

2 PRB

[28-Feb-2000]

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re:

PCB File No. 1999.149

NOTICE OF DECISION NO. 2

Based upon the stipulation of the parties, which is accepted by the hearing panel, a decision is rendered in conformity with said stipulation. The board imposes the sanction agreed to by the parties, a private admonition. More fully set forth, the facts as stipulated are as follows:

1. The Respondent is an attorney licensed to practice law in the State of Vermont.
2. She was admitted to practice on April 9, 1998.

3. On May 21, 1999, the Respondent appeared on behalf of a client in the Vermont Supreme Court.

4. During the hearing, Washington County Deputy Sheriff Chad Stacey examined a duffel bag that had been left unattended outside the court clerk's office.

5. Deputy Sheriff Stacey looked through the bag to see if it contained any identification.

6. While looking through the bag, Deputy Sheriff Stacey found a lighter, a wooden pipe and a small amount of a green leafy substance that he suspected to be marijuana.

7. Deputy Sheriff took the bag away.

8. When the hearing ended, the Respondent asked someone in the court clerk's if they had her duffel bag.

9. The Respondent was directed to Deputy Sheriff Stacey.

10. The Respondent was charged with misdemeanor possession of marijuana.

11. The bag belonged to the Respondent.

12. The substance found in the bag was marijuana.

13. In the course of the criminal proceeding, the Respondent admitted that the bag was hers.

14. In the course of the criminal proceeding, the Respondent did not contest that she possessed marijuana at the time and place charged.

15. While she did not contest the charge, the Respondent did not remember putting in the marijuana in the bag. In fact, the Respondent had not used the bag in question for several months.

16. The State offered a diversion program to the Respondent.

17. The Respondent successfully completed a court diversion program by doing 25 hours of pro bono legal work and writing an essay for youngsters on the effect of someone of her stature possessing marijuana.

18. The fact that the marijuana was found in the Respondent's bag received a great deal of exposure in the

media.

19. The Respondent has suffered personal humiliation and shame.

20. The fact that the marijuana was found in the Respondent's bag did not adversely affect any of her client's interests.

21. The Respondent has never sought to avoid responsibility for her actions.

22. The Respondent has cooperated with the Office of Disciplinary Counsel throughout its investigation.

23. The Respondent has expressed remorse for bringing negative attention to the legal profession.

24. The Respondent does not have a prior disciplinary history.

In this case the Respondent violated DR 1-102(A)(7) of the Code of Professional Responsibility in as much as possession of marijuana reflects adversely on her fitness to practice law.

The conduct of the Respondent did not involve dishonesty, fraud, deceit or misrepresentation, nor did it cause her clients any particular form of injury. A number of mitigating factors are present in this case which the panel considered. These include lack of prior disciplinary records, her cooperation with the Office of Disciplinary Counsel, successful completion of a diversion program offered by the State's Attorney, expression of remorse. There are no aggravating factors. A private admonition is imposed.

Dated this 25th day of February, 2000.

/s/

Toby Young

/s/

Paul Ferber, Esq.

/s/

Robert R. Bent, Esq.