

DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

Note: Decisions of the Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue.

Updated [26-Aug-2008]

DEC NO.	DOCKET NO.	VIOLATION	SANCTION IMPOSED OR RECOMMENDED	DATE OF PRB DECISION
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72	Unidentified Attorney 2004-007	Rule 3.5(c)	Admonition by Hearing Panel & 1 year probation	12/23/04
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SUMMARY - Respondent was discourteous to an acting judge during a status conference. No further review by Court undertaken.

71	In re Mark Stephen 2004-053	DR 6-101(A) (3) Rules 1.3 & 1.4	Public Reprimand	9/8/04
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SUMMARY - Respondent neglected for several years to resolve benefit issues remaining in a worker's compensation case after resolution of the client's permanent disability and failed to communicate with her. No further review by Court undertaken.

70	Unidentified Attorney 2002-194	Rules 7.1 & 7.5(d)	Admonition by Disciplinary Counsel	7/27/04
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SUMMARY - Respondent used law office letterhead which indicated that he had associates when in fact, he did not.

69	Unidentified Attorney 2004-206	Rule 3.5(b) (1)	Admonition by Disciplinary Counsel	7/26/04
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SUMMARY - Respondent had an ex parte conversation with an acting judge on the subject of a pending matter. No review by Court undertaken.

68	Unidentified Attorney 2004-062	Rules 1.3 & 1.4(a)	Admonition by Disciplinary Counsel	7/23/04
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SUMMARY - Respondent neglected to resolve an issue arising out of a real estate closing and failed to communicate with his client in a timely manner. No review by Court undertaken.

67	In re Arthur Heald 2004-104	Rule 8.4(c) Rule 8.4(h) Rule 8.4(d)	Suspension of 3 years	6/15/04
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SUMMARY - Respondent failed to file state income tax returns, made a false statement on his licensing statement filed with the Board of Bar Examiners

and failed to cooperate with disciplinary authorities. No review by Court undertaken.

66 In re Arthur Rule 1.15(a) Public Reprimand 5/14/04
 Heald Rule 1.15C(a)
 2003-041

SUMMARY - For over five months, Respondent held escrowed funds in his client's file rather than depositing them in his trust account. No review by the Supreme Court.

65 In re Mark Rule 1.3 Public Reprimand 5/5/04
 Furlan Rule 1.4(a) 12 Month Probation
 2003-048 Rule 1.4(b)
 2003-051

SUMMARY - Contract public defender who took no action on behalf of two incarcerated clients and who failed to communicate with those clients or otherwise keep them adequately informed as to the status of their cases was publicly reprimanded and placed on probation for one year. No review by Court undertaken.

64 In re George Rule 1.2(d) 90 Day Suspension 5/3/04
 Rice Rule 8.4(c) 9/13/04
 2001-168 Rule 4.4

SUMMARY - Respondent, who intentionally hid his client's life insurance benefits in his own name to prevent attachment by known creditors, was suspended from practice for 90 days. Upon appeal, the Hearing Panel amended this Decision on September 13, 2004, to provide for the suspension to commence on December 16, 2004.

63 In re Kenneth Rule 8.4(c) 3 Year Suspension 3/23/04
 Levine Rule 3.3(a)(1) 30 day Suspension 9/13/04
 2002-246

SUMMARY - Respondent filed a false affidavit in connection with an application to appear pro hac vice in a Vermont proceeding. The Hearing Panel initially imposed a 3 year suspension which was reduced to a 30 day suspension following Respondent filing a Motion to Reconsider.

62 Anonymous Rule 1.15A Admonition by 1/28/04
 Attorney Disciplinary Counsel

SUMMARY - Respondent disbursed \$95,000 in funds in connection with a real estate closing on the assumption that his client's wire transfer of funds had been received when, in fact, it had not, thus causing the use of other client's funds to cover the overdrafts created by the disbursements. No review by Court undertaken.

61 Anonymous Rules 1.15 & Admonition by 1/26/04
 Attorney 1.15A Disciplinary Counsel

SUMMARY - Respondent deposited client funds in wrong trust accounts and failed to reconcile accounts for over two months. No review by Court

2002-205

SUMMARY - While serving as Treasurer of the Chittenden County Democrats, Respondent temporarily used the Party's funds under his control for personal purposes.

41 In re Rule 1.3 Two Months 9/18/02
 Robert Andres Suspension
 2002-110

SUMMARY - Respondent failed to act with reasonable diligence and promptness in a criminal case by failing to attend a pretrial hearing and he intentionally abandoned his client's case by failing to respond to a motion for

SUMMARY judgment. Supreme Court Entry Order 2002-428 dated August 6, 2004, adopts hearing panel's ruling. 2004 VT 71

40 Unidentified Rule 1.4(a) Admonition by 9/17/02
 Attorney Disciplinary Counsel
 2002-201

SUMMARY - Respondent failed to comply with his client's reasonable request for an accounting of his fee. No review by Court undertaken.

39 In re Raymond DR 6-101(A) (3) Public Reprimand 8/14/02
 Massucco DR 2-106
 1998-050

SUMMARY - Respondent neglected an estate matter that caused the heirs to experience unnecessary stress, anxiety and emotional turmoil as well as extensive litigation in the probate court. In addition, Respondent charged excessive fees. No review by Court undertaken.

38 Unidentified Rule 7.3 Admonition by 7/30/02
 Attorney Disciplinary Counsel
 2002-214

SUMMARY - Respondent sent written solicitations for legal work not identified as advertising material. No review by Court undertaken.

37 Unidentified Rule 8.4(d) Admonition with 6/14/02
 Attorney 18 month Probationary
 2000-161 Period

SUMMARY - Respondent failed to comply with an agreement reached with a Assistance Panel. No review by Court undertaken.

36 Unidentified Rule 1.4(a) Admonition with 6/14/02
 Attorney Rule 8.4(d) 18 month Probationary
 2001-117 Period

SUMMARY - Respondent who did not return her client's calls regarding the status of a six-month overdue QDRO in a post-divorce matter was disciplined for failing to keep her client reasonably informed. No review by Court undertaken.

35 In re Rule 1.3 Disbarred 5/17/02

Thomas Bailey Rule 1.4
2002-118 Rule 8.4(c)
Rule 8.4(d)

SUMMARY - Respondent neglected a legal matter entrusted to him by failing to pursue an accident claim for his client, as agreed to, and subsequently allowing the statute of limitations to lapse. Supreme Court Entry Order 02-228 accepts resignation on 5/31/02.

34 In re DR 6-101(A) (3) Public Reprimand 5/14/02
Andrew DR 6-101(A) (1) Transfer to "Inactive"
Goldberg DR 1-102(A) (5) Status for 4 Months
2000-081 If license is reactivated;
2 year probation also imposed

SUMMARY - A solo practitioner with only three years experience undertook representation in a products liability case in which he had no experience or expertise. He subsequently neglected the case, causing it to be dismissed. Complainant recovered for damages through a legal malpractice action. A public reprimand was imposed due to several mitigating circumstances including Respondent having left the practice of law with no plans to return to Vermont and with strong probationary conditions imposed in the event he should seek to reactivate his license to practice. No review by Court undertaken.

33 In re None Dismissed 05/13/02
Thomas Daly
2001-189

SUMMARY - A petition of misconduct for violating Rules 1.5 and 1.15(b) of the Vermont Rules of Professional Conduct was dismissed because of lack of jurisdiction over the Respondent for conduct alleged to have occurred prior to his admission to the Vermont Bar. No review by Court undertaken.

32 Unidentified Rule 8.4(h) Admonition by 03/25/02
Lawyer Disciplinary Counsel
2001-184

SUMMARY - Respondent was rude and made unjustified comments about another attorney's youth, which presumably implied criticism because of lack of experience. Respondent also inappropriately handled the transfer of a file and the claim of an attorney's lien. No review by Court undertaken.

31 In re DR 6-101(A) (3) 5 Month Suspension 02/14/02
Norman Blais DR 1-102(4) 18 Month Probation
1998-033
1999-043
2000-042

SUMMARY - Respondent neglected five client matters and failed to file claims in court, thereby allowing the statute of limitations to expire in two cases. In addition, Respondent also made misrepresentations to three of his clients. Supreme Court Entry Order filed December 19, 2002.

30 Unidentified Rule 1.3 Admonition by 01/15/02
Lawyer Disciplinary Counsel
2000-167

SUMMARY - Respondent failed to respond to client or to probate court's many requests for action over a two month period due to conflicting trial court responsibilities. No review by Court undertaken.

29 Unidentified None Dismissed 12/12/01
Lawyer
2001-200

SUMMARY - A petition of misconduct for failing to respond to Disciplinary Counsel's request for information in violation of A.O. 9, Rule 7D was dismissed after Respondent provided evidence of reasonable grounds to justify his inaction. No review by Court undertaken.

28 In re David DR 6-101(A) (3) 4 month suspension 12/5/01
Sunshine Rule 1.3 commencing 1/1/02;
2001-001 Rule 8.4(d) followed by 2 year
2001-075 Rule 8.4(c) probation

SUMMARY - Respondent neglected two different client's cases, resulting in the dismissal and barring of the client's claims. Respondent also deceived one client by failing to disclose to him that his case had been dismissed and by leading him to believe that the case would soon go to trial. No review by Court undertaken.

27 Unidentified DR 1-102(A) (5) Admonition by 10/15/01
Lawyer Hearing Panel
1998-020

SUMMARY - Respondent negligently failed to disclose to defense counsel or to the Court the fact that Respondent had previously represented the defendant being prosecuted by Respondent's Office. No review by Court undertaken.

26 In re William Disbarment 08/31/01
Frattini
2001-078

SUMMARY - Respondent was convicted of three criminal offenses in the state of Maine for violations of embezzlement from a financial institution, mail fraud and tax evasion. Supreme Court Entry Order 2001-397 accepts resignation on 9/26/01.

25 In re Kjaere Rule 1.5(b) Suspension of 6 mos. 10/01/01
Andrews Rule 1.15(a) and 1 day; Respondent
2001-014 Rule 1.15(A) to reimburse client for
Rule 1.16(d) unearned fees

SUMMARY - Respondent spent client funds for personal use and attempted to double her agreed upon hourly rate retroactively. No review by Court undertaken.

24 Unidentified Rule 1.3 Admonition by 09/12/01
Lawyer Disciplinary Counsel
2001-176

SUMMARY - Respondent failed to explore with his client whether there might be any defenses to a collection action. Respondent further acted without

diligence or promptness when Respondent neglected to file any opposition to a Motion for SUMMARY Judgment. Little or no injury resulted. No review by Court undertaken.

23 Unidentified DR 4-101(B) (1) Admonition by 08/20/01
Lawyer Hearing Panel
2001-022

SUMMARY - Respondent disclosed to a relative of a murder victim an unsolicited letter from the pre-trial detainee charged with that murder. No review by Court undertaken.

22 In re Sigismund Not applicable Reinstatement 08/15/01
Wysolmerski
2001-171

SUMMARY - Respondent readmitted to the Vermont Bar per Entry Order of the Supreme Court on August 30, 2001. E.O. 2001-381.

21 Unidentified DR 6-101(A) (3) Admonition by 07/23/01
Lawyer Hearing Panel
2000-217

SUMMARY - Respondent neglected a foreclosure action entrusted to him. No review by Court undertaken.

20 Unidentified Rule 1.11(c) (1) Admonition by 07/13/01
Lawyer Disciplinary Counsel
2000-091

SUMMARY - Respondent improperly presided at a Town Board meeting during which that Board considered the merits of a matter in which Respondent had served as private counsel. No review by Court undertaken.

19 In re Arthur Rule 1.3 Suspension of 2 months 06/05/01
Heald Rule 1.4(a) & Reimbursement of
2000-197 Rule 8.4(d) Legal Fees and
2001-051 Expenses Incurred by
Complainant

SUMMARY - Respondent publicly reprimanded and ordered to reimburse legal fees after he neglected to remit his client's withholding taxes in a timely manner, resulting in the assessment of an IRS penalty. Respondent failed to respond to his client's requests for help in rectifying this error. Client incurred substantial expenses in bringing suit against Respondent. Per Supreme Court Entry Order, Hearing panel decision reversed and public reprimand imposed on 1/18/02.

18 Unidentified None Dismissed 05/31/01
Lawyer
1997-011

SUMMARY - Insufficient evidence of misrepresentation or conduct prejudicial to the administration of justice in the way prosecutor answered inquiry from defense counsel re: the identity of person participating in deposition. No review by Court undertaken.

17	In re Joseph Wool 2000-164 2000-171 2000-196 2000-209	Rule 1.15(b) Rule 1.16(d) Rule 8.4(c) Rule 8.4(h) Rule 1.3	Suspension of 1 year and Reimbursement of Retainers	05/24/01
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SUMMARY - Respondent failed to render an accounting of retainers received from clients, failed to refund advance payments that were not earned, failed to represent clients in a diligent manner and neglected a client's case. No review by Court undertaken.

16	Unidentified Lawyer 1995-019	Rule 7(D) of A.O. 9	Admonition by Disciplinary Counsel and 6 Month Probation	01/24/01
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SUMMARY - Respondent did not respond to request from PCB counsel seeking information about Respondent's compliance with conditions imposed by a PCB hearing panel sitting as an alternative dispute resolution (NDR) panel. In fact, Respondent did not comply with NDR panel's conditions. Hearing Panel found that Respondent violated Rule 7(D) by failing to furnish information to Disciplinary Counsel or a Hearing Panel. No review by Court undertaken.

15	Unidentified Lawyer 2000-019	Rule 8.4(d)	Admonition by Hearing Panel	10/24/00
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SUMMARY - Respondent failed to co-operate with Disciplinary Counsel's investigation, ignoring two letters requesting a response to a complaint filed by another lawyer. No review by Court undertaken.

14	In re Craig Wenk 1996-050	DR 6-101(A) (3) DR 7-101(A) (2) DR 1-102(A) (4)	Six Month Suspension	10/16/00
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SUMMARY - Respondent failed to communicate properly with his client over a three year period and gave his client false information about the status of client's case in court when, in truth, Respondent had never filed the law suit. No review by Court undertaken.

13	In re Joseph Wool 1999-180 1999-189 2000-050 2000-061 2000-077 2000-082 2000-087	DR 1-102(A) (5) Rule 8.4(d) Rule 7(D) of A.O. 9	Public Reprimand	12/04/00
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SUMMARY - Respondent failed to comply with probationary terms imposed by the Supreme Court in 1999, requiring Respondent to submit written reports to Disciplinary Counsel every 60 days. Respondent failed to co-operate with Disciplinary Counsel's investigation of four new complaints, all filed after the 1999 probation order requiring that no new disciplinary violations be committed. No review by Court undertaken.

12 Unidentified DR 6-101(A) (3) Admonition 7/25/00
Lawyer by Disciplinary
1997-028 Counsel

SUMMARY - Respondent neglected a client's case for two years, missing a statute of limitations, and causing clients' to lose their cause of action. No review by Court undertaken.

11 Unidentified DR 1-102(A) (5) Admonition 7/21/00
Lawyer by Disciplinary
1998-021 Counsel

SUMMARY - Prosecutor failed to disclose to defense counsel or the court that prosecutor's deputy had previously represented the defendant in a related matter. No review by Court undertaken.

10 In re Sheldon Hearing Panel found Dismissed 7/05/00
Keitel violations of
1999-121 DR 7-10(C) (6) and
DR 7-102(A) (1) by
default judgment and
recommended public
reprimand. Supreme
Court ordered further
review on its own motion.

SUMMARY - Supreme Court declined to find that Respondent, a lawyer on inactive status appearing pro se, violated DR 7-102(A) (1) (prohibiting a lawyer from taking any action "on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another") or DR 7-106(C) (6) (prohibiting a lawyer "appearing in his professional capacity before a tribunal") when he wrote a letter to the family court stating that the magistrate in his divorce case had his "head up his ass." The Court, nevertheless, required the Board of Bar Examiners to consider this conduct should Respondent ever choose to reactivate his license to practice law. Supreme Court entry order filed March 2, 2001.

9 Unidentified DR 7-104(A) (1) Admonition 6/08/00
Lawyer by Disciplinary
2000-015 Counsel

SUMMARY - Respondent communicated with an adverse represented party, on the subject matter of the litigation, without receiving permission from opposing counsel. No review by Court undertaken.

8 Unidentified DR 6-101(A) (3) Admonition 6/01/00
Lawyer by Disciplinary
1999-172 Counsel

SUMMARY - Respondent failed to file a Quit Claim Deed which awarded to the client the marital residence, free and clear of her ex-husband's interests. No review by Court undertaken.

7 In re DR 1-102(A) (5) 2-Year Suspension 5/31/00
Katherine Kent DR 1-102(A) (7)
1999-039 DR 2-110(A) (2)

1999-052 DR6-101(A) (3)
1999-053
1999-094

SUMMARY - Respondent neglected her client, failed to return a file to him, improperly withdrew from representation, and abandoned her client. Respondent failed to respond to a request from Disciplinary Counsel for information and failed to advise the Board of Bar Examiners of a correct and current address. No review by Court undertaken.

6	In re David Singiser	DR 1-102(A) (5) DR 1-102(A) (7)	Disbarment	5/31/00
	1999-020	DR 1-110(A) (2)		
	1999-038	DR 6-101(A) (3)		
	1999-051	DR 9-102(B) (3)		
	1999-054	DR 1-102(A) (4)		
	1999-090	DR 2-110(C)		
	1999-104			

SUMMARY - Respondent abandoned his clients, failed to provide accountings of client funds, made misrepresentations to the court, and failed to respond to Disciplinary Counsel. No review by Court undertaken.

5	Unidentified Lawyer	DR 6-101(A) (3)	Admonition by Disciplinary Counsel	04/21/00
	1997-049			

SUMMARY - Respondent neglected a legal matter entrusted to him by failing to complete service of a complaint within sixty days of filing, thus resulting in the Court granting a motion to dismiss. Respondent promptly referred client to malpractice carrier. No review by Court undertaken.

4	Unidentified Lawyer	DR 4-101(B) (1)	Admonition by Disciplinary Counsel	04/20/00
	1999-009			

SUMMARY - Respondent disclosed the secrets of one client to a second client without disclosing the first client's name. Respondent provided so many details about the first client's situation that second client was able to identify the first client. When the second client told respondent she thought she knew the person, the Respondent confirmed the first client's identity. No review by Court undertaken.

3	Unidentified Lawyer	DR 4-101(B) (1)	Admonition by Disciplinary Counsel	04/13/00
	1998-028			

SUMMARY - Respondent sold a computer to a non-lawyer, knowing that it contained confidential client files. No review by Court undertaken.

2	Unidentified Lawyer	DR 1-102(A) (7)	Admonition by Disciplinary Counsel	02/28/00
	1999-149			

SUMMARY - Respondent possessed marijuana. No review by Court undertaken.

1	In re Andrew	Not Applicable	Reinstatement	12/03/99
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Lichtenberg
2000-038

SUMMARY - Upon successful petition of Respondent, previous suspension order lifted by the Supreme Court on January 5, 2000. E.O. 99-533.

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Note: Decisions of the Hearing Panels are subject to appeal or Supreme Court review within 30 days of issue.