

STATE OF VERMONT  
VERMONT SUPREME COURT  
\_\_\_\_\_TERM, 2019

**Order Promulgating Amendments to Rule 10 of Administrative Order No. 9**

Pursuant to the Vermont Constitution, Chapter II, Section 37, it is hereby ordered:

1. That Rule 10 of Administrative Order No. 9, be amended as follows (new matter underlined; deleted matter struck through):

**Rule 10. Filing and Review of Complaints.**

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**B. ~~Referral to Assistance Panel~~ Nondisciplinary Dispute Resolution.** Bar counsel may refer any matter that does not appear to require ~~prosecution and sanctions investigation by disciplinary counsel~~ to ~~the~~ an assistance panel (see Rule 4) or other dispute resolution programs including, but not limited to, a lawyers' assistance program or the Arbitration of Fee Complaints Committee of the Vermont Bar Association. Referrals made pursuant to this rule may be conditioned upon the assistance panel or other dispute resolution program having the discretion to refer the matter back to bar counsel for action not inconsistent with Rule 10(A).

**Board's Notes—2019 Amendment**

This amendment grew out of the work of the Vermont Commission on the Well-Being of the Legal Profession. The Commission was created in response to *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, a report issued by the National Task Force on Lawyer Well-Being, <http://lawyerwellbeing.net>. The report cites staggering rates at which behavior health problems affect lawyers. The Professional Responsibility Board is cognizant of the impact that behavioral health issues have had on Vermont lawyers. Since 2016, as many lawyers have been transferred to disability inactive status as were from 2000 to 2016.

Authorizing bar counsel to refer a disciplinary complaint to a lawyers' assistance program is consistent with an approach that emphasizes prevention, self-care, and treatment. It is also consistent with bar counsel's general authorization to seek to resolve matters via nondisciplinary methods or to refer complaints to nondisciplinary dispute resolution programs.

2. That these comments, as amended, are prescribed and promulgated effective \_\_\_\_\_ . The Board's Notes are advisory.

Dated in Chambers at Montpelier, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Paul L. Reiber, Chief Justice

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Marilyn S. Skoglund, Associate Justice

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Beth Robinson, Associate Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

PROPOSED