

PCB 30

[01-May-1992]

STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In re: PCB 91.07

NOTICE OF DECISION
PCB # 30

This matter was submitted by stipulation to the facts and conclusions of law. Upon consideration of the submitted stipulation, the Board concludes that respondent violated DR 7-106(C) (6) (in appearing in his professional capacity before a tribunal, a lawyer shall not engage in undignified or discourteous conduct which is degrading to a tribunal.)

The Board's findings of fact in support of this conclusion and its decision

as to the appropriate sanction to be imposed are as follows:

FACTS

1. Respondent is an attorney licensed in the State of Vermont.
2. Respondent represented the defendant in a sexual assault case.
3. After trial, the jury acquitted the defendant.
4. Subsequently, respondent represented the defendant in an arraignment of that defendant in another case.
5. Prior to the arraignment and while court was in recess, the respondent had a disagreement with the prosecutor.
6. During their discussion, which occurred at defense counsel's table in the courtroom, the respondent said to the prosecutor, "Go fuck yourself."
7. This statement was overheard by a court personnel and other persons in the court. It generated publicity in the local newspaper.

SANCTIONS

The Board expects the bar to observe a high standard of professional decorum. This is the second time in which we have been presented with a situation where a member of the bar has used crude or offensive language while appearing as an attorney in court. See PCB Decision No. 19, PCB File No. 90.41 (November 1, 1991). As this event occurred prior to our issuance of the decision in PCB File No. 90.41, we will impose only a private admonition in this case.

Dated at Barre this 1st day of May 1992.

/s/

Anne K. Batten

PROFESSIONAL CONDUCT BOARD

/s/

J. Eric Anderson, Chairman

/s/

Deborah S. Banse, Esq.

/s/

Leslie G. Black, Esq.

/s/

Richard Brock, Esq.

/s/

Joseph Cahill, Jr., Esq.

/s/

Nancy Corsones, Esq.

/s/

Christopher L. Davis, Esq.

Hamilton Davis

/s/

Shelley A. Hill, Esq.

Rosalyn L. Hunneman

/s/

Donald Marsh

Karen Miller, Esq.

Edward Zuccaro, Esq.