

SUPREME COURT OF VERMONT

In re Tracy

73 F.2d 628 (Vt. 1934) · No. 2021-080 · Decided July 20, 2021

SUMMARY

The Vermont Supreme Court approved a stipulated order governing the authority of a trustee appointed over William Tracy Carris's law practice after his license suspension. The order grants the trustee access to premises, client files, trust and title insurance accounts, and operating-account information, and requires Carris to cooperate with the trustee and comply with notice obligations under Administrative Order 9.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Paul L. Reiber, Chief Justice; Beth Robinson, Associate Justice; Harold E. Eaton, Jr., Associate Justice; Karen R. Carroll, Associate Justice; William D. Cohen, Associate Justice
JURISDICTION	Vermont
DECIDED	July 20, 2021
DOCKET	2021-080
DISPOSITION	other
PROCEDURAL POSTURE	Original-jurisdiction attorney-discipline proceeding in which the Court considered a stipulated order concerning the authority and responsibilities of a trustee appointed over respondent's law practice after respondent's license was suspended.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion and entry order; precedential value is not otherwise stated in the text.

TOPICS

[administrative law](#) [agency adjudication](#) [civil procedure](#)

PRACTICE AREAS

[professional responsibility](#) [attorney discipline](#) [administrative law](#)

QUESTIONS PRESENTED

1. Whether the Court should accept and enter the parties' stipulated order defining the trustee's authority over respondent's law practice and respondent's obligations following suspension.

HOLDINGS

1. The Court accepted and entered the stipulated order governing Trustee F. Rendol Barlow's authority over respondent's law practice and imposing specified access, accounting, cooperation, and suspended-status notice obligations on respondent.
2. The trustee was granted express authority to access the law office and client materials, control client trust and title insurance accounts, resolve open title insurance matters, review operating-account transaction histories, and request account freezes; respondent was ordered to provide access, identify accounts and removed materials, provide accountings, cooperate with the trustee, and comply with suspended-status notice requirements.

FACTUAL BACKGROUND

William Tracy Carris was licensed to practice law in Vermont, but his license had been suspended by the Supreme Court. The Court appointed F. Rendol Barlow as trustee over Carris's law practice, including responsibility for client property, files, trust accounts, and title insurance matters. The trustee and Carris submitted a stipulated order establishing access, accounting, cooperation, and notice obligations, to which Disciplinary Counsel did not object.

PROCEDURAL HISTORY

The Court suspended William Tracy Carris's law license by order dated May 3, 2021, and appointed F. Rendol Barlow as trustee over Carris's law practice pursuant to Administrative Order 9. The trustee and Carris, through counsel, negotiated and submitted a stipulated order describing the trustee's authority and Carris's obligations. Disciplinary Counsel did not object, and the Supreme Court accepted and entered the proposed order.

DISPOSITION

other

OPINION

PER CURIAM.

ENTRY ORDER 2021 VT 55 SUPREME COURT DOCKET NO. 2021-080 JULY TERM, 2021
In re William Tracy Carris, Esq. } Original Jurisdiction (Office of Disciplinary Counsel) } }
Professional Responsibility Board } } PRB DOCKET NO. 2021-098, 116 In the above-entitled
cause, the Clerk will enter: ¶ 1. Respondent, William Tracy Carris, is a lawyer licensed to practice
law in the State of Vermont; his license was suspended by order of this Court, dated May 3, 2021.

On that same date, pursuant to Administrative Order 9, Rules 22.B and 28, the Court appointed Attorney F. Rendol Barlow as the trustee over Respondent's law practice. Pursuant to the Court's

direction, the trustee and Respondent, through counsel, negotiated and submitted for the Court's review a stipulated order describing the authority of the trustee and the specific expectations and responsibilities of Respondent, including timelines.

Disciplinary Counsel does not object to the proposed order. The Court accepts the parties' proposal and orders the following: LAW ENFORCEMENT AND BANK PERSONNEL TAKE NOTE: ¶ 2. By further order of the Court, F. Rendol Barlow, Trustee, is granted express authority to: (A) Enter the physical premises of the law office of William Tracy Carris/Debonis, Wright and Carris, located at 177 Main St., Poultney, VT, for the purposes of accessing client property, files, and other related documents, whether stored electronically or in paper or other form, and return this property, files or related documents to Respondent's clients or their designees or file with courts as appropriate; (B) Take immediate, exclusive control over all client trust accounts (IOLTA accounts) and title insurance accounts, to include issuing payment from these accounts; (C) Resolve open matters with title insurance carriers for which Respondent was an agent; and (D) Access and review any transaction history for all operating accounts titled to Respondent's law firm and to Arbor Title and, if deemed necessary by the Trustee, request that the banks freeze those accounts. ¶ 3.

Respondent William Tracy Carris is further ordered to: (A) Grant the Trustee access to Respondent's office to include, without limitation, any necessary keys, codes and passwords, no later than three business days from the date of this order; (B) In particular, and without limitation, either personally or through counsel, to appear in person at this location on Wednesday July 21, 2021, at 1:00 PM through 5:00 PM and Friday, July 23, 2021, at 9:30 AM through 5:00 PM.

In addition to these two dates and times, Trustee shall have access to this office during normal business hours provided he gives Respondent or his counsel 48 hours notice of when Trustee will be accessing the office. No consent or agreement of Respondent to this access shall be required. (C) Identify in writing to the Trustee all IOLTA, operating and other bank accounts, including operating accounts associated with Respondent's law practice, including Debonis, Wright and Carris, within three business days from the date of this Order.

(D) Provide a detailed accounting to Trustee of any and all withdrawals from any of the accounts identified in the preceding paragraph, to include: date, check number, amount, payee, and purpose of check, within five business days of the date of this Order. (E) Identify any files, property, documents, records and other materials, hard copy or electronic, that he has removed from the 177 East Main Street, Poultney, VT office since this Court's May 3, 2021 Order or that are located at locations other than at this address, and return any such items to the Trustee's control within three business days of the date of this Order.

(F) From the date of this Order, substantively, completely, and truthfully respond to the Trustee's phone calls and emails within one business day of their being sent. From the date of this Order,

upon two business days' notice, appear and remain at the 177 East Main Street, Poultney, VT office, in order to materially assist the Trustee with locating files, property, documents, records, and other requested materials, to assist in accessing firm operational systems, and to generally assist the Trustee in carrying out his duties.

(G) To otherwise materially assist and cooperate with the Trustee in carrying out his duties under this and other Orders of this Court, fully and cooperatively. 2 (H) Abide by his obligations under Administrative Order 9, Rule 27, to wit, giving notice of his suspended status to courts, clients, opposing counsel, and the public, within seven business days of the date of this Order.

BY THE COURT: Paul L. Reiber, Chief Justice Beth Robinson, Associate Justice Harold E. Eaton, Jr., Associate Justice Karen R. Carroll, Associate Justice William D. Cohen, Associate Justice 3