

**STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM**

**In re Thomas Melone  
PRB File No. 120-2025**

**DECISION AND ORDER  
RESPONDENT'S MOTION FOR PERMISSION TO APPEAL**

The Respondent has filed a motion for permission to pursue an interlocutory appeal to the Supreme Court from the order of the Hearing Panel issued December 2, 2025. For the reasons set forth below, the Respondent's motion is *denied*.

The Panel's decision is directed by two rules set forth in Administrative Order (A.O.) 9, namely Rule 20 A. and 20 B. Rule 20 A. provides:

Disciplinary proceedings are neither civil nor criminal but are *sui generis*.

Rule 20 B. provides:

Except as otherwise provided in these rules, the Vermont Rules of Civil Procedure and the Vermont Rules of Evidence apply in discipline and disability cases.

The Respondent seeks to pursue an interlocutory appeal pursuant to V.R.A.P. 5 (b).<sup>1</sup> Rule 5 (b) does not apply to disciplinary proceedings. The rule affords a party in a *civil* action the right to seek permission for an interlocutory appeal. Clearly, this proceeding is not a civil action. A.O. 9, Rule 20 A. There is no provision in Rule 5, in any of the other Rules of Appellate Procedure, or in the Rules of Civil Procedure which allows a party to seek an interlocutory appeal in a disciplinary proceeding.

The only authority for appeal in A.O. 9 is found in Rule 13 E. which provides in pertinent part as follows:

**E. Review by the Court.** All final decisions of the hearing panel which fully dispose of an entire proceeding may be appealed as of right to the Court by respondent or disciplinary counsel pursuant to the Vermont Rules of Appellate Procedure, which rules shall govern the proceedings on appeal

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<sup>1</sup> The Respondent does not cite any specific authority for his motion, but his argument tracks the language of V.R.A.P. 5 (b).

except where these rules establish a different procedure. To the extent applicable, all references in the Vermont Rules of Appellate Procedure to the superior court shall be deemed to be a reference to the hearing panel, and all references to the clerk of the superior court shall be deemed to be a reference to the chair of the hearing panel.

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Rule 13 E. states specifically that “only final decisions of the hearing panel *which fully dispose of an entire proceeding* may be appealed.” (Emphasis added.) Rule 13 E. clearly provides that the Rules of Appellate Procedure apply only to appeals from final decisions. The Rule is entirely consistent with the “well-established policy [of the Supreme Court] of avoiding piecemeal appeals.” *Castle v. Sherburne Corp.*, 141 Vt. 157, 162 (1982).

### ORDER

Respondent’s motion for permission to take an interlocutory appeal is *denied*.

As contemplated by the order of the Hearing Panel issued December 18, 2025, Respondent’s Answer shall be filed no later than January 19, 2026. If the Respondent files a motion to obtain permission for an interlocutory appeal with the Supreme Court, his Answer shall be filed no later than 14 days after the Court resolves his motion.

It is SO ORDERED this 5<sup>th</sup> day of January 2026,

Hearing Panel No. 2

By: Mimi Brill  
Mimi Brill, Esq., Chair

By: Alexander W. Shiver  
Alexander W. Shiver, Esq.

By: Brian Bannon  
Brian Bannon, Public Member