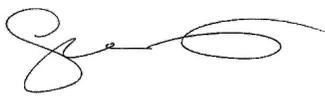
WHEREFORE, the matter is **DISMISSED WITHOUT**

PREJUDICE. Dated: March 15, 2022

Hearing Panel No. 6

By: 

David Berman, Esq., Chair

By: 

Joseph Cahill, Esq.

By: 

Nicole Junas Ravlin, Public
Member