

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM

In re Thomas Melone  
PRB No. 120-2025

**CONFLICT DISCIPLINARY COUNSEL'S OPPOSITION TO  
THOMAS MELONE'S MOTION FOR THE RECUSAL OF ALEXANDER SHRIVER  
AND BRIAN BANNON**

In his motion to recuse Mr. Shriver and Mr. Bannon, Mr. Melone alleges that all members of the Hearing Panel violated the Code of Judicial Conduct. They did not. He alleges that Conflict Disciplinary Counsel and the Professional Responsibility Board Chair had *ex parte* communications. They did not. Mr. Melone also asks for a "mistrial" and to "re-start" these proceedings. These requests for relief have no basis in fact or law.

Mr. Melone asserts that Conflict Disciplinary Counsel moved to disqualify the former Chair of the Hearing Panel because she violated the Code of Judicial Conduct. This is false. As Conflict Disciplinary Counsel recently wrote:

Conflict Disciplinary Counsel has **not** alleged that Hearing Panel Chair Brill violated the Vermont Code of Judicial Conduct.

Under Administrative Order 9, Rule 14(d), a hearing panel member must disqualify herself if a "judge, similarly situated, would be required to do so under the Vermont Code of Judicial Conduct." Under Rule 1.2 of that Code, a judge must disqualify herself to avoid "the appearance of impropriety." Conflict Disciplinary Counsel only asserts that some might question whether Chair Brill attempted to investigate facts independently and, as a result, in order to avoid even a hint of controversy, Ms. Brill should recuse herself as Chair of the Hearing Panel.

Conflict Disciplinary Counsel does not assert or admit, and denies, that Chair Brill caused any injury, harm or prejudice to Mr.

Melone.<sup>1</sup>

No member of the Hearing Panel, past or present, violated the Code of Judicial Conduct. The former Chair of the Hearing Panel did not violate the Code of Judicial Conduct; she *followed* the Code of Judicial Conduct to the letter by recusing herself from these proceedings when the *appearance* of impropriety was brought to her attention.

Mr. Melone has produced no evidence, and Conflict Disciplinary Counsel is aware of no evidence, that Mr. Shriver or Mr. Bannon participated in the former Hearing Panel Chair's emails or letter to the Chair of the Professional Responsibility Board, asking about the appointment of Conflict Disciplinary Counsel.

Mr. Melone's allegations that Mr. Bannon and Mr. Shriver violated the Code of Judicial Conduct are based upon a selective and subjective reading of the former Hearing Panel Chair's emails and letter to the Chair of the Professional Responsibility Program. However, these communications were signed only by Ms. Brill, not Mr. Shriver or Mr. Bannon. And, Ms. Brill sent the emails from her email address without even a "cc" to Mr. Shriver or Mr. Bannon.<sup>2</sup> In other words, as a matter of fact, there is no evidence that Mr. Shriver or Mr. Bannon communicated with the Chair of the Professional Responsibility Board regarding Conflict Disciplinary Counsel's appointment. As a result, there has been no violation of the Code of Judicial Conduct and no appearance of impropriety by Mr. Shriver or Mr. Bannon. Mr. Melone's motion should be denied.

Although not germane to Mr. Melone's motion, his allegation that communications

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<sup>1</sup> *Conflict Disciplinary Counsel's Reply to Thomas Melone's "Response" to Conflict Disciplinary Counsel's Motion for the Recusal of the Hearing Panel Chair, page 2.*

<sup>2</sup> *Exhibit 1.*

between Conflict Disciplinary Counsel and the Chair of the Responsibility Board were *ex parte* is wrong as a matter of law. Such communications are mandatory:

Rule 9. Disciplinary Counsel

Disciplinary Counsel confers periodically with the Board to review operations and perform other assigned tasks.<sup>3</sup>

Such communications cannot be *ex parte* because the Professional Responsibility Board and its Chair have no role in adjudicating petitions of misconduct, including the allegations of misconduct against Mr. Melone. Instead, the investigation and filing of charges are reserved to disciplinary counsel or conflict disciplinary counsel (Rule 13(A), (B), (D)(1)), and probable cause review and the hearing are conducted by the hearing panel (Rule 13(C), (D)(4), (5)), which is appointed by the Chair of the PRB (Rule 13((D)(2), Rule 14(A)).

While the Chair of the PRB appoints the members of hearing panels, the Board and its Chair do not supervise hearing panels. The findings of fact, the conclusions of law and the recommendations of a hearing panel are **not** subject to review by the Board; they are reviewed by the Vermont Supreme Court, which is free to reject or accept those findings, conclusions and recommendations. Rule 13(E).

Finally, Mr. Melone's statements that "a mistrial must be declared" and that "the case [must be ] completely re-started (*i.e.*, begun anew)" have no merit. There can be no mistrial because the Hearing Panel has not conducted a trial or hearing. There is nothing to restart or "begin anew" because the Hearing Panel has heard no evidence and made no findings of fact or conclusions of law.

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<sup>3</sup> *Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program* (A. O. 9).

The Hearing Panel should view Mr. Melone's motion to disqualify Mr. Bannon and Mr. Shriver for what it is: the latest in a long line of filings designed to disrupt, delay or dismiss this matter, often for reasons that have nothing to do with the merits of the *Petition for Misconduct*. Mr. Bannon and Mr. Shriver should not recuse themselves. Instead, a new Hearing Panel Chair should be appointed and the matter should be scheduled for a final hearing on the merits.

Dated: February 23, 2026

/s/ Paul J. Perkins

Michael F. Hanley  
Conflict Disciplinary Counsel  
Plante & Hanley, P.C.  
Post Office Box 708  
White River Junction, VT 05001  
802-295-3151, Ext. 102  
mfhanley@plantehanley.com

# Exhibit 1

## Paul Perkins

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**From:** Carolyn Anderson <canders12345@gmail.com>  
**Sent:** Wednesday, January 14, 2026 11:46 AM  
**To:** Michael F. Hanley  
**Subject:** Fwd: FW: clarification letter  
**Attachments:** PRB.Anderson.lte.pdf; Han;ey appt letter.pdf

----- Forwarded message -----

**From:** Brill, Mimi <Mimi.Brill@vermont.gov>  
**Date:** Mon, Jan 12, 2026 at 5:01 PM  
**Subject:** FW: clarification letter  
**To:** canders12345@gmail.com <canders12345@gmail.com>

Here are the attachments and my original email below.

Sorry about that.

Mimi Brill, Esq.

Supervising Attorney

Windham County Public Defender

50 Park Place

Brattleboro, VT 05301

(802)254-2375 office phone

(802)257-2826 fax

(802) 490-3897 google voice

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**From:** Brill, Mimi  
**Sent:** Wednesday, December 3, 2025 1:09 PM  
**To:** 'canders@gmail.com' <canders@gmail.com>  
**Cc:** 'mfhanley@planethanley.com' <mfhanley@planethanley.com>; 'Thomas.Melone@AllcoUS.com' <Thomas.Melone@AllcoUS.com>  
**Subject:** clarification letter

Hi Attorney Anderson,

I am the chair of the hearing panel in the matter of PRB-120-2025, Respondent Thomas Michael Malone, Esq.

The panel is seeking clarification regarding the appointment of Michael F. Hanley as Conflict Disciplinary Counsel in this matter.

Please see attached letter requesting clarification as well as the documentation we have received thus far.

Thank you for your attention to this matter.

Best,

Mimi Brill

Mimi Brill, Esq.

Supervising Attorney

Windham County Public Defender

50 Park Place

Brattleboro, VT 05301

(802)254-2375 office phone

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(802) 490-3897 google voice

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Mimi Brill, Esq.  
Hearing Panel Chair  
Professional Responsibility Program  
mimi.brill@vermont.gov

Carolyn Anderson, Esq., Chair  
Professional Responsibility Board  
109 State Street  
Montpelier, VT 05609-0703  
By email: canders@gmail.com

In re Melone, PRB file no. 120-2025

Dear Ms. Anderson,

I am Chair of the panel assigned to hear the Petition of Misconduct in the above-entitled matter. In a motion to dismiss, the Respondent raised the issue of the authority of the Board to appoint conflict disciplinary counsel. That motion was denied. We anticipate that in his answer he will raise the issue of whether Conflict Disciplinary Counsel Michael Hanley was properly appointed.

The only documentation we have of Mr. Hanley's appointment is a letter dated May 20, 2025, from Merrick Grutchfield in which she thanked Mr. Hanley for agreeing to serve as conflict disciplinary counsel in this case. But the letter does not advise Mr. Hanley that you, as chair of the Board, appointed him to this role. (I am attaching a copy of the letter.) We respectfully request that you clarify whether you made the appointment and, if so, the date of the same.

Thank you for your time and attention to this matter.

Sincerely,



Mimi Brill, Esq.

cc: Michael Hanley, Esq  
Thomas Melone, Esq.

Carolyn Anderson, Esq., Chair  
Caryn Waxman, Esq., Vice-Chair  
Hon. David Howard  
Amelia Darrow, Esq.  
Kevin O'Donnell  
Susan Fay  
Larry Cassidy



Merrick Grutchfield  
Program Administrator

109 State Street  
Montpelier, Vermont  
05609-0703  
802.828.6551

May 20, 2025

Michael F. Hanley  
82 Fogg Farm Road  
White River Junction, VT 05001

RE: PRB-120-2025  
Thomas Michael Melone, Esq. - Respondent  
Merrill E. Bent- Complainant

Dear Attorney

Thank you for agreeing to serve as Conflict Disciplinary Counsel in the above referenced matter. We understand that your partner, Paul Perkins, may assist you on this matter and authorize the same. A copy of the file has been placed in a shared location by Brandy Sickles.

The process is set out in Rule 13 of Administrative Order 9.

If you will be billing for your time spent on this case, please send an itemized, monthly bill to my attention. Due to the confidential nature of our complaints and the fact that your bill will be processed by other departments, the bill should be somewhat redacted; please refer to the case by docket number and reference the attorney as "respondent." The assigned counsel rate for attorneys hired by the Professional Responsibility Board is \$ 150 per hour. Finally, at the conclusion of this case, please return the complete file to Brandy Sickles.

Bar Counsel Michael Kennedy is available to provide you with guidance on the process but is not authorized to discuss the substance of the complaint with you.

Please contact me with any questions. Thank you so much for agreeing to undertake this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Merrick Grutchfield".

Merrick Grutchfield  
Program Administrator

attachments

cc: Carolyn Anderson, Esq. -- Chair