

**STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM**

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

**ENTRY ORDER
MOTIONS TO COMPEL**

Respondent has filed motions to compel Carolyn Anderson, Chair of the Professional Responsibility Board, and Michael Hanley, Conflict Disciplinary Counsel, to comply with subpoenas.

Disciplinary proceedings are generally governed by the Vermont Rules of Civil Procedure and the Vermont Rules of Evidence except as otherwise provided in Administrative Order (A.O.) 9. A.O. 9, Rule 20 B. By reason of Rule 20 B, Rule 26 of the Vermont Rules of Civil Procedure, “General Provisions Governing Discovery,” controls the issues before the Panel. Rule 26 is limited, however, by A.O. 9, Rule 19 B (3) which provides

Discovery proceedings under these rules are not subject to the Vermont Rules of Civil Procedure regarding discovery except those relating to depositions and subpoenas.

Rule 26 anticipates that counsel may have objections to discovery sought by an opposing party. *See, e.g.*, V.R.C.P. 26 (h). The Rule provides that,

Counsel have the obligation to make good faith efforts among themselves to resolve or reduce all differences relating to discovery procedures and to avoid filing unnecessary motions.

The Rule further provides,

No motions pursuant to Rules 26 and 37 shall be filed unless counsel making the motion has conferred with opposing counsel or has attempted to confer about the discovery issues between them in detail in a good faith effort to eliminate or reduce the area of controversy, and to arrive at a mutually satisfactory resolution. . . .

There is no indication in any of the motions to compel that there have been any efforts among counsel to confer or to resolve the issues raised by the motions. Accordingly, the motions to compel are not properly before the Hearing Panel at this time.

ORDER

1. The motions to compel are *denied*. They may be renewed if necessary (by reference if appropriate) after compliance with V.R.C.P. 26(h).
2. The parties are directed to confer pursuant to V.R.C.P. 26 no later than February 4, 2026, and to report the results thereof to the Panel no later than February 11, 2026

Dated this 21st day of January 2026,

Hearing Panel No. 2

By: Mimi Brill
Mimi Brill, Esq., Chair¹

¹ The Hearing Panel Chair alone determines the validity of a subpoena and any disputes concerning discovery. A.O. 9, Rule 19 A (4) and 19 B (2)