

**Vermont Supreme Court
Professional Responsibility Program
Bar Assistance Program**

Michael Kennedy
Bar Counsel
Michael.kennedy@vermont.gov



32 Cherry Street, Suite 213
Burlington, VT 05401
802-859-3004

Policies on Ethics Inquiries

Enabling Language

Rule 6 of Supreme Court Administrative Order 9 reads as follows:

“Bar Counsel will respond to all inquiries and referrals.

A. Legal Ethics Inquiries. In response to an inquiry related to the Rules of Professional Conduct, law practice management, or a lawyer or judge’s professionalism or professional responsibilities, Bar Counsel will provide the inquirer with:

- (1) the appropriate referral, educational materials, or guidance; or
- (2) the preventive advice and information necessary to assist lawyers and judges to achieve, maintain, and enhance professional competence and professional responsibility.”

Policies

- Responses are based on the facts presented in the request.
- Bar Counsel will respond by referring an inquirer to relevant:
 - provisions of the Vermont Rules of Professional Conduct;
 - opinions of the Vermont Supreme Court;
 - decisions of hearing panels of the Vermont Professional Responsibility Board;
 - advisory opinions issued by the Vermont Bar Association’s Professional Responsibility Committee;
 - advisory opinions issued by the American Bar Association’s Standing Committee on Ethics and Professional Responsibility;
 - disciplinary opinions issued in other jurisdictions; and,
 - advisory opinions issued in other jurisdictions.
- Bar Counsel will not provide legal advice to an inquirer.
- Bar Counsel will not authorize or prohibit any conduct, decision, strategy, action, or inaction.
- Bar Counsel will not assess whether someone other than the inquirer has or has not violated the Rules of Professional Conduct.
- Bar Counsel will not respond to questions of substantive law, court rule, or court procedure.
- Absent consent of the inquirer, Bar Counsel will not disclose the inquirer’s identity or any information that would otherwise identify the inquirer.