

[14-Feb-1992]

STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In re: PCB No. 88.77

NOTICE OF DECISION
PCB 26

Procedural History

A complaint was filed with the Professional Conduct Board by a bank officer who had professional dealings with the respondent. Bar Counsel investigated this matter and, as a result of the investigation, entered into the stipulation of facts with the respondent. The Professional Conduct Board reviewed the stipulation of facts, conclusions of law, and recommendation to the Professional Conduct Board.

The Professional Conduct Board accepted that stipulation and hereby incorporates it into the following findings of facts and conclusions of law.

Facts

1. In 1987, the respondent was an attorney admitted to practice in the State of Vermont and engaged in private practice.
2. During the course of said practice, the respondent represented a client in securing a mortgage loan from a bank.
3. As a part of said representation, the respondent was responsible for delivering a corrected mortgage deed and final title insurance policy to the bank.
4. The respondent failed to deliver either document to the bank, despite repeated requests that he do so.
5. The respondent left private practice and obtained a position in the public sector.
6. At the time that the respondent changed his position, he had not delivered the corrected mortgage deed or final title insurance policy nor made arrangements for their preparation and delivery.
7. The problem was resolved only after this complaint was filed and the bar counsel reviewed the matter with the respondent.

Conclusions of Law

The Board holds that the respondent's actions, as enumerated above, constitute the neglect of a legal matter

in violation of the Code of Professional Responsibility. DR
6-101 (A) (3) (neglecting a legal matter entrusted to him).

The Board agrees with the stipulation of bar counsel
and the respondent that the appropriate sanction in this
case is a private admonition. A private admonition will
therefore issue.

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Dated in Montpelier, Vermont, this 14th day of
February, 1992.

PROFESSIONAL CONDUCT BOARD

By: /s/
J. Eric Anderson, Chair

/s/
Deborah S. Banse, Esq. Hamilton Davis

/s/ Anne K. Batten /s/
Nancy Foster

/s/ Leslie G. Black, Esq. /s/
Shelley Hill, Esq.

/s/ Richard L. Brock, Esq. /s/
Rosalyn L. Hunneman

Joseph F. Cahill, Jr., Esq. /s/
Donald Marsh

/s/ Nancy Corsones, Esq. /s/
Karen Miller, Esq.

/s/ Christopher L. Davis, Esq. /s/
Edward Zuccaro, Esq.