

ENTRY ORDER

2017 VT 55

SUPREME COURT DOCKET NO. 2017-015

JUNE TERM, 2017

In re Katherine Z. Pope, Esq.	}	ORIGINAL JURISDICTION
	}	
	}	Professional Responsibility Board
	}	
	}	DOCKET NO. 2017-0

In the above-entitled cause, the Clerk will enter:

¶ 1. After briefing, the Court adopts the hearing panel’s decision in its entirety as a final order of this Court and orders that the decision be published in the Vermont Reports. Petitioner is reinstated as of the date of this order.

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

In Re: Katherine Z. Pope, Esq.
Petitioner

Original Jurisdiction
Professional Responsibility Board
PRB File No. 2017-008

Hearing Panel No. 2:
Jean Brewster Giddings, Esq., Chair
Joseph F. Cook, Esq.
Greg Worden

PRB Decision No. 204

Petitioner filed a Motion for Reinstatement on July 21, 2016. The matter was referred to this hearing panel by the Professional Responsibility Board. Due to scheduling conflicts, petitioner moved the hearing panel for a continuance of the scheduled hearing on September 7, 2016. Upon review of available dates for members of the hearing panel, the petitioner and counsel, the only dates available for hearing lay beyond the 90 day period set by rule for decision on the petition. (A.O. 9, Rule 22(D)). Time limitations being directory and not jurisdictional (A.O. 9, Rule 16(I)), the hearing panel deemed the motion for continuance to be a waiver of the ninety-day rule. (Entry

order dated September 21, 2016). A hearing was held on November 1, 2016. The hearing panel consisted of Jean Brewster Giddings, Esq., Chair, Joseph F. Cook, Esq., and Greg Worden.

Petitioner was present with her counsel, Tavian M. Mayer, Esq. Special Disciplinary Counsel Samantha Lednicky was also present. Special Disciplinary Counsel took no position with respect to petitioner's Motion for Reinstatement.

Petitioner testified and presented two witnesses at the hearing:

1. Michael S. Livingston (Head of School at the Sharon Academy, Sharon, Vermont, where petitioner has volunteered 2006 to present) testified concerning petitioner's relationship with the community and rehabilitation;

2. Ilerdon S. Mayer, Esq., (who has known petitioner since 2006, provided a clerkship for petitioner when she was seeking admission in Vermont, hired petitioner to work on special projects prior to her suspension and hired petitioner to assist with legal research in a limited capacity during her suspension) testified as to petitioner's legal competence and rehabilitation.

Petitioner presented written statements from five individuals in support of her petition including her psychotherapist, her employer (not law related), a former client, a family member and a member of the Vermont bar who has known petitioner for a number of years.

The hearing panel finds that petitioner has proved by clear and convincing evidence that she has met the requirements of A.O. 9, Rule 22(D) and recommends to the Supreme Court that she be reinstated to the practice of law in Vermont.

Background

Petitioner was suspended from the practice of law for the period of two years by the State of New York based on her conviction of the offense of identity theft in the third degree, a misdemeanor.

The Vermont Supreme Court issued a reciprocal suspension on August 1, 2014, for a period of 2 years from that date.

Although eligible to be reinstated in New York, petitioner does not intend to practice in that state and has not sought reinstatement there.

Petitioner has been released from probation in the criminal matter in New York.

Petitioner was a member of the New York bar from 1988 until her suspension and was admitted to practice in Vermont in 2006.

Petitioner had strong legal research and writing skills and was considered a competent attorney willing to take extra steps to help those in need prior to her suspension.

By all accounts, petitioner took her suspension seriously and complied with its terms in New York and in Vermont.

Petitioner closed down her practices in New York and in Vermont and has not met with clients or provided legal advice since the suspension.

Petitioner is remorseful and recognizes the mistakes she made leading to her suspension, acknowledges the repercussions of her actions and acknowledges that she is accountable for those actions.

Petitioner has a strong support group which has helped her to learn from this experience and to move forward.

Petitioner has continued her community volunteer activities, has been well accepted by the community in which she lives and works and if reinstated intends to provide legal services primarily in the area of domestic violence.

Since her suspension, petitioner has attended continuing legal education courses including courses in ethics and kept up her legal skills.

No evidence was presented that petitioner's resumption of the practice of law will be detrimental to the integrity and standing of the bar or to the administration of justice nor subversive of the public interest.

Conclusion

Therefore the hearing panel finds by clear and convincing evidence that petitioner has met the requirements for readmission as set forth in Rule 22(D) of A.O. 9.

Based on the evidence presented, the panel finds that petitioner has the moral qualifications and competency and learning required for admission to practice in the state of Vermont, that she has been rehabilitated, and that her resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor will her resumption of the practice of law be subversive of the public interest.

Recommendation

Based upon the foregoing, the hearing panel recommends to the Supreme Court that the petitioner, Katherine Z. Pope, be reinstated to the practice of law in the state of Vermont.

BY THE COURT:

Marilyn S. Skoglund, Associate Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

Brian J. Grearson, Chief Superior Judge,
Specially Assigned

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