

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY BOARD

In Re: Stuart Jay Robinson, Esq.  
PRB File Nos. 2020-007 & 2021-099

**RULING ON RESPONDENT’S MOTION TO CONTINUE MERITS HEARING**

On or about October 13, 2021, Respondent filed a motion to continue the merits hearing that is scheduled to take place on November 8, 2021 in the above matters. As grounds for the motion, Respondent asserts that he has two medical conditions that render him unable to participate effectively in the scheduled hearing. Respondent is representing himself in these proceedings. He has submitted a doctor’s letter in support of his request.

Based on the information in Respondent’s motion to continue, Disciplinary Counsel sought an order from the Supreme Court pursuant to A.O. 9, Rule 25(B). That provision states as follows:

If a respondent alleges in the course of a disciplinary proceeding that he or she is unable to assist in his or her defense due to a mental or physical disability, the Court shall immediately transfer the lawyer to disability inactive status pending determination of the incapacity. Such determination shall be made by a hearing panel assigned by the Board, following notice and an opportunity to be heard. The panel shall submit a report to the Court with its recommendation.

- (1) If the Court determines the claim of inability to defend is valid, the disciplinary proceeding shall be deferred and the respondent retained on disability inactive status until the respondent's return to active status.
- (2) If the Court determines the claim of inability to defend to be invalid, the disciplinary proceeding shall resume.

A.O. 9, Rule 25(B).

On October 15, 2021 the Supreme Court issued an order, based on the assertions in his motion to continue, immediately transferring Respondent to disability inactive status “pending determination of the incapacity by a PRB hearing panel.” In light of the procedure contemplated by Rule 25, Disciplinary Counsel has indicated that he believes the currently scheduled merits hearing on the charges filed against

Respondent should be continued and the proceedings should be stayed pending the incapacity determination proceeding that will now be conducted with respect to Respondent's assertion of inability to defend.

It is hereby ORDERED that Respondent's request to continue the merits hearing currently scheduled for November 8, 2021 is GRANTED; provided, however, that the parties are ORDERED to reserve the November 8, 2021 date for a status conference that will be conducted by remote video conferencing on that date in connection with the incapacity determination proceeding. The Panel expects Respondent to attend the status conference and participate to the best of his ability. A notice for the status conference will be issue separately.

Dated: October 26, 2021

**Hearing Panel No. 6**

By:   
Richard R. Goldsborough, Esq., Chair

  
Steven A. Adler, Esq.

  
Nicole Junas Ravlin, Public Member