

**STATE OF VERMONT
VERMONT SUPREME COURT
MARCH TERM, 2025**

Order Promulgating Amendment to Rule 12.D of Administrative Order No. 9, Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program

Pursuant to the Vermont Constitution, Chapter II, § 30, it is hereby ordered:

1. That Rule 12.D be amended as follows (new matter underlined):

Rule 12. Screening Counsel and Filing and Review of Disciplinary Complaints

D. Complainant's Right to Independent Review. Screening Counsel may close or dismiss complaints which, in Counsel's judgment, do not require either formal investigation by Disciplinary Counsel or referral to an alternate program. In such cases, Counsel must inform the complainant in writing of the decision and the reasons, and notify the complainant of the right to seek review from the Board chair. The complainant has 30 days from the date of Screening Counsel's decision to request review. Review conducted pursuant to this rule is on the record.

Reporter's Notes—2025 Amendment

Current Board policy requires a complainant to seek review of Screening Counsel's decision within 30 days of the date of the decision. This amendment changes the requirement from policy to rule.

The final sentence clarifies that review is on the record. The Board Chair is not required to review information that was not provided to Screening Counsel. The Chair may, however, consider such information as a reason to ask Screening Counsel to reopen the file. When review is requested, the Board Chair is not required to interview or meet with the complainant.

2. That this administrative order, as amended, is prescribed and promulgated effective **July 1, 2025**. The Reporter's Notes are advisory.
3. That the Chief Justice is authorized to report this amendment to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 10th day of March, 2025.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice



Signed by the Vermont Supreme Court