

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re: Carrie J. Legus, Esq.

PRB No. 2020-102

PETITION OF MISCONDUCT

In accordance with a finding of probable cause dated September 8, 2020, Disciplinary Counsel formally charges Carrie J. Legus (Respondent) with the following violations pursuant to A.O. 9, Rule 11(D)(1)(b) as set forth below.

NOTICE TO RESPONDENT: This is a formal Petition of Misconduct. Pursuant to A.O. 9, Rule 11(D)(3), you are required to file an Answer within 20 days addressed to the Professional Responsibility Program, 109 State St., Montpelier, VT 05609, with copy to Disciplinary Counsel via email to sarah.katz@vermont.gov. Failure to file a timely answer may result in the facts and charges being deemed admitted.

Count 1 of 2

In 2020, Carrie J. Legus, a licensed Vermont attorney, knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of Vermont Rule of Professional Conduct 8.1(b).

Count 2 of 2

In 2020, Carrie J. Legus, a licensed Vermont attorney, failed to furnish information to or respond to a request from disciplinary counsel, without reasonable grounds for refusing to do so, in violation of Supreme Court A.O. 9, Rule 7.D.

Facts alleged in support of petition

1. Respondent is an attorney licensed to practice in Vermont who resides in or near

Walden. On April 27, 2020 she was charged with one count of reckless endangerment, a misdemeanor, in violation of 13 V.S.A. § 1025. *See State v. Legus*, 178-4-20 Cacr. The alleged facts are that on the afternoon of April 26, 2020, Respondent pulled a loaded firearm on a general store clerk in Walden, causing the clerk to fear her life was in danger. Respondent entered a plea of not guilty and is representing herself pro se in the criminal proceeding.

2. Respondent was ordered on interim suspension by the Supreme Court on May 22, 2020 for failure to respond to disciplinary inquiry.
3. The findings, procedural history and applicable law governing the interim suspension proceedings are set out in *In re Carrie Legus*, 2020 VT 40 (May 22, 2020) and 2020 VT 49 (June 19, 2020).
4. The orders find that Respondent failed to cooperate with disciplinary authority.
5. I attempted to interview Respondent in accordance with the Supreme Court orders.
6. By U.S. Mail and email dated June 10, 2020, I wrote to Respondent to provide a window of dates in which she could anticipate I would be scheduling her interview. The June 10, 2020 letter stated that she had a choice of conducting the interview in person or by videoconferencing software, and that she should contact me to schedule her interview.
7. By June 25, 2020 I had not received any response regarding the scheduling of the interview, so I followed up again via email, forwarding a copy of the June 10, 2020 letter. I received some email and mail communication from Respondent, but none that complied with my specific requests regarding scheduling the interview.

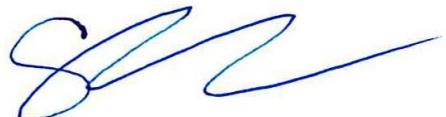
8. On July 8, 2020, I mailed by U.S. mail and emailed Respondent a letter notifying her of her interview time, date, and location, which I scheduled for July 17, 2020 without her scheduling input. The July 8 letter gave Respondent the option of a videoconferencing link or in-person at the Supreme Court building.
9. I did not receive any word from Respondent as to whether she would participate using the videoconference option I had provided to her or whether she would appear in person.
10. On July 16, 2020, security officer Jason Gould telephoned Respondent to remind her of her in-person interview option and to explain safety and health screening requirements, including that a mask would be required at all times in the building. Respondent did not answer the phone, so Gould left her a voicemail with the pertinent information, also reminding her she was free to exercise the videoconference option instead.
11. On July 17, 2020, Dan Troidl, contract investigator for the PRB, and I waited at the Supreme Court building for Respondent to either appear or log in to the videoconference at 10 a.m. She did not do either of these things, so a few minutes after 10, Troidl telephoned Respondent from his cell phone.
12. Respondent answered the call and refused to participate using video and refused to appear in-person.
13. I was able to keep her on the line on speaker phone and attempted to ask her some of the questions I had planned for the interview.
14. After explaining I did not intend to ask questions that would elicit information related to the pending criminal charges against her, I attempted to ask questions

related to her background and work history and some questions related to her health and well-being, primarily attempting to assess whether a disability petition might be appropriate.

15. I asked no questions related to the pending criminal charge or intending to elicit any responses that might implicate the Fifth Amendment privilege.
16. In general, Respondent provided nonresponsive answers stating only “irrelevant” or invoking the Fifth Amendment, but she also provided other varieties of nonresponses, conveying her apparent disinterest in cooperation.
17. In response to a question about her work-related plans for the future, she stated only that she was “not a high school student.”
18. In response to a question about her work history she stated only that “I am not applying for a job.”
19. I attempted to explain the nature of disability proceedings and she responded with some statements about me interfering with a family matter that I was unable to make sense of.
20. When I asked whether she had concerns for her own personal safety, she stated “you don’t know how to read.”
21. In sum, despite continued efforts I have been unable to carry out my duties to investigate whether a disciplinary or disability petition is appropriate due to Respondent’s continued lack of cooperation and despite express order by the Supreme Court that Respondent has a legal obligation as a licensed attorney to respond to my inquiries that do not implicate the Fifth Amendment privilege. *In re Carrie Legus*, 2020 VT 49, ¶10.

Dated: September 9, 2020

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "SK".

Sarah Katz
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