

138.PCB

[1-Oct-1999]

STATE OF VERMONT

PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: James Grant Thompson, Esq.
PCB File No. 99.23
Supreme Court Docket No. 98-546

STATEMENT OF FACTS

NOW COMES Jessica G. Porter, Disciplinary Counsel, and pursuant to Administrative Order No. 9, Rule 16B, hereby offers the following facts, in addition to those contained in the affidavit of Respondent.

Respondent's affidavit, dated August 30th, 1999 is submitted at the request of Disciplinary Counsel pursuant to A.O. 9, Rule 16. The facts contained in that affidavit support a violation of DR 1-102(A)(3), DR 1-102(A)(4), DR 1-102(A)(7) and DR 9-102(B)(4) of the Code of Professional Responsibility.

On August 31, 1999, U.S. District Judge William K. Sessions III, sentenced Respondent to two concurrent sentences of 18 months, followed by three years of supervision, based upon the same facts which are reiterated in Respondent's affidavit. In addition, it should be noted that two of the special conditions of supervision are: (1) that Respondent shall make restitution to Richard and Pamela Backus for \$4,908.00 and First Franklin Bank for \$60,450.00; and (2) shall refrain, during the period of supervision, from engaging in any activity that involves the practice of law (See attached sentencing order).

Respectfully submitted this 10th day of September, 1999.

Jessica G. Porter, Esq.
Disciplinary Counsel

STATE OF VERMONT
PROFESSIONAL CONDUCT BOARD

In Re: James Grant Thompson, Esq.
PCB File No. 99.23
Supreme Court Docket No. 98-546

AFFIDAVIT OF RESIGNATION

NOW COMES James Grant Thompson, being duly sworn, and, pursuant to Rule 16(A) of Administrative Order 9, hereby submits this affidavit of resignation. In so doing, I hereby depose and state as follows:

1. I am an attorney licensed to practice law in the State of Vermont.

2. I was placed on interim suspension on December 18, 1998.

3. I desire to resign my license to practice law in the State of Vermont.

4. This resignation is being rendered freely and voluntarily.

5. In submitting this resignation, I am not being subjected to coercion or duress.

6. I am fully aware of the implications that will flow from the submission of this resignation.

7. I am aware that the Office of Bar Counsel is investigating allegations that I misappropriated client funds and have abandoned my law practice.

8. I am aware that in PCB File No. 99.23 the Office of Bar Counsel is investigating allegations that I misappropriated \$50,000 that had been given to me by Rebecca Olson, and, eventually, pled guilty to the following federal offenses, each of which is a felony: (a) Interstate Transfer of Stolen Goods; and (b) Structuring a Transaction to Avoid Currency Reporting Laws.

9. The material facts upon which these allegations are based are true. They are described in more detail starting in paragraph 11 below.

10. If formal disciplinary charges were predicated on the allegations referenced in paragraph 8, I would not be able to successfully defend against them.

11. On November 6, 1998, I deposited a check from Rebecca Olson into my trust account at the Chittenden Bank.

12. The check was for the amount of \$57, 578.62 and was drawn on Attorney Olson's trust account.

13. Attorney Olson gave me the funds to hold in trust pending the discharge of a mortgage in a real estate transaction in which we I were involved.

14. On November 9 and 10, 1998, I withdrew \$50,000 from my trust account at the Chittenden Bank. I withdrew some of the money in cash and took the remaining amount in the form of bank checks made out to me.

15. The money was not mine to take.

16. Later that month, I left the State of Vermont.

17. On December 9, 1998, I surrendered to officials in the State of Florida.

18. I was charged with federal offenses and eventually returned to Vermont to face charges in the United States District Court for the State of Vermont.

19. On April 12, 1999, I pled guilty to two felonies relating to my misappropriation of the funds that I deposited after receiving Attorney Olson's check: (a) Interstate Transfer of Stolen Goods; and (b) Structuring a Transaction to Avoid Currency Reporting Laws.

20. Wherefore, I admit that the facts upon which the allegations are predicated are true and that I cannot successfully defend against them if presented with formal disciplinary charges. Thus, I freely and voluntarily resign my license to practice law in the State of Vermont.

21. The facts recited herein are based on my own personal knowledge.

DATED at Middlebury, Vermont, this 30th day of August, 1999.

/s/

James Grant Thompson, Esq.
Respondent

subscribed and sworn before me on August 30th , 1999.

/s/ James Dempsey

Notary Public

In re Thompson (99-442)

[Filed 22-Oct-1999]

ENTRY ORDER

SUPREME COURT DOCKET NO. 99-442

OCTOBER TERM, 1999

In re James Grant Thompson	}	Original Jurisdiction
	}	
	}	
	}	From Professional
	}	Conduct Board
	}	
	}	DOCKET NO. 99.23

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

The resignation of James Grant Thompson from the Bar of the Vermont Supreme Court is accepted subject to the terms and conditions of A.O. 9, Rule 16. It is hereby ordered that James Grant Thompson is disbarred from the office of attorney and counsellor at law.

James Grant Thompson is reminded that he must comply with A.O. 9, Rule

21.

BY THE COURT:

Jeffrey L. Amestoy, Chief Justice

John A. Dooley, Associate Justice

James L. Morse, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice