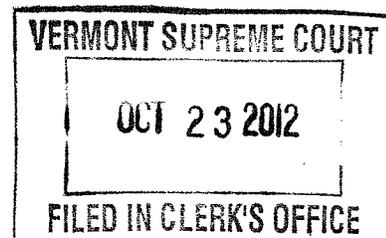


ENTRY ORDER

SUPREME COURT DOCKET NO. 2012-351

OCTBER TERM, 2012



In re William E. Simendinger, Esq.	}	Original Jurisdiction
	}	
	}	Professional Responsibility Board
	}	
	}	PRB No. 2013-047

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

Disciplinary counsel for the Professional Responsibility Board has filed a petition for interim suspension of respondent William E. Simendinger, Esq., an attorney admitted to the practice of law in Vermont. The Court issued an order affording respondent an opportunity to file a written response to the petition and to appear at a hearing before the Court on October 17, 2012. Although the petition and order were mailed to respondent's home and business addresses, and disciplinary counsel attested that a family member confirmed delivery of the petition to respondent, he did not respond or appear at the hearing in person or through counsel. We conclude that disciplinary counsel has complied with the notice requirements of A.O. 9, Rule 18.A(ii).

The petition and supporting exhibits provide clear and convincing support for the conclusion that respondent has violated the Rules of Professional Responsibility and poses a substantial threat of serious harm to the public. In particular, the record contains fourteen motions filed in March 2012, in a criminal prosecution of respondent that appear to have been signed by respondent's law partner and submitted on respondents' behalf. However, the attorney in question submitted a letter to the court indicating that she did not represent respondent in the matter and had not filed the motions. The record thus supports a conclusion that respondent violated Rule 4.1 of the Rules of Professional Conduct, prohibiting an attorney from knowingly making any false statement.

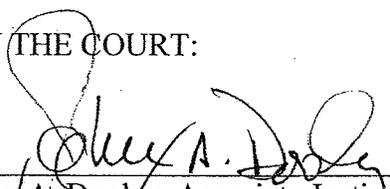
The balance of the exhibits, taken together, show a pattern of pro se filings by respondent in cases in which he is a party that demonstrate legal representation which is neither minimally competent nor reasonably based in law and fact, in violation of Rules 1.1 and 3.1 of the Rules of Professional Conduct. Examples of this include a pleading, dated August 9, 2012, filed in a criminal prosecution of defendant in New Hampshire for disorderly conduct, in which he sought to transfer the matter to Admiralty court in Key West, Florida, and another alleging that all of the judges, prosecuting attorneys, and court personnel in New Hampshire were clinically insane; a motion in respondent's pending divorce proceeding in Vermont, filed in June and August 2012, alleging that the "Mafia took over Vermont Courts after Hurricane Katrina wiped out the Vermont Government headquartered in Waterbury;" and a motion to dismiss a prosecution of defendant in Vermont for assault and unlawful mischief, filed in March 2012, alleging a violation of respondent's right to "home, air, water and light." The record contains many other pleadings in these matters to similar effect.

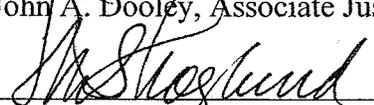
Additionally, in the context of a separate criminal prosecution of respondent for violation of an abuse prevention order, the record discloses that the trial court ordered respondent to undergo a psychiatric examination to determine his competence, and that, in December 2011, the court entered an order of hospitalization finding that respondent was not competent to stand trial, dismissing the charges, and committing respondent for treatment at the Brattleboro Retreat. In late January 2012, the order was modified to an order of non-hospitalization, placing respondent under the care and custody of the Commissioner of Mental Health until late March 2012.

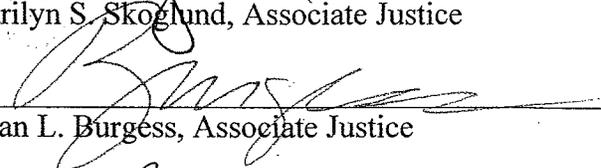
Although disciplinary counsel has represented that respondent does not have any current clients with the possible exception of his family business, the foregoing record of defendant's violations of the rules of professional conduct demonstrates a real and substantial threat of serious harm to the public were he to seek to represent clients. Therefore, pursuant to Administrative Order 9, Rule 18.B., the Court orders as follows:

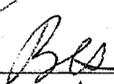
1. Attorney William E. Simendinger's license to practice law is immediately suspended on an interim basis pending final disposition of the underlying disciplinary proceeding in PRB No. 2013-047.
2. Attorney Simendinger, or a representative authorized to act on his behalf, shall comply with all of the provisions of Administrative Order 9, Rule 23.
3. Disciplinary counsel shall determine if respondent is counsel on his or any client's behalf in any pending litigation, and shall notify the court and other parties of the interim suspension.
4. Disciplinary counsel shall notify respondent's family business of respondent's interim suspension, determine whether he has any records that need to be returned to the business, and, if necessary, arrange for their return.

BY THE COURT:

  
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John A. Dooley, Associate Justice

  
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Marilyn S. Skoglund, Associate Justice

  
\_\_\_\_\_  
Brian L. Burgess, Associate Justice

  
\_\_\_\_\_  
Beth Robinson, Associate Justice