

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

IN RE: MELVIN FINK
PRB FILE NO. 012-2019

**RESPONDENT'S NOTICE OF OPPOSITION TO DISCIPLINARY COUNSEL'S
MOTION TO CONTINUE OR TO ALLOW REMOTE TESTIMONY**

COMES NOW the Respondent, Melvin Fink, by and through counsel, David C. Sleigh, and respectfully notices his opposition to Disciplinary Counsel's Motion to Continue or to Allow Remote Testimony. In support of his opposition, Respondent avers:

- 1) The hearing on the instant complaint was scheduled on October 10, 2024, nearly one year ago;
- 2) J.H., the complainant, is Disciplinary Counsel's key witness;
- 3) Assessing her credibility is the Hearing Panel's most critical function in evaluating the instant complaint;
- 4) Cross-examination of J.H. will likely involve confronting her with documentary and tangible evidence. See V.R.C.P. 43.1(h)(7);
- 5) J.H. will likely be confronted with claims of medical issues relating to her ability to recall and accurately relate past events;
- 6) These claims were made by her on the eve of jury trial in Respondent's related criminal case and caused a significant delay in that proceeding;

- 7) This panel's hearing procedure is governed by the Vermont Rules of Evidence and Civil Procedure. A.O. 9, Rule 20(B);
- 8) V.R.C.P. 43 mandates witness testimony be taken orally in open court unless otherwise provided;
- 9) V.R.C.P. 43.1 governs so-called hybrid hearings;
- 10) V.R.C.P. 43.1(h) provides a list of factors to consider in the face of a motion to allow remote witness testimony;
- 11) Of the 43.1(h) factors, subsection 7 is of most importance;
- 12) Subsection 7 requires remote testimony to allow for full and effective cross-examination, including access to documentary and tangible evidence necessary to cross-examination;
- 13) Given J.H.'s critical role in the instant complaint, Respondent is entitled to a full and adequate opportunity to impeach her credibility before this Panel;
- 14) Remote participation will not allow for a fair opportunity to impeach her.
- 15) Last, J.H. has been on notice of this hearing for months, and before she planned a conflicting family celebration.

WHEREFORE, Respondent opposes Disciplinary Counsel's Motion to Continue or to Allow Remote Testimony.

DATED at St. Johnsbury, VT on September 9, 2025

Respectfully submitted,



David C. Sleight
Counsel for Melvin Fink

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CERTIFICATE OF SERVICE

I certify that on September 9, 2025, Disciplinary Counsel was served with the *Respondent's Notice of Opposition to Disciplinary Counsel's Motion to Continue or to Allow Remote Testimony* by email to Jon Alexander, Counsel for Petitioner, Office of Disciplinary Counsel, at jon.alexander@vtcourts.gov.

DATED at St. Johnsbury, VT on September 9, 2025

Respectfully submitted,



David C. Sleight
Counsel for Melvin Fink