

STATE OF VERMONT  
VERMONT SUPREME COURT  
FEBRUARY TERM, 2026

**Order Promulgating Amendments to Rules 13.D, 15, 16.B, 17.C., 18, and 27.A 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 13.D be amended as follows (new matter underlined; deleted matter struck through):

**Rule 13. Disciplinary and Disability Proceedings**

**D. Formal Proceedings.**

(1) *Filing of charges: notice to complainant.* Disciplinary counsel may initiate formal disciplinary proceedings either: (a) by filing with the Board facts stipulated to by the respondent, along with any proposed legal conclusions and recommended sanction which disciplinary counsel and respondent, either separately or jointly, would like the hearing panel to consider; or (b) by filing with the Board and serving upon respondent a petition of misconduct which is sufficiently clear to inform respondent of the alleged misconduct and the rules alleged to have been violated.

Disciplinary counsel shall inform the complainant of the filing of formal charges against the respondent.

(2) *Assignment of hearing panel.* Upon receipt of the stipulation or petition, the Board shall assign the matter to a hearing panel pursuant to a fixed rotation. Substitution of members will be allowed only in the event of conflicts of interest or unavailability.

(3) *Answer.* If proceedings are initiated by petition, respondent shall serve an answer upon disciplinary counsel and file the ~~original answer~~ answer with the Board within 20 days after the service of the petition, unless the time is extended by the chair of the hearing panel. In the event the respondent fails to answer within the prescribed time, the charges shall be deemed admitted, unless good cause is shown.

(4) *Hearing.* If an answer to a petition of misconduct is filed, the hearing panel shall ~~serve~~ send a notice of hearing ~~upon~~ to disciplinary counsel and respondent, stating the date and place of hearing at least 25 days in advance thereof. If stipulated facts are filed, the hearing may be scheduled sooner at the discretion of the chair. The notice of hearing on a petition of misconduct shall state that the respondent is entitled to be represented by a lawyer, to cross-examine witnesses, and to present evidence. Disciplinary counsel shall further inform the complainant of the date and place of the hearing. The hearing shall be recorded.

(5) *Hearing panel decision; service; finality.*

(a) Where proceedings have been initiated by stipulated facts, the hearing panel shall review the stipulation and either: (i) reject the stipulation, in which case the parties may amend and resubmit it, or disciplinary counsel may reinstitute proceedings by filing a petition of

misconduct in accordance with this Rule; or (ii) accept the stipulation and adopt it as its own findings of fact, although the panel may take further evidence on the issue of sanctions.

(b) Where proceedings have been initiated by petition, disciplinary counsel shall have the burden of proving the alleged violations by clear and convincing evidence. In its discretion, the hearing panel may bifurcate the hearing in order to consider evidence relevant to the charged violations separately from evidence relevant to sanctions.

(c) The hearing panel shall in every case issue a decision containing its findings of fact, conclusions of law, and the sanction imposed, if any, within 60 days after the conclusion of the hearing. The panel shall promptly ~~serve~~ send its decision ~~on~~ to disciplinary counsel and the respondent, and submit a copy, together with a record of its proceedings, pleadings and briefs, if any were submitted, to the Board for filing with the Court. The Board shall promptly inform the complainant of the decision and provide a copy to the complainant if so requested. If no appeal is served and filed within 30 days of the hearing panel decision, and the Court does not otherwise order review on its own motion, the decision shall become final, and shall have the same force and effect as an order of the Court.

### **Reporter's Note—2026 Amendment**

Rule 13.D is amended to update terminology and allow for electronic filing in proceedings before hearing panels. Rule 13.D(3) is amended to replace the word “original” with “answer” in recognition of the fact that electronic documents do not have an original as understood in the paper world. The amendments to Rule 13.D(4) and (5)(c) clarify that the panel sends orders and hearing notices; it does not serve the parties as that word is defined and used in Rule 18 and the incorporated civil and electronic filing rules.

2. That Rule 15 be amended as follows (new matter underlined; deleted matter struck through):

#### **Rule 15. Sanctions**

**A. Types of Sanctions.** Misconduct shall be grounds for one or more of the following sanctions:

(1) Disbarment, in which case the lawyer shall not be eligible for readmission for at least five years;

(2) Suspension for an appropriate fixed period of time not in excess of three years;

(3) Immediate interim suspension, pending final determination of discipline;

(4) Public reprimand, which shall be published in the Vermont Reports and in a newspaper of general circulation in the geographical area in which the lawyer practices law;

(5) Admonition. Two types of admonition may be imposed:

(a) Admonition by disciplinary counsel imposed with the consent of the respondent and the approval of a hearing panel. ~~Admonitions~~ An admonition by disciplinary counsel ~~cannot~~ may be imposed ~~after~~ only before formal ~~charges~~ proceedings have been ~~issued~~ initiated.

(b) Admonition by a hearing panel may be imposed only after formal charges have been ~~issued~~ initiated.

All admonitions shall be in writing and ~~served upon~~ sent to the respondent. Only in cases of minor misconduct, when there is little or no injury to a client, the public, the legal system, or the profession, and when there is little likelihood of repetition by the lawyer, should an admonition be imposed. A summary of the conduct for which an admonition was imposed shall be published for the education of the profession, but the lawyer shall not be identified in the published decision. Admonitions may be used in subsequent proceedings in which the respondent has been found ~~guilty of~~ to have committed misconduct as evidence of prior misconduct bearing upon the issue of the sanction to be imposed in the subsequent proceeding.

(6) Probation:

(a) Imposition of Probation. Probation may be imposed only in conjunction with any other sanction, reinstatement from disability, and reinstatement from disbarment or suspension. It shall be used only in those cases in which there is little likelihood that the respondent will harm the public during the period of probation and the conditions of probation can be adequately supervised. Probation shall be imposed for a specific period and on notice and opportunity to be heard may be renewed for an additional period.

(b) Conditions in Writing. The conditions of the probation shall be in writing. Only the Court may impose conditions of probation which limit the lawyer's practice of law in this jurisdiction, except that the hearing panel may do so with the lawyer's consent. All or some of the costs of probation may be assessed against the lawyer. The probation will be supervised by a probation monitor approved by the hearing panel or disciplinary counsel, with any expense borne by respondent. Probation shall be terminated upon the filing of an affidavit by the respondent showing compliance with the conditions and an affidavit by the probation monitor stating that probation is no longer necessary and summarizing the basis for that conclusion.

(c) Violation of Probation. A violation of probation may be the basis for interim suspension pursuant to Rule 22 or may be the basis of independent disciplinary charges which shall be proven by clear and convincing evidence under the same procedures as for charges of misconduct. Upon proof of a probation violation, any sanction under these rules may be imposed. Allegations of violation of probation imposed in conjunction with a reprimand, suspension, or reinstatement shall proceed as public proceedings.

(7) Reimbursement of retainers, fees, trust funds, or other monies collected or received by the lawyer on a client's behalf, but reimbursement shall not be imposed unless some other sanction is imposed;

(8) Assessment of the costs of proceedings, but only in reinstatement or probation violation proceedings.

**B. Prior Misconduct.** Prior findings of misconduct, including admonitions, may be considered in imposing sanctions.

### **Reporter's Note—2026 Amendment**

Rule 15.A is amended to indicate that an admonition will be sent to the respondent, rather than served on the respondent because the

panel or disciplinary counsel is not required to serve the admonition as that word is defined and used in Rule 18 and the incorporated civil and electronic filing rules. Other minor changes in language are not meant to alter the substance of the rule.

3. That Rule 16.B be amended as follows (new matter underlined; deleted matter struck through):

**Rule 16. Access to Disciplinary Information.**

**B. Availability of Information after Filing of Formal Charges.**

(1) In General. ~~All~~ Except as provided in (B)(2) and (3), all Professional Responsibility proceedings and all records pertaining thereto formally submitted to a hearing panel after the filing of formal charges or stipulation shall be public unless the complainant, disciplinary counsel, or respondent obtains from a hearing panel or the Board a protective order for specific testimony, documents, or records.

(2) Work Product. ~~Notwithstanding the above, the~~ The work product of the Board, hearing panel, and their counsel, as well as the deliberations of the hearing panel, Board, and Court shall remain confidential.

(3) Private Admonition. When an admonition is imposed after formal proceedings are initiated, all proceedings and records pertaining thereto shall be confidential within the program, unless confidentiality is waived by both the complainant and the respondent attorney, or is otherwise dispensed with for good cause by order of the Board chair.

**Reporter's Note—2026 Amendment**

Rule 16.B is amended to make a public file confidential if an admonition is imposed. The amendment reflects the Professional Responsibility Board's consideration of the inconsistency when a proceeding that, by rule, is public results in a sanction that, by rule, does not identify the respondent. The rule change reflects the Board's assessment that that if a sanction does not identify the respondent, the record of the proceedings that resulted in the sanction must also be confidential.

4. That Rule 17.C be amended as follows (new matter underlined; deleted matter struck through):

**Rule 17. Dissemination of Disciplinary Information.**

**C. Notice to the Courts.** Disciplinary counsel shall promptly transmit ~~a certified copy~~ of the order of suspension, disbarment, reinstatement, transfer to or from interim suspension status and transfer to or from disability inactive status to all courts in this state. In addition, bar disciplinary counsel may request the presiding judge of the superior court of the county in which a respondent, transferred to disability inactive status or otherwise unable to comply with the requirement of Rule 27, maintained a law practice to take such action under the provision of Rule 28 as may be indicated in order to protect the interests of the respondent and respondent's clients.

### Reporter's Note—2026 Amendment

Rule 17.C is amended to indicate that although disciplinary counsel must send any order of suspension, disbarment, reinstatement, transfer to or from interim suspension status, and transfer to or from disability inactive status to all courts, it need not be certified. The second sentence is amended to indicate that it is disciplinary counsel, not bar counsel, who is responsible for contacting a judge to get a respondent to comply with Rule 27.

5. That Rule 18 be amended as follows (new matter underlined; deleted matter struck through):

#### **Rule 18. Service and Filing.**

**A. Service and Filing of Disciplinary or Disability Petition.** Disciplinary counsel must file a disciplinary or disability petition with the Board in accordance with the Vermont Rules for Electronic Filing. ~~Service upon the respondent of Disciplinary counsel must serve the petition in any disciplinary or disability proceeding shall be made by either~~ (1) registered or certified mail, with restricted delivery and return receipt requested at an address shown on the licensing statement last filed by respondent or other last known address, or ~~may be by~~ (2) personal service, by any person authorized by the chair of the Board. ~~Service in all other respects shall be governed by the Vermont Rules of Civil Procedure.~~

**B. Service and Filing of Other Pleadings and Documents Papers.** ~~Service of any other papers or notices required by these rules shall, unless otherwise provided by these rules, be made~~ The parties must serve and file other pleadings and documents in accordance with Rule 5 of the Vermont Rules of Civil Procedure, unless otherwise provided in these rules.

### Reporter's Note—2026 Amendment

Rule 18 is amended to clarify the requirements for filing and service with implementation of electronic filing in proceedings before hearing panels of the Board. Rule 18.A delineates that the initial petition in either a disciplinary or disability petition must be filed by disciplinary counsel in accordance with the Vermont Rules for Electronic Filing. Disciplinary counsel is also responsible for serving the initial petition on the respondent. The methods for that service are unchanged. Rule 18.B is amended to clarify that filing and service of all subsequent pleadings and documents must be made as provided in V.R.C.P. 5, unless some other method is provided in the rules. Civil Rule 5 provides how documents must be filed with the court (here, the panel) and the methods for serving other parties, depending on if they are electronic filers.

6. That Rule 27.A be amended as follows (new matter underlined; deleted matter struck through):

**Rule 27. Notice to Client, Adverse Parties, and Other Counsel.**

A. **Recipients of Notice: Contents.** Within ~~ten~~ 14 days after the date of the decision or order imposing discipline or transfer to disability inactive status, a respondent disbarred, transferred to disability inactive status, placed on interim suspension or suspended must ~~shall notify or cause to be notified by registered or certified mail, return receipt requested:~~

(1) Notify by registered or certified mail ~~All~~ all clients being represented in pending matters (and shall call attention to any urgency for action on the client’s part);

(2) Notify by email or mail ~~Any~~ co-counsel in pending matters; and

(3) Notify according to the service rules ~~Any~~ any opposing counsel in pending matters, or in the absence of such counsel, the adverse parties.

**Reporter’s Note—2026 Amendment**

Rule 27.A is amended to clarify how notice of a disciplinary or disability decision must be provided to clients, co-counsel in pending matters, and opposing counsel or adverse parties.

7. That this administrative order, as amended, is prescribed and promulgated **effective July 1, 2026**. The Reporter’s Notes are advisory.

8. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 10<sup>th</sup> day of February, 2026.



Signed by the Vermont Supreme Court

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Nancy J. Waples, Associate Justice

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Christina E. Nolan, Associate Justice

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Michael P. Drescher, Associate Justice