

DIGEST OF PROFESSIONAL RESPONSIBILITY BOARD DECISIONS

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

Decision No.	Case & PRB Docket Number	Violation Found	Sanction Imposed by Panel	Panel Decision Date	Summary
185	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2013-144	Rule 1.15A(a)(2)	Admonition by Disciplinary	3/12/2015	Respondent failed to maintain running balances for funds held on behalf of real estate clients. A hearing panel approved an admonition by disciplinary counsel.
184	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2014-147	Rule 1.15A(a)(1) Rule 1.15A(a)(2) Rule 1.15A(a)(4)	Admonition by Disciplinary	2/20/2015	Respondent failed to maintain a trust accounting system that complied with the minimum requirements of the rule. The hearing panel dismissed a charge that the respondent had deposited into trust her own funds in an amount that exceeded the amount necessary to pay service charges and fees.

183	<i>In re:</i> <i>Anonymous</i> <i>Attorney</i> PRB Docket No. 2014-115	Rule 1.6(a)	Admonition by Disciplinary Counsel	1/27/201 5	Respondent's clients terminated a representation. The clients made arrangements to pick up the file at Respondent's office. When the clients arrived, they found the file outside of the Respondent's office, in an area that was accessible to anyone who entered the building, including other clients and the occupants & invitees of other offices in the same building.
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182	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2014-063	Rule 1.3	Admonition by Disciplinary Counsel	1/23/2015	Respondent failed to comply with the court's discovery schedule and failed to respond to a motion, which resulted in the dismissal of his client's Petition for Post-Conviction Relief.
181	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2014-169	Rule 1.15A(a)(3) Rule 1.15(a)(1)	Admonition by Disciplinary Counsel	12/30/2014	Respondent failed to deposit client funds into a pooled interest-bearing trust account and failed to provide clients with timely notice of receipts and disbursements from trust. The panel dismissed a charge that the respondent had failed to make timely reconciliations of his trust account.
180	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2014-168	Rule 1.15A(a)(1) Rule 1.15A(a)(4) Rule 1.15(a)(1)	Admonition by Disciplinary Counsel	12/26/2014 1/9/2015	A hearing panel accepted a stipulation of facts in which Disciplinary Counsel & Respondent agreed that Respondent failed to maintain complete trust account records, failed to regularly reconcile a trust account, and comingled funds. The panel approved an Admonition by Disciplinary

					Counsel. The Supreme Court ordered review on its own motion, waived briefing & oral argument, and adopted the panel's decision as a final order of the Court. <i>2015 VT 9.</i>
178	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2013-150	Rule 1.4(a)(3)	Admonition by Disciplinary Counsel	9/16/2014	Respondent failed to keep a criminal defense client reasonably informed about the status of a case. The hearing panel concluded that the communication failure did not cause any injury and, therefore, the panel approved an Admonition by Disciplinary Counsel.
177	<i>In re:</i> <i>Anonymous Attorney</i> <i>PRB Docket</i> <i>No. 2014-038</i>	DR 6-101 and DR 9-102(B)(4) of the Code of Professional Responsibility Rule 1.15(d) (previously designated Rule 1.15(b)) of the Rules of Professional Conduct.	Admonition by Disciplinary Counsel	9/10/2014	Respondent deposited funds in trust in 1982. In 1987, Respondent disbursed a portion of the funds on behalf of the client. Respondent was negligent in remitting the remainder to the client. Eventually, the funds escheated from Respondent's trust account to the State. It was not until 2013 that Respondent learned that his bank had paid the abandoned funds to the State. Respondent recovered the

					funds, returned them to the client, with interest, and self-reported to Disciplinary Counsel. A hearing panel approved an Admonition by Disciplinary Counsel.
176	<i>In re: John Burke</i> PRB Docket No. 2013-280	Rule 1.3 Rule 1.4(a)(3) Rule 1.4(a)(4)	Public Reprimand	9/2/2014	Respondent failed to act with diligence and promptness in handling an estate, failed to keep the Executrix updated as to the status of probating the estate, and failed to cooperate with Disciplinary Counsel's investigation of the matter.
175	<i>In re: Anonymous Attorney</i> PRB Docket No. 2014-141	Rule 1.15(a)(2), 1.15A(a)(4), 1.15(a)(1), and 1.15(d)	Admonition by Disciplinary Counsel	8/27/2014	Respondent's trust account was chosen to be audited as part of the audit program conducted by Disciplinary Counsel. The audit revealed several problems with the Respondent's trust accounting system, including a failure regularly to reconcile the trust account to bank statements and a failure to maintain a single source for identification of all trust accounts. As a result, a hearing panel approved an Admonition by

					Disciplinary Counsel. The panel dismissed a charge that Respondent had improperly commingled funds.
174	<p><i>In re:</i> <i>Katherine Pope</i></p> <p>PRB Docket</p> <p>No. 2014-048</p> <p>Supreme Court Docket</p> <p>No. 2014-119</p>		Reciprocal Two-Year Suspension	8/1/2014	Respondent is licensed to practice in New York and Vermont. Her New York license was suspended for two years as a result of her conviction of identity theft in the third degree, a class A misdemeanor. The Vermont Supreme Court imposed reciprocal discipline. The Vermont Supreme Court's decision appears at 2014 VT 94 .
173	<p><i>In re:</i> <i>Anonymous Attorney</i></p> <p>PRB Docket</p> <p>No. 2014-124</p>	Rule 1.15(f)	Admonition by Disciplinary Counsel	8/4/2014	Respondent disbursed trust funds at a real estate closing without confirming that the funds had been deposited to his trust account. This caused the Respondent to violate the rule that prohibits lawyers from using one client's funds to carry out another client's business.
172	<p><i>In re:</i> <i>Anonymous Attorney</i></p> <p>PRB Docket</p>	Rule 1.15(f)	Admonition by Hearing Panel	6/16/2014	Respondent disbursed trust funds in connection with a real estate closing without first

	No. 2014-193				confirming that a wire transfer had reached his trust account.
171	<i>In re: Anonymous Attorney</i> PRB Docket No. 2014-112	Rule 1.15(f)(2)	Admonition by Disciplinary Counsel	4/29/2014	Respondent maintained multiple trust accounts. At a real estate closing, Respondent disbursed funds from a different trust account than the trust account into which the buyer's funds had been deposited. A hearing panel concluded that the Respondent violated the rule that prohibits lawyers from using funds held in trust for one person to carry out the business of another.
170	<i>In re: Anonymous Attorney</i> PRB Docket No. 2013-228	Rule 1.15(a)(1)	Admonition by Disciplinary Counsel	4/22/2014	Respondent transferred funds from his operating account to his trust account in order to pay business expenses for his law firm. In so doing, Respondent commingled his funds with client funds.
169	<i>In re: W. Michael Nawrath</i> PRB Docket Nos. 2014-030, 2014-099, 2014-154, 2014-		Interim Suspension by Vermont Supreme Court	3/14/2014	On March 14, 2014, the Vermont Supreme Court ordered the immediate interim suspension of Mr. Nawrath's law license. The Order will remain in effect pending the

	158 and 2014-167 Supreme Court Docket No. 2014- 074				resolution of Disciplinary Counsel's ongoing investigation into Mr. Nawrath's conduct.
168	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2012- 155	Rule 1.15(a)(1) Rule 1.15(b) Rule 1.15(f)(2)	Admonition by Hearing Panel	3/21/2014	A hearing panel admonished the respondent after concluding that he (1) commingled funds by depositing into a trust account more personal funds than were necessary to cover bank fees and (2) used funds held in trust for one client to carry out the business of another client. Disciplinary Counsel appealed. On appeal, Disciplinary Counsel argued that the respondent should be publicly reprimanded. The case is pending a decision from the Supreme Court.
167	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2013.153	Rule 1.15(a)(1) Rule 1.15(c)	Admonition by Disciplinary Counsel	3/11/2014 Adopted by Supreme Court on 4/17/14	Respondent failed to regularly reconcile his pooled interest- bearing trust accounts, failed to maintain a central trust accounting system, and deposited unearned fees in his operating account instead of his pooled interest- bearing trust account.

166	<p><i>In re: John Davis Buckley</i></p> <p>PRB Docket</p> <p>No. 2014.007</p>	n/a	Petition to Transfer to active status	11/22/2013	<p>On December 9, 2013, the Vermont Supreme Court transferred Mr. Buckley's law license from disability inactive status to active status. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Mr. Buckley to be placed on probation for a period of one year and to satisfy all the necessary continuing legal education requirements. Mr. Buckley's license had been transferred to disability inactive status in 2009 pursuant to a stipulated agreement with Disciplinary Counsel.</p>
165	<p><i>In re: Janet Andrea</i></p> <p>PRB Docket</p> <p>No. 2013.200</p>	n/a	Petition to Transfer to active status	11/4/2013	<p>On November 12, 2013, the Vermont Supreme Court transferred Ms. Andrea's law license from disability inactive status to active status. In so doing,</p>

					<p>the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Ms. Andrea to be placed on probation for a period of one year and to satisfy all the necessary continuing legal education requirements. Ms. Andrea's license had been transferred to disability inactive status in 2011 pursuant to a stipulated agreement with Disciplinary Counsel.</p>
164	<i>In re: PRB File No. 2013-089</i>	Rule 1.3 Rule 1.4	Approval of Admonition by Disciplinary Counsel	October 18, 2013	<p>Respondent was assigned to represent a criminal defense client. Respondent and Disciplinary Counsel stipulated that, for approximately eight months, the Respondent failed to respond to the client's reasonable requests for information, failed to keep the client updated as to the status of his case,</p>

					and failed to act with reasonable diligence on the client's behalf. A hearing panel accepted the stipulation, concluded that the Respondent had violated Rules 1.3 and 1.4 of the Vermont Rules of Professional Conduct, and approved an <i>Admonition by Disciplinary Counsel</i>
163	<i>In re: PRB File No. 2013-049</i>	Rule 1.15(a)(1) Rule 1.15(b) Rule 1.15(d)	Approval of Admonition by Disciplinary Counsel	October 17, 2013	An audit of the Respondent's pooled interest bearing trust account revealed that the Respondent kept \$1,000 of his firm's money in the trust account under the mistaken impression that his bank required the firm to maintain that amount on deposit. The panel concluded that this constituted an improper commingling in violation of Rules 1.15(a)(1) and 1.15(b). The audit also revealed that the Respondent had approximately \$5,000 in outstanding checks drawn on the trust account that were at least five years old and, further,

					that the trust account included funds held for several clients whose cases had been closed. The panel concluded that this violated Rule 1.15(d). The panel approved the <i>Admonition by Disciplinary Counsel</i> that the parties had presented via stipulation and joint recommendation.
162	<i>In re Aaron Smith, Esq.</i> PRB Docket No. 2012-183 SCT Court Docket No. 2013-285		Disbarment	6/17/2014	On July 18, 2014, the Vermont Supreme Court entered an order disbarring Aaron Smith. A hearing panel of the Professional Responsibility Board had previously concluded that Mr. Smith should be disbarred as a result of his criminal conviction for the possession of child pornography. 2014 VT 77
161	<i>In re Rosemary Macero, Esq.</i>	n/a	Petition for Reinstatement	7/24/2013	On July 31, 2013, the Vermont Supreme Court reinstated Rosemary Macero to the Bar. In so doing, the Court accepted the recommendation made by a hearing

					<p>panel of the Professional Responsibility Board following a hearing on Ms. Macero's Petition for Reinstatement. As a condition of reinstatement, the Court ordered Ms. Macero to comply with § 8 of the Rules for Mandatory Continuing Legal Education. Ms. Macero was suspended for one year by the Supreme Judicial Court of Massachusetts in May of 2011. The Vermont Supreme Court imposed a reciprocal suspension in June of 2011.</p>
160	<p><i>In re:</i> <i>Anonymous Attorney</i> <i>2013-194</i></p>	<p>Rule 1.7</p>	<p>Approval of Admonition by Disciplinary Counsel</p>	6/27/2013	<p>Respondent failed to promptly identify a concurrent conflict of interest. Specifically, Respondent simultaneously represented criminal defendants when one was the complaining witness in the other's case.</p>
159	<p><i>In re:</i> <i>Anonymous Attorney</i></p>	<p>Rule 1.4(a)(3) Rule 1.4(a)(4)</p>	<p>Approval of Admonition by Disciplinary Counsel</p>	6/24/2013	<p>The Respondent went more than four months without updating</p>

	2013-156				his client as to the status of an eviction that Respondent was handling for the client-landlord. During that time frame, Respondent failed to reply to numerous of the client's reasonable requests for information about the case.
158	<i>In re: Anonymous Attorney</i> 2013-024	Rule 1.3	Admonition by Disciplinary Counsel and 9 Months Probation	4/1/2013	Respondent failed to promptly attend to a worker's compensation case.
157	<i>In re: George Harwood</i> 2013-032	n/a	Petition for Reinstatement	3/25/2013	On March 25, 2013, the Vermont Supreme Court reinstated George Harwood to the Bar. In so doing, the Court accepted the recommendation of a hearing panel of the Professional Responsibility Board that had issued following a reinstatement hearing. As a condition of reinstatement, the Court ordered Mr. Harwood to comply with the requirements of § 8 of the Rules for Mandatory Continuing Legal Education. Mr. Harwood had been disbarred in 2006 for violations of

					the Rules of Professional Conduct that related to the misappropriation of funds from his trust account.
156	<p><i>In re:</i> <i>Timothy A. O'Meara</i></p> <p>PRB Docket No. 2013-063</p>	A.O. 9, Rule 20.	Reciprocal Disbarment	3/6/13	<p>After the Respondent was disbarred in New Hampshire, the Vermont Supreme Court imposed reciprocal discipline, disbaring him in Vermont pursuant to Rule 20(D) of Administrative Order 9.</p> <p>Respondent was disbarred in New Hampshire after having been found to have conveyed a settlement offer that he knew he did not have his client's authority to make, intentionally falsifying the date of a letter purporting to withdraw the settlement offer, violating the conflict rules by letting his personal interest in receiving a fee materially limit his duties of loyalty and competence to his client, and knowingly making a false statements of fact at a fee arbitration hearing in which he sought a fee higher than</p>

					what his clients had agreed to pay. The Vermont Supreme Court's decision appears at 2013 VT 17.
155	<p><i>In re:</i></p> <p><i>William MaGill</i></p> <p>Supreme Court Docket No. 2012-449;</p> <p>PRB Docket No. 2012-230</p>	<p>Rule 1.3, Rule 1.4, Rule 1.15(a)(1), Rule 1.15A, Rule 8.4(c).</p>	<p>Disbarment on Consent</p>	n/a	<p>On April 28, 2014, the Supreme Court entered an order disbaring the Respondent. Supreme Court E.O. 2012-449. 2014 VT 47. Disciplinary Counsel investigated allegations that Respondent had neglected client matters, failed to communicate with clients, commingled funds, failed to maintain proper trust account records, and engaged in conduct involving dishonesty, deceit, and misrepresentation. Respondent submitted an affidavit of resignation in which he acknowledged that the material facts upon which the investigation was predicated were true and that he could not successfully defend against them. <i>See A.O. 9, Rule 19.</i></p>
154	<p><i>In re:</i></p> <p><i>William E.</i></p>	<p>Rule 1.1</p>	n/a	n/a	<p>On October 23, 2012, the Supreme Court entered an</p>

	<p><i>Simendinger</i></p> <p>PRB Docket No. 2013-047</p>	<p>Rule 3.1</p> <p>Rule 4.1</p>			<p>order immediately suspending the Respondent's license on an interim basis pending the resolution of a disciplinary investigation into his conduct. The Court concluded that the Respondent violated the Rules of Professional Conduct and posed a substantial threat of harm to the public. In particular, the Court found that the Respondent had filed pro se pleadings in the Superior Court that contained knowing false statements of fact and that, taken together, were neither minimally competent nor reasonably based in fact or law.</p>
153	<p><i>In re: Anonymous Attorney</i></p> <p>PRB Docket No. 2012-129</p>	<p>Rule 1.3</p>	<p>Approval of Admonition by Disciplinary Counsel</p>	8/20/12	<p>Respondent violated Rule 1.3 of the Vermont Rules of Professional Conduct by failing to act with reasonable diligence on behalf of the executor of an Estate. A hearing panel concluded that taking two years to prepare a final accounting and obtain a tax</p>

					clearance amounted to an “unreasonable delay.” No review by Court undertaken.
152	<i>In re: Richard A. Scholes</i> PRB Docket Nos. 2011-006, 2011-053, 2011-225	Rule 1.3	Public Reprimand	6/18/12	A hearing panel of the Professional Responsibility Board publicly reprimanded the Respondent after concluding that he failed to act with reasonable diligence while representing bankruptcy clients. The neglect involved three separate clients and spanned several years. The Supreme Court adopted the panel’s decision as a final order of the Court. <i>In re Scholes, 2012 VT 56 (July 10, 2012).</i>
151	<i>In re: David Pellenz</i> PRB Docket No. 2012-189	Rule 8.4(b)	Reciprocal Disbarment	n/a	Respondent had been disbarred by the New Hampshire Supreme Court. That disbarment was predicated on Respondent’s guilty plea to the crime of hindering apprehension or prosecution. The criminal charge arose from wiretap evidence of Respondent attempting to induce a witness to withhold and/or change testimony

					in a criminal prosecution of Respondent's client. Respondent was reciprocally disbarred by E.O. 2012-088 of the Vermont Supreme Court on May 7, 2012.
150	<i>In re: Anonymous Attorney</i> PRB Docket No. 2012- 092	Rule 1.15(f)(1) Rule 1.15(f)(2)	Approval of Admonition by Disciplinary Counsel (Vacated)	2/2/12 9/20/2012	In February of 2012, a hearing panel issued a decision in which it approved an Admonition by Disciplinary Counsel after concluding that the Respondent had violated Rule 1.15 of the Vermont Rules of Professional Conduct by disbursing trust funds in reliance upon the deposit of a client's personal check that exceeded \$1,000.00. The client's check was not honored, causing checks drawn on the respondent's trust account to be presented against insufficient funds. Neither party appealed. However, the Supreme Court ordered review on its own motion. On appeal, it became clear that the parties' original request to approve

					an Admonition by Disciplinary Counsel included a Stipulation of Facts that was based on a mistaken understanding of what had occurred. Therefore, the Court agreed to the parties' request to remand the matter to the hearing panel. Then, the Panel granted the parties' request to reject the Stipulation of Facts.
149	<i>In re: Anonymous Attorney</i> PRB Docket Nos. 2011-145 and 177	Rule 1.3 Rule 8.4(d)	Admonition by Hearing Panel	1/18/12	Respondent neglected an estate of which she had been appointed administrator and she failed to cooperate with disciplinary investigation by Disciplinary Counsel. No review by Court undertaken.
148	<i>In re: William M. MaGill</i> PRB Docket No. 2011-157	Rule 1.3 & Rule 1.4(a) in effect prior to 9/1/09 and Rule 1.3, Rule 1.4(a)(3) & Rule 1.4(a)(4) that went into effect 9/1/09	Public Reprimand	1/17/12	Respondent neglected client by failing to take any action over a 4 year period to close an estate and for failing to respond to the executrix' requests for information. No review by Court undertaken.
147	<i>In re: Anonymous Attorney</i>	Rule 1.15A(f)(1) Rule 1.15A(f)(2)	Approval of Admonition by Disciplinary Counsel	1/6/12	Respondent disbursed funds from his client trust account on the

	PRB Docket No. 2010-104				erroneous assumption that wired funds had been deposited in the account, thus disbursing uncollected funds and using other clients' money without their authority. No review by Court undertaken.
146	<i>In re: Xavier a/k/a/ Susan Rockwell</i> PRB Docket No. 2011-097	Rule 8.4(d) Conduct prejudicial to the Administration of Justice and a substantial threat of serious harm to the public per A.O. 9. Rule 18.	n/a	n/a	On November 29, 2011, the Supreme Court entered its final order on the petition for interim suspension, finding Respondent engaged in conduct prejudicial to the administration of justice and poses a substantial threat of serious harm to the public, and ordering Respondent suspended from the practice of law on an immediate interim basis.
145	<i>In re: Elizabeth Hibbits</i> PRB Docket No. 2010-227	Rule 1.15A(a)(1) Rule 1.15A(a)(2) Rule 1.15A(a)(3) Rule 1.15(a)	Public Reprimand 1 Year Probation	11/3/11	Respondent reprimanded and placed on probation for inadequate trust accounting practices which resulted in an account overdraft and for failing to maintain her own funds separate from those of her clients. No review by Court undertaken.
144	<i>In re:</i>	Rule 8.4(c)	Approval of	10/14/11	Respondent

	<i>Anonymous Attorney</i> PRB Docket No. 2011-046		Admonition by Disciplinary Counsel		negligently engaged in misrepresentation which adversely reflected on his fitness to practice law by preparing documents in 2006 memorializing agreements reached several years earlier without indicating on the face of the documents that they were created after the fact. No review by Court undertaken.
143	<i>In re: Janet Van Derpoel-Andrea</i> PRB Docket No. 2010-132		Transfer to Disability/Inactive Status	n/a	Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2011-237 of the Supreme Court dated July 7, 2011
142	<i>In re: Rosemary A. Macero</i> PRB Docket No. 2011-213		Reciprocal Suspension		Vermont Supreme Court entered a reciprocal disciplinary order, suspending Respondent for one year following imposition of a one year suspension by the Massachusetts Supreme Judicial Court. E.O. 2011-152 of the Vermont Supreme Court on June 20, 2011. 2011 VT 67.
141	<i>In re: William McCarty</i>	Rule 1.2(d) Rule 4.1	Six Month Suspension Recommended by	6/9/11 5/8/12	On June 28, 2013, the Supreme Court suspended Respondent for

	PRB Docket No. 2005-084	Rule 4.4 Rule 8.4(c) Rule 8.4(h)	Hearing Panel Supreme Court imposes 3 month suspension		three months, effective immediately. The Court affirmed a hearing panel's findings that the Respondent violated Rules 1.2(d), 4.1, 4.4, 8.4(c), 8.4(d), and 8.4(h) by drafting and serving upon a tenant documents that the Respondent knew had no legal basis and were improperly used to evict the tenant without following the statutory process. However, the Court declined to accept the panel's recommendation that a six-month suspension issue. 2013 VT 47.
140	<i>In re: Anonymous Attorney</i> PRB Docket No. 2011-038	Rule 4.1	Approval of Admonition by Disciplinary Counsel	6/6/11	Respondent provided opposing counsel with a <i>curriculum vitae</i> of his expert witness without clarifying that the lawyer had amended the document without the knowledge of the witness. No Review by Court undertaken.
139	<i>In re: Melvin B. Neisner, Jr.</i> PRB Docket No. 2011-138	n/a	Petition for Reinstatement	3/30/11	Respondent, who was suspended in 2009 for engaging in serious criminal conduct, was reinstated under probationary conditions

					including probation monitoring and donation of 200 hours of pro bono legal services. E.O. 2011-127, 2011 VT 35 (April 5, 2011). See also decision 119 below.
138	<i>In re:</i> <i>Anonymous Attorney</i> PRB Docket No. 2010-007	Rule 1.15(C)(a)(1999), now 1.15(A)(a)(2009)	Approval of Admonition by Disciplinary counsel	3/14/11	Respondent failed to deposit client funds into a client trust account.
137	<i>In re:</i> PRB Docket No. 2010-162	Rules 1.3, 1.4(a)(3) and 8.4(d)	Admonition	2/8/11	Respondent failed to do any work on case he had accepted, failed to keep any appointments to meet with client, and failed to cooperate with investigation by Disciplinary Counsel. No review by Court undertaken
136	<i>In re:</i> <i>Jasdeep Pannu</i> PRB Docket No. 2011-029	Rules 3.4(c), 3.4(e) and 8.4(d)	Public Reprimand	1/31/11	Respondent attempted to introduce prejudicial evidence in a criminal case, contrary to the trial court's previous ruling as well as Vermont's Rape Shield Law, resulting in a mistrial. No review by Court undertaken.

135	<p><i>In re: Mark Tapper</i></p> <p>PRB Docket Nos. 2010.259, 2011.014, 2011.032, 2011.057, 2011.077, 2011.078, 2011.081, 2011.129</p>		Transfer to Disability Inactive Status	4/19/11	Following an immediate interim suspension order issued on October 18, 2010 and a subsequent finding by a hearing panel that Respondent is disabled, the Supreme Court transferred respondent to disability inactive status on April 28, 2011, suspending pending disciplinary proceedings until further order and appointing a trustee to protect respondent's clients. Supreme Court E.O. 2010-371.
133	<p><i>In re: Michael Herman</i></p> <p>PRB Docket No. 2011-027</p>		Transferred to Disability/Inactive Status		Respondent transferred to Disability/Inactive Status effective immediately per E.O. 2010-406 of the Supreme Court dated November 2, 2010.
132	<p><i>In re: Michael Nawrath</i></p> <p>PRB Docket No. 2009-166</p>	None	None	6/23/10	Upon stipulation of parties, a hearing panel dismissed the petition of misconduct without prejudice after Respondent provided information indicating that the charges could not be proven by clear and convincing evidence. No review by Court

					undertaken.
131	<i>In re:</i> <i>Anonymous</i> <i>Attorney</i> PRB Docket No. 2010.143	Rules 1.3 and 1.4	Admonition by Disciplinary Counsel	5/17/2010	Respondent failed to provide a written title opinion to client until nearly 6 months after closing and failed to respond to client's emails, phone calls, or letter requesting contact. No review by Court undertaken.
130	<i>In re: Melvin</i> <i>Fink</i> PRB Docket No. 2008.132	Rule 1.5(c) Rule 8.4(a)	Public Reprimand Probation (12 month minimum)	4/27/2010	Supreme Court publicly reprimanded Respondent and placed him on probation for knowingly and negligently failing to secure a written contingency fee agreement in a personal injury case and attempting to charge an unreasonable fee of 12% of recovery, over and above chief counsel's standard one-third, for doing nothing more than facilitating communications as local counsel. 2011 VT 42 (April 15, 2011).
129	<i>In re:</i> <i>Anonymous</i> <i>Attorney</i> PRB Docket Nos. 2010- 048 & 2010-147	Rule 1.15(d)(2) in effect prior to 9/1/09 and Rule 1.15(f)(2) of rules that went into effect 9/1/09	Admonition by Disciplinary Counsel	4/23/2010	On two occasions Respondent used client funds from IOLTA accounts in one bank to the benefit of clients whose funds were not in those accounts, thereby

					using client funds without authority to do so. No review by Court undertaken.
128	<i>In re: Margaret Strouse</i> PRB Docket No. 2008-207	Rule 8.4(c)	Six Month Suspension Supreme Court imposes Public Reprimand	2/04/10	Respondent publicly reprimanded by the Vermont Supreme Court for violating Rule 8.4(c)(engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) by deceiving her law firm about her ongoing romantic relationship with the husband of the firm's divorce client, which relationship created a conflict of interest for the firm. Supreme Court E.O. 2010-053, 2011 VT 77 (July 15, 2011).
127	In re: Hansen PRB Docket No. 2009-198	Rule 8.4(d)	Petitions Dismissed	8/9/10	Hearing Panel vacated earlier decision of February 4, 2010 suspending Respondent from the practice of law for failing to cooperate and granted Disciplinary Counsel's Motion to dismiss the petition of

					misconduct. Appeal period expires September 9, 2010.
126	In re: John Darcy Toscano Docket NO. 2009-114	Rules 1.15(d)(1) and 1.15(d)(2)	Public Reprimand and 1 Year Probation	11/4/09	Respondent permitted a bank to make automatic withdrawals from his trust account to pay debts of client without notice to Respondent, resulting in misuse of other client funds and inadequate accounting of disbursements. Supreme Court dismissed Respondent's appeal on February 16, 2010.
125	In re: Anonymous Attorney PRB Docket No. 2009-148	Rules 1.3 and 1.4	Admonition by Disciplinary Counsel	9/24/09	Respondent failed to communicate with his client and neglected to address her property tax adjustment claim, all in violation of Rules 1.3 and 1.4. Supreme Court has declined review.
124	In re: Buckley PRB Docket Nos. 2009-052 & 2009-143		Transfer to Disability/Inactive Status	9/30/09	Respondent transferred to Disability/Inactive Status per Entry Order of the Supreme Court on September 30, 2009, effective immediately.

					E.O. 2009-338.
123	In re: Anonymous Attorney PRB Docket No. 2009-117	Rules 1.9(a) and 1.7(b)	Admonition by Disciplinary Counsel	9/17/09	Summary - Respondent represented both victim and defendant in the same criminal prosecution in violation of the conflict of interest rules, 1.9(a) and 1.7(b). Supreme Court has declined review.
122	In re: Eileen Hongisto PRB Docket No. 2009-107	Rule 5.5(a)	Six Month Suspension	6/17/09	Respondent suspended for practicing law without a license. The Supreme Court affirmed the Hearing Panel's decision, adding an additional condition that, upon application for reinstatement, Respondent must provide a detailed explanation for her lack of participation over the course of these proceedings. Consolidated with PRB Decision No. 111. 2010 VT 51 (June 3, 2010).
121	In re: Alan Sheredy PRB Docket No. 2008-139	Rules 1.15 and 1.15A	Public Reprimand	6/4/09	Respondent was publicly reprimanded for co-mingling client funds by depositing his own funds in his trust account in order to maintain

					a positive balance and for failing to reconcile trust accounts. No review by Court undertaken.
120	In re: Anonymous Attorney PRB Docket No. 2008- 104	Rule 1.15(d)(2)	Admonition	2/26/09	For seven years, Respondent failed to make timely reconciliations of his client trust account. No review by Court undertaken.
119	In re: Melvin B. Neisner PRB Docket No. 2008- 080	Rule 8.4(b)	Panel's sanction of 1 year suspension, 1 year probation following reinstatement increased by Supreme Court to 2 year suspension plus 200 hours of pro bono services.	10/09/09	Respondent engaged in serious criminal conduct involving felonious misrepresentation to a police officer and was suspended for 2 years, effective Jan 9, 2009, with one year probation and 200 hours pro bono legal services upon reinstatement. 2010 VT 102 (12/30/10)
118	In re: John Davis Buckley 2008-026	Rule 1.3	Public Reprimand	12/3/08	Respondent was publicly reprimanded for neglecting matters in three different courts by failing to comply with a magistrate's order in Family Court, failing to request oral argument at the Supreme Court, and failing to attend a status conference in Superior Court. No review by Court

					undertaken.
117	In re: Martha Davis 2008-065	Rule 8.4(b) Rule 8.4(h)	3 Months Suspension and 1 Year Probation	10/31/08	Respondent was suspended for three months and placed on probation for one year for possession of marijuana and marijuana cultivating equipment. No review by Court undertaken.
116	Unidentified Attorney 2007-003	Rule 1.3 (lack of diligence) Rule 3.2 (failure to expedite litigation)	Admonition by Conflict Disciplinary Counsel	10/21/08	After review on its own motion, the Supreme Court admonished attorney for neglecting to further litigation diligently due to attorney's lack of experience in handling complex litigation, also noting that it is unacceptable for an attorney to cease work on a case pending receipt from client of compensation. Vermont Supreme Court E.O. 2008-433 at 2009 VT 82 (August 20, 2009).
115	Unidentified Attorney 2007-244	Rule 1.15(a) Rule 1.15A	Admonition by Disciplinary Counsel & 6 Months Probation	8/21/08	Respondent was admonished for sloppy bookkeeping and failure to reconcile his trust account on a regular basis. No review by Court undertaken.
114	Unidentified Attorney	Rule 3.1	Admonition by Disciplinary Counsel	8/18/08	Hearing Panel held that Respondent violated Rule 3.1

	2007-215				when he indicated to the trial court that he had a letter documenting the date of a discovery request when, in fact, he did not have such a document. No review by Court undertaken.
113	Unidentified Attorney 2008-129	Rule 8.4(c)	Admonition by Disciplinary Counsel	8/18/08	Respondent misrepresented to the Bankruptcy Court that client-husband had signed a repayment plan, in reliance upon client-wife's representation to that effect, when, in fact, client-husband did not and would not do so. No review by Court undertaken.
112	In re: Philip van Aelstyn 2004-026	Rule 8.4(b) and 8.4(h)	1 Year Suspension	7/28/08	Respondent was suspended for one year for engaging in serious criminal conduct, i.e., extortion and felonious stalking. No review by Court undertaken.
111	In re: Eileen Hongisto 2007-082 et al.	Rules 1.3, 1.4 (a) and 1.16(d)	6 Months Suspension	5/8/09	Suspended for failure to cooperate with Disciplinary Counsel in three separate professional conduct complainants, neglect, failure to communicate,

					and failure to return a client's file. The Supreme Court affirmed the Hearing Panel's decision, adding an additional condition that, upon application for reinstatement, Respondent must provide a detailed explanation for her lack of participation over the course of these proceedings. Consolidated with PRB Decision No. 122. 2010 VT 51 (June 3, 2010).
110	Unidentified Attorney 2007-047 (consolidated with 2007-046)	4.1	Admonition by Disciplinary Counsel	5/28/08	In a 3-2 decision, on November 25, 2009, the Vermont Supreme Court upheld a hearing panel's admonition of two lawyers who made false statements of material fact when they told a witness they were not recording his telephone conversation when, in fact, they were. E.O. 2008-214 & 2008-215. 2009 VT 115.
109	Unidentified Attorney 2007-046	4.1	Admonition by Disciplinary Counsel	5/28/08	In a 3-2 decision, on November 25, 2009, the Vermont Supreme Court upheld a hearing

	(consolidated with 2007-047)				panel's admonition of two lawyers who made false statements of material fact when they told a witness they were not recording his telephone conversation when, in fact, they were. E.O. 2008-214 & 2008-215. 2009 VT 115.
108	In re: Frederick Lane 2008-120	n/a	Petition for Reinstatement	4/17/08	Respondent readmitted to the Vermont Bar per E.O. 2008-153 of the Supreme Court on May 8, 2008. 2008 VT 73
107	Unidentified Attorney. 2007-242	Rules 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client)	Admonition by Disciplinary Counsel	2/26/08	Respondent failed to promptly obtain a mortgage discharge after a real estate closing, completing the task some seven years after telling his client he would resolve the clouded title issue. No review by Court undertaken.
106	In re: Edward Seager 2008-066		Transferred to Disability/Inactive Status		Respondent transferred to Disability/Inactive status per E.O. 2007-420 of the Supreme Court on November 5, 2007, effective immediately.
105	Unidentified Attorney 2007-137	Rules 1.15(d)(2) and 1.3	Admonition by Disciplinary Counsel and 1Year Probation	2/4/08	At a real estate closing, Respondent neglected to collect \$10,000 deposit

					held by realtor, resulting in her disbursing more funds than she had collected, thereby using without authority the funds of other client on deposit in her lawyer trust account to pay the outstanding checks written at closing. No review by Court undertaken.
104	Unidentified Attorney 2007-202	Rules 1.2(a) (failure to abide by client's objectives) and 1.3 (lack of diligence)	Admonition by Disciplinary Counsel	1/18/08	Respondent, hired to obtain financial records because of client's suspicion that his sister had embezzled money from their late mother, took insufficient steps to obtain and review the complete records and failed to advise client of statute of limitations. No review by Court undertaken.
103	In re: Lorin Duckman 2005-087	Rules 3.5(c) & 8.4(d)	Public Reprimand	6/26/07	Respondent was publicly reprimanded after engaging in contemptuous conduct before a tribunal during a sentencing hearing. No review by Court undertaken.
102	In re: Matthew Colburn 2006-200, 2006-251 &	Rules 1.3, 1.4(a), 8.4(c) & 8.4(h)	Three Year Suspension	6/18/07	Respondent purposefully avoided or misled three different clients by such

	2006-267				actions as reporting the progress of court cases that did not exist and billing for work not done.
101	<i>In re: Robert Farrar</i> 2006-189	Rule 1.15	Admonition by Hearing Panel 12 Months Probation (Publicly Reprimanded by Supreme Court)	5/30/07 (Supreme Court decision 3/12/08)	Vermont Supreme Court publicly reprimanded Respondent for regularly depositing non- client funds in his client trust account. E.O. 2007-212 dated March 12, 2008. 2008 VT 31
100	<i>In re: Mary Grady</i> 2006-253, 2007-140, 2007-143, 2007-144 and 2007- 176		Transferred to Disability/Inactive Status by Court on 4/12/07	10/17/07	Following hearing panel's determination that Respondent is unable to defend due to continuing health problems, the Supreme Court per E.O. 2006-524 dated November 30, 2007, deferred all pending disciplinary proceedings until Respondent's disability has been removed and she returns to active status. Rule 21.B(1).
99	<i>In re: Christopher O. Reis</i> 2004-195, 2006-080, 2006-153 & 2006-154		Transferred to Disability/Inactive Status by Court on 4/24/07	10/22/07	Following hearing panel's determination that Respondent is unable to defend due to continuing health problems, the Supreme Court per E.O.

					2006-242 dated November 5, 2007, deferred all disciplinary proceedings against Respondent pending Respondent's return to active status. Rule 21.B(1).
98	<i>In re:</i> <i>W. Bradney Griffin</i> 2007-071	Rule 8.4(d)	30 Days Suspension followed by 90 Days Probation	4/11/07	Respondent's license suspended for 30 days, followed by 90 days of probation, for failing to respond to a petition of misconduct, in violation of V.R.P.C. 8.4(d) (engaging in conduct prejudicial to the administration of justice. No review by Court undertaken.
97	<i>Unidentified Attorney</i> 2006-172	Rule 1.3	Admonition by Hearing Panel, 18 Months Probation and 13 conditions.	12/26/06	Respondent failed to record mortgages and pay money due in four separate real estate closings. No review by Court undertaken.
96	<i>In re: Mary Grady;</i> 2006-253		Transferred to Disability/Inactive Status by Court on 4/12/07	12/14/06 10/17/07	<i>See Decision 100 for final status.</i>
95	<i>Unidentified Attorney</i> 2005-123	Rules 3.5(b)(1)	Admonition by Disciplinary Counsel	10/6/06	When opposing counsel was not present, Respondent solicited the legal opinion of a judge

					on matters pending before that judge. No review by Court undertaken.
94	<i>Unidentified Attorney</i> 2006-015	Rules 1.4(a)	Admonition by Disciplinary Counsel	9/29/06	Respondent's purposeful avoidance of her client's 14 phone calls to her placed over a four month period violated the duty to communicate with one's client. No review by Court undertaken.
93	<i>Unidentified Attorney</i> 2006-241	Rules 1.15(e(1) and (2)	Admonition by Disciplinary Counsel	8/9/06	Respondent was disciplined for disbursing funds which she erroneously assumed had been wired to her trust fund following a real estate closing. This failure to determine that funds were available or "collected funds" was in violation of Rules 1.15(d)(1) and (2). No review by Court undertaken.
92	<i>Unidentified Attorney</i> 2006-167	None	Dismissed	7/13/06	The hearing panel dismissed a case where the parties had stipulated to a violation of V.R.P.C. 1.3, on the grounds that a single act of negligence does not breach the rules of professional conduct absent some compounding

					factor such as failure to communicate with client, or to take remedial action. Supreme Court's E.O. dated May 2, 2007, affirms Hearing Panel's decision to dismiss. 2007 VT 50.
91	<i>Unidentified Attorney</i> 2006-127	Rules 8.4(d) and 8.4(h)	Admonition by Disciplinary Counsel	6/26/06	Respondent revealed confidential juvenile information in the course of a cross examination. No review by Court undertaken.
90	<i>Unidentified Attorney</i> 2005-191	Rule 1.3	Admonition by Disciplinary Counsel	3/17/06	Respondent failed to file a notice of appearance and to comply with court's scheduling order. No review by Court undertaken
89	<i>In re:</i> <i>Andrew Lichtenberg</i> 2006.141		Reciprocal Disbarment	2/28/06	Respondent, who had been disbarred by the Hawaii Supreme Court for misappropriation of client funds and other misconduct, was reciprocally disbarred by E.O. 2006-012 of the Vermont Supreme Court on February 28, 2006. 2006 VT 21
88	<i>In re: John Ruggiero</i> 2005-058		Disbarment on Consent	3/10/06	Respondent, having been convicted of mail fraud arising from a scheme to embezzle money

	and 2005-130				from his trust account, was disbarred by Supreme Court following Respondent's resignation by affidavit. Supreme Court E.O. 2006-154 entered on April 20, 2006. 2006 VT 39
87	<i>In re:</i> <i>Thomas Daly</i> 2006.001		Disbarment	3/10/06	Respondent, having been indicted for conspiracy to defraud, interstate transportation of stolen money, and making a false tax return, and having pled guilty to two counts, was disbarred by Supreme Court following Respondent's resignation by affidavit. Supreme Court E.O. 2006-143 entered on April 20, 2006 was made retroactive to April 7, 2003, the date upon which his license to practice law was suspended. 2006 VT 32
86	<i>Anonymous Attorney</i> 2005.250	Rule 7.1	Admonition by Disciplinary Counsel	12/28/05	Respondent engaged in false and misleading advertising when she and her partner advertised themselves as the "County's Premier

					Criminal Defense firm,” a statement which she cannot factually establish. See companion case PRB Decision 85. No review by Court undertaken.
85	<i>Unidentified Attorney</i> 2005.188	Rule 7.1	Admonition by Disciplinary Counsel	12/28/05	Respondent engaged in false and misleading advertising when she and her partner advertised themselves as the “County’s Premier Criminal Defense firm,” a statement which she cannot factually establish. See companion case PRB Decision 86. No review by Court undertaken.
84	<i>In re:</i> <i>Brian P. Dempsey</i> 2005-200 and 2005-201		Transferred to Disability/Inactive Status		Respondent transferred to Disability/Inactive Status per E.O. 2005-519 of the Supreme Court on December 20, 2005, effective immediately.
83	<i>In re George Harwood</i> PRB 2005-184	Rules 1.15(a), 8.4(c), and 8.4(d)	Disbarment	12/6/05	Respondent commingled and misappropriated client funds and made false statements in his sworn response to Disciplinary Counsel's trust account management survey. Disbarred by Vermont Supreme Court.

					E.O. 2005-534. 2006 VT 15.
82	<i>In re: Robert Farrar</i> PRB 2005.203	Rules 1.3 and 1.4(a)	Public Reprimand	11/28/05	Respondent failed to take any action on his client's behalf from the time of the denial of an appeal by the Supreme Court in October 2001 through the conclusion of contempt proceedings in June 2002. Respondent also failed to communicate with his client during a critical period of time. No review by Court undertaken.
81	<i>Unidentified Attorney</i> 2005-202		Dismissed by Hearing Panel; Referred to an Assistance Panel	11/22/05	Hearing Panel dismissed case and recommended referral to an Assistance Panel after finding that a single instance of a missed court date due to a calendaring error, without more, does not show a lack of "reasonable diligence or promptness" in violation of Rule 1.3. No review by Court undertaken.
80	<i>Unidentified Attorney</i> 2004-132	Rules 1.3, 1.4(a) and 8.4(c)	Admonition by Hearing Panel and 1 Year Probation	8/18/05	Respondent neglected client matters, failed to communicate adequately, and deceived a client,

					for all of which, due to mitigating circumstances, he was admonished by the hearing panel. No review by Court undertaken.
79	<i>In re:</i> <i>Howard Sinnott</i> 2002-240	Rules 8.4(b), 8.4(c), 8.4(d) and 8.4(h)	Disbarment	8/12/05	Respondent, having been convicted of interstate transportation of stolen property in violation of U.S.C. § 2341 by transmitting over \$500,000 that he knew had been stolen, converted, or taken by fraud from clients, was disbarred by Supreme Court following Respondent's resignation by affidavit. Supreme Court E.O. 2005-337 entered on August 25, 2005. 2005 VT 109
78	<i>Unidentified Attorney</i> 2004-208	Rule 3.4(f)	Admonition by Disciplinary Counsel	9/30/05	Respondent was admonished for "requesting a person other than a client to refrain from voluntarily giving relevant information," Rule 3.4(f), when, after opposing counsel wrote a letter to 31 of Respondent's witnesses asking for an informal interview or a deposition, Respondent wrote

					to the witnesses stating that it was his client's request "that you not speak with [opposing counsel] or anyone from his office in an informal interview." No review by Court undertaken.
77	<i>In re:</i> <i>E. Michael McGinn</i> 2005-069, 2005-080 and 2005-094	Rules 8.4(b)(c)(d)(h)	Disbarment	6/16/05	Respondent misappropriated and diverted to his own use and benefit a portion of the funds that were entrusted to him in the course of his real estate practice. In an attempt to cover up these embezzlements, Respondent used funds he received in connection with later transactions to pay out moneys owed on earlier transactions. Supreme Court E.O. 2005-237 accepts resignation on June 28, 2005. 2005 VT 71
76	<i>In re:</i> <i>Vaughan H. Griffin, Jr.</i> 2004-122	Rule 8.4(c)	30 Months Suspension	5/12/05	During a fee dispute with a former client, Respondent created a fictitious fee agreement and forged his client's signature to it, thereby creating a promise to pay which did not, in fact, exist. No

					review by Court undertaken.
75	<i>In re: Robert Andres</i> 2004-204	Rule 3.5(c)	Public Reprimand	3/28/05	Respondent made discourteous and inappropriate remarks about a judge in pleadings when he compared her to a crack cocaine user. No review by Court undertaken.
74	<i>Unidentified Attorney</i> 2005-117	Rule 4.5	Admonition by Disciplinary Counsel	3/28/05	As part of his demand letter in a civil dispute, Respondent threatened to report the matter to the State's Attorney if his settlement demand was not met. No review by Court undertaken.
73	<i>In re: James P. Carroll</i> 2004-059	Rule 1.3 Rule 1.4(a)	Public Reprimand by Hearing Panel	1/7/05	In a contested estate matter, Respondent failed to pursue his client's case and failed to respond to his client's inquiries and to keep his client informed over a three year period in which Respondent did little or nothing to advance the client's case despite the client's 83 or more phone calls to Respondent's office, most of which were not returned. No review by Court undertaken.

