

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re Thomas Melone
PRB No. 120-2025

**CONFLICT DISCIPLINARY COUNSEL’S OPPOSITION TO
RESPONDENT’S MOTION FOR ENLARGEMENT OF TIME**

The Respondent, Thomas Melone, has moved the Hearing Panel to extend the *Scheduling Order* deadlines by 60 days so that a lawyer Mr. Melone purportedly “engaged” may have a “reasonable window to review the case.” The Hearing Panel should deny the *Respondent’s Motion for Enlargement of Time*.

I. Attorney Shelkrot’s Letter

Exhibit 1 to Mr. Melone’s motion is a letter from Attorney Lisa Shelkrot. It is not a letter of engagement and Ms. Shelkrot does not say that Mr. Melone has “engaged” her. On the contrary, Ms. Shelkrot is conditional. She says she “would enter an appearance” “if there were an appropriate extension of the current scheduling order.” Ms. Shelkrot does not say what she believes an “appropriate extension of the current scheduling order” is. Although Mr. Melone requests a sixty day extension, there is no reason to believe that Ms. Shelkrot considers 60 days an “appropriate extension.”

II. Mr. Melone’s Efforts to Delay These Proceedings

Mr. Melone has made 16 filings in these proceedings, in the Supreme Court and in the United States District Court for the District of Vermont, seeking to delay or otherwise prevent

this matter from being heard by the Hearing Panel.¹ For this reason, it is reasonable to fear that even if the Hearing Panel were to extend the *Scheduling Order* deadlines by 60 days, Mr. Melone will seek further extensions and will continue in his efforts to avoid a merits hearing.

¹ The filings are:

1. *Respondent's Motion for Additional Time to Respond to the Petition for Misconduct* dated October 9, 2025;
2. *Respondent's Motion for Additional Time to Respond to the Petition for Misconduct* dated October 23, 2025;
3. Mr. Melone's *Verified Complaint for Extraordinary Relief* filed against me in the Vermont Supreme Court on October 23, 2025;
4. *Special Motion to Strike under 12 V. S. A. § 1041, Motion to Dismiss for Failure to State a Claim, Motion for a More Definite Statement* dated October 27, 2025;
5. *Respondent's Supplement to Respondent's Special Motion to Strike under 12 V. S. A. § 1041, Motion to Dismiss for Failure to State a Claim, Motion for a More Definite Statement* dated October 28, 2025;
6. *Motion for Additional Time to File Answer to the Petition for Misconduct* dated December 15, 2025;
7. *Motion for Permission to Appeal* dated December 15, 2025;
8. *Respondent's Motion for Additional Time to File Answer to the Petition for Misconduct* dated December 16, 2025;
9. *Respondent's Motion to Vacate the Order of January 5, 2026* [denying Mr. Melone's motion for permission to appeal] dated January 12, 2026;
10. *Respondent's Motion for Permission to Appeal the Hearing Panel Orders of January 5, 2026 and January 15, 2026* dated January 20, 2026;
11. *Motion for Permission to Appeal from the Professional Responsibility Board*, filed in the Vermont Supreme Court on January 20, 2026;
12. *Second Motion for Permission to Appeal from the Professional Responsibility Board*, filed in the Vermont Supreme Court on February 5, 2026;
13. *Respondent's Motion for Additional Time to Answer to [sic] the Petition for Misconduct* dated February 6, 2026;
14. *Respondent's Motion for Recusal of Alexander Shriver and Brian Bannon* dated February 13, 2026;
15. *Respondent's Motion for Stay* dated February 18, 2026; and
16. *Complaint for Civil Rights Violations, Injunctive Relief and Declaratory Judgment* filed in the U. S. District Court of Vermont against Carolyn Anderson, Jon Alexander, Jane Doe, Alexander Shriver, Brian Bannon and me on February 18, 2026.

III. Mr. Melone Will Continue His Efforts in Other Courts to Delay These Proceedings.

Mr. Melone hints in his motion that even if the Panel grants a 60-day extension, he will continue to urge the U. S. District Court for the District of Vermont to enjoin these disciplinary proceedings and all disciplinary proceedings involving Vermont Rules of Professional Conduct 3.1, 3.3(a)(1), 3.5(b)(1), 3.5(d), 4.2, 4.4(a), 4.5, 8.3(a) and 8.4(d).²

² In Thomas Melone v. Michael F. Hanley, Carolyn Anderson in her capacity of Chair of the Vermont Professional Responsibility Board, and Jon Alexander in his official capacity of Disciplinary Counsel of the Vermont Professional Responsibility Board, Jane Doe, Alexander Shriver and Brian Bannon in their official capacities as members of Hearing Panel assigned to PRB Case 120-2025, case no. 2:26-cv-38 in the United States District Court for the District of Vermont, Mr. Melone seeks:

1. a declaration that Vermont Rules of Professional Conduct 3.1, 3.3(a)(1), 3.5(b)(1), 3.5(d), 4.2, 4.4(a), 4.5, 8.3(a), 8.4(d) violate the First and Fifth Amendments to the U. S. Constitution (counts II-X),
2. a declaration that the same rules impose an “unconstitutional condition” on Mr. Melone’s “right to be a lawyer” (Count XI);
3. a declaration that I “engaged in judicial deception of the probable cause hearing panel” (Count XII);
4. a declaration that there was no probable cause to bring counts I - VIII of the *Petition for Misconduct* against Mr. Melone (count XIII);
5. a declaration that Mr. Melone’s conduct is “immunized by the *Noerr-Pennington* doctrine” (Prayer for Relief, at D);
6. an “injunction enjoining the Defendants from taking any further action in [this disciplinary proceeding against Mr. Melone]” (Prayer for Relief, at F);
7. an “injunction enjoining the Defendants from bringing, maintaining and/or processing of any misconduct complaint . . . under . . . Rules 3.1, 3.3(a)(1), 3.5(d), 4.2, 4.3, 4.4(a), 4.5, 8.3(a) and 8.4(d)” (Prayer for Relief at G);
8. “a declaratory judgment . . . that there did not exist probable cause to bring any of Counts I through VIII of the Misconduct Petition” (Prayer for Relief, at H); and
9. “a declaratory judgment declaring that [I] engaged in judicial deception of the probable cause hearing panel in PRB case 120-2025” (Prayer for Relief at I).

IV. Mr. Melone Fails to Meet The Requirements of V. R. Civ. P 40(d)(1).

Mr. Melone's motion should be denied because he failed to file an affidavit or certification stating the reason for the continuation and the time when the reason was first known. *See* A. O. 9, Rule 20(B), V. R. Civ. P. 40(d)(1) and *In re Watts*, 2024 VT 598, ¶ 24.

In Watts, the respondent represented himself for most of the disciplinary proceeding. After the hearing panel scheduled a merits hearing, a lawyer entered a limited appearance for the respondent and moved for a continuance. The hearing panel denied the motion on many grounds, including the respondent's failure to file an affidavit or certificate under V. R. Civ. P. 40(d).

Mr. Melone should have filed an affidavit from Ms. Shelkrot confirming, without conditions, that she will represent Mr. Melone if the Hearing Panel grants a 60 day extension. Because of the absence of this affidavit, the Hearing Panel cannot conclude that if it grants Mr. Melone's motion Mr. Shelkrot will represent Mr. Melone. Indeed it would be more reasonable for the Hearing Panel to conclude that Ms. Shelkrot is not likely to support her would-be client's claim that a substantial portion of the Rules of Professional Conduct are unconstitutional.

V. Mr. Melone's Delay in Seeking Counsel

In Watts the hearing panel also denied the respondent's motion to continue because of his long delay in securing counsel.³

Mr. Melone has waited nearly a year to seek counsel. The complaint was filed April 20, 2025, I was appointed Conflict Disciplinary Counsel on May 20, 2025, I interviewed Mr. Melone on June 4 and 5, 2025, probable cause was found September 4, 2025 and I filed the *Petition for*

³ The respondent in Watts waited nearly two years to secure counsel.

Misconduct on September 26, 2025. Mr. Melone could have, and should have, engaged counsel long before now, and at least before the *Scheduling Order* was issued. Further delaying this case so that Ms. Shelkrot *might* enter an appearance, while Mr. Melone seeks to enjoin these disciplinary proceedings, will needlessly delay “the public interest in achieving [prompt] resolution of the proceeding.” *In re Watts*, 2024 VT 48, ¶ 24.

VI. Conclusion

The Hearing Panel should deny the *Respondent’s Motion for Enlargement of Time*.

Dated: March 24, 2026

/s/ Michael F. Hanley
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CERTIFICATE OF SERVICE

I certify that I served *Conflict Disciplinary Counsel's Opposition to Respondent's Motion for Enlargement of Time* on the Respondent by email to Thomas.Melone@gmail.com.

Dated: March 24, 2026

/s/ Michael F. Hanley
Michael F. Hanley
Conflict Disciplinary Counsel