

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM

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

TOWN OF BENNINGTON'S OPPOSITION TO RESPONDENT'S MOTION TO  
DISQUALIFY FIRM/MOTION TO STRIKE

The Town of Bennington opposes the Respondent's motion to disqualify the law firm of Woolmington, Campbell, Bent, & Stasny, P.C. ("WCBS"), and to strike the motion filed by WCBS on its behalf.

The Respondent's Motion is premised on Rule of Professional Conduct 3.7, which is entirely inapplicable. Rule 3.7 provides that: "A lawyer shall not act as advocate *at a trial* in which the lawyer is likely to be a necessary witness," unless certain criteria are satisfied. (Emphasis added). The rule by its express terms only applies to attorneys advocating *at a trial*. See *e.g. Alexander v. F.B.I.*, 186 F.R.D. 21, 31 (D.D.C. 1998); *Taboas v. Fiddler, Gonzalez & Rodriguez, PSC*, 959 F.Supp.2d 225, 226 (D.P.R. 2013).

Here, WCBS has filed a motion to quash certain subpoenas served on Town employees on behalf of its longstanding client the Town of Bennington, a non-party to this proceeding. WCBS has not served as trial counsel in this matter, nor could it, given that the Town of Bennington is not a party to the professional misconduct proceeding which only involves the Vermont Professional Responsibility Board and Thomas Melone as parties.

Even if Rule 3.7 were applicable, Respondent's argument rests on an alleged conflict of interest under Rule 1.7 of 1.9 between Attorney Bent and the Town of Bennington. Respondent lacks standing to seek disqualification of WCBS on that basis. *See e.g. Ex Parte Tiffin*, 879 So.2d 1160, 1165 (Ala. 2003) (“[A] stranger to the attorney-client relationship lacks standing to assert a conflict of interest in that relationship.”); *see also Jones v. Am. Emp. Ins. Co.*, 106 Ohio App. 3d 636, 641, 666 N.E.2d 1152, 1156 (Ct. App. Ohio 1995) (same); *Witschey v. Medina Cty. Bd. Of Comms.*, 2006-Ohio-5135, ¶ 32, 169 Ohio App. 3d 214, 224, 862 N.E.2d 535, 543 (“The prerequisite to disqualifying an attorney due to a conflict of interest is the existence of a prior or current attorney-client relationship between the party moving for disqualification and the attorney being sought for disqualification”).

Respondent also fails to identify any conflict of interest between Attorney Bent and the Town of Bennington. Respondent merely speculates that Attorney Bent provided advice to the Town of Bennington with which Respondent apparently does not agree, relating to the readoption of the Bennington Town Plan. Respondent acknowledges that he has no direct knowledge regarding whether WCBS provided advice to the Town and, if it did, what that advice was. Respondent fails to identify how that advice results in a conflict of interest between the Town and its Attorney. Neither the Town of Bennington nor its attorney have a personal interest in the outcome of this proceeding, which concerns only Mr. Melone's misconduct.

While Respondent takes this filing as an opportunity to repeat and expand upon unfounded accusations against Attorney Bent, the Hearing Panel need not

address those accusations to resolve Mr. Melone's motion, and should resist Mr. Melone's efforts to turn this proceeding into an occasion to air his grievances against non-parties. Nothing Mr. Melone alleges Attorney Bent did or did not do in relation to the Bennington Town Plan has any bearing on whether Mr. Melone violated the Rules of Professional Conduct. Only the probity of Thomas Melone's conduct is at issue in this proceeding.

For the foregoing reasons, Mr. Melone's motion to disqualify WCBS and to strike its filings on behalf of the Town of Bennington should be denied.

March 18, 2026

TOWN OF BENNINGTON, by

*/s/ John D. Stasny*

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2026, I served a copy of the Town of Bennington's Clarification Regarding its Objection to Subpoena and Motion to Alter on the following persons by email:

Thomas Melone, Respondent – [thomas.melone@gmail.com](mailto:thomas.melone@gmail.com)

Michael F. Hanley, Disciplinary Counsel – [mfhanley@plantehanley.com](mailto:mfhanley@plantehanley.com)

Dated this 18<sup>th</sup> day of March, 2026

*/s/ John D. Stasny*  
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