

**STATE OF VERMONT  
PROFESSIONAL RESPOSNSIBILITY PROGRAM**

**ANSWER TO PETITION OF MISCONDUCT**

**COUNT I**

Admit it is I who was disbarred by the Professional Responsibility Board in an action i did not contest, but that action was taken in 2017, not in 2014. I also admit I have never applied for, nor been reinstated. Deny violations of Vermont Rules of Professional Conduct.

**COUNT II**

Admit I represented the Bensons before District Environmental Commission #8 in Docket 8B0623-1 from November of 2020 until October of 2022, the time the District Commission issued its decision. I represented the Bensons in Docket # 8B0623-1. I never represented the Bensons in Docket No. 20-Env-00122 which was an appeal from the Town of Manchester Development Review Board (DRB), though I did represent them before the DRB proceeding which resulted in the appeal. Deny I violated VRPC or Administrative Order 41, §2.

**FACTS IN SUPPORT OF PETITION**

2. Admitted..
3. Admit I was disbarred, but not all the reasons upon which my disbarment was based.
4. Admitted, except as to the last sentence which is denied.
5. Admit first two sentences. Deny final sentence.

**PRB File No. 2022-124**

6. Admitted except that the “original copy” was one of several duplicate originals turned over to Mr. Corsones.
7. Admit G.G. gave the documents to me on January 17, 2022 and we briefly reviewed what each document did. We reviewed only the Revocable Living Trust in detail, focusing on the portions which G.G. claimed were not her current wishes.
8. Admit I reviewed each of the documents G.G. gave me when I returned home. I only reviewed the Revocable Living Trust in detail with Gloria. I briefly explained why the others were not relevant to the changes she wanted to make..
9. Denied G.G. had any difficulty reading. I read the entire Trust Amendment to her because I wanted to be sure she heard the changes it made were exactly what she told me she wanted.

10. Admitted.

11. Admitted. However my wife is a Justice of the Peace, not a Notary Public.

12. 1<sup>st</sup> sentence: Admitted.

2<sup>nd</sup> sentence: In my experience, I knew having multiple originals was helpful.

3<sup>rd</sup> sentence: There was no confusion **where** G.G. was to sign. There was confusion **how** she was to sign.

After I asked her if the Amendment represented her wishes and whether she wanted us to witness it for her, I asked her to sign her name once as Trustee and once as Grantor where indicated on each original. She signed “Trustee” once and “Grantor” once, in the proper places.. When that original made its way to my wife, I stopped the proceedings and asked G.G. to insert her signed name in the space left on the respective lines. We then completed the execution and witnessing of the remaining originals.

Last Sentence: I left one original with Gloria, and kept the other originals. Those originals were subsequently turned over to Michael Houlihan’s lawyer Chris Corsones. Michael Houlihan was the named Trustee in the original Trust Agreement. There is no decedent’s estate. The litigation is a limited challenge under the statute to the Trust Amendment only.

13 Denied. I was concerned about a possible deterioration in G.G.’s testamentary capacity given her diagnosis. G.G. was alert and very determined about the changes she wanted as was evident by her many calls to me. I was also concerned that any lawyer who did not previously know her would have no background or history to compare to her present condition.

14. Admitted.

15 Admitted.

16. Admitted.

17. Admitted. The case is still pending in the Bennington Probate Division. I have been deposed as a witness by the Complainant, Paula McGann, Esq.

**PRB File No. 2023-076**

18 Admit except as to “currently” and “and Docket No. 20-Env-00122.” My only representation of the Bensons was before the DRB on the Application that led to Docket No. 20-Env-00122 and The District Environmental Commission in 8B0623-1. The Bensons were represented in the DRB appeal 20-Env-00122 and Brian was guided in his *pro se* Act 250 appeal 8B0623-1 by Nicholas Low, Esq. of Montpelier.

19. Admitted.

20. Admit except as to “through the present,” Only Brian Benson appealed te District Commission decision in 8B0623-1, and he did so *pro se*. Denied that I provided “legal advice.” I explained to all the Bensons that I was no longer a lawyer (they already knew it) and therefore I could not give “legal advice.”

21. First Sentence: Admit I represented the Bensons before the Town of Manchester DRB.  
Second Sentence: Denied. I am unaware of any house the Bensons were building in 2013 or 2014 or thereabouts. I did not represent the Bensons on any matters at that time.

Third Sentence: I have not represented the Bensons on any matters other than the 2 cases cited, the Town of Manchester DRB and the Act 250 Applications for this proposal. Deny “Essentially, Mr. Nawrath has been providing legal advice to the Bensons since his disbarment in 2014. . .”. Brian and John Benson approached me about an earlier Act 250 application on this same property (Docket No. 8B0623). I declined at that time to get involved.

22. Admitted.

23. First sentence: Admitted.

Second sentence: Admitted I sent the email including the selective quote. When read in full the email makes it clear that the implied allegation is untrue.

24. Admitted. Also to the District Commission as well as the DRB.

25. Admitted.

Dated at Manchester, Vermont this 6<sup>th</sup> day of November, 2023

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W. Michael Nawrath  
**NOT A LAWYER**