SUPREME COURT OF VERMONT

In re Frattini

173 Vt. 451 (2001) · Decided September 26, 2001

SUMMARY

The Vermont Supreme Court accepted William L. Frattini's resignation from the Vermont bar subject to the conditions of Administrative Order 9 and ordered that he be disbarred. The decision recounts his convictions for embezzlement from a financial institution, mail fraud, and tax evasion, as well as related restitution and supervised release obligations.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	September 26, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding based on the respondent's voluntary resignation from the Vermont bar while disciplinary counsel was investigating criminal misconduct.
PRECEDENTIAL VALUE	Published opinion; precedential attorney-discipline order

TOPICS

administrative law · agency adjudication

PRACTICE AREAS

attorney discipline · professional responsibility · bar admission and disbarment

QUESTIONS PRESENTED

1. Whether the Supreme Court of Vermont should accept Frattini's voluntary resignation under Administrative Order 9, Rule 19.
2. Whether Frattini should be disbarred based on his resignation and admitted convictions for serious criminal offenses.

HOLDINGS

1. The court accepted William L. Frattini's resignation from the Vermont bar subject to the terms and conditions of Administrative Order 9, Rule 19.
2. The court ordered that William L. Frattini be disbarred from the office of attorney and counselor at law.

KEY QUOTATIONS

> *"The resignation of William L. Frattini from the Bar of the Vermont Supreme Court is accepted subject to the terms and conditions of Administrative Order 9, Rule 19."* (173 Vt. at 451)

> *"It is hereby ordered that William L. Frattini is disbarred from the office of attorney and counselor at law."* (173 Vt. at 451)

FACTUAL BACKGROUND

Frattini was licensed to practice law in Vermont and worked at a financial institution in Maine during the 1990s. In April 1999, he pleaded guilty to and was convicted in the United States District Court for the District of Maine of embezzlement from a financial institution, mail fraud, and tax evasion. He acknowledged that the material facts were true, that he was resigning freely and voluntarily without coercion or duress, and that he could not successfully defend against disciplinary charges based on that conduct.

PROCEDURAL HISTORY

William L. Frattini submitted an affidavit of resignation under Administrative Order 9, Rule 19(A), acknowledging criminal convictions for embezzlement, mail fraud, and tax evasion and stating that he could not successfully defend against resulting disciplinary charges. Deputy Disciplinary Counsel submitted additional facts under Administrative Order 9, Rule 19(B). The Supreme Court of Vermont accepted the resignation subject to the applicable conditions and ordered that Frattini be disbarred.

DISPOSITION

other

OPINION

PER CURIAM.

The resignation of William L. Frattini from the Bar of the Vermont Supreme Court is accepted subject to the terms and conditions of Administrative Order 9, Rule 19. It is hereby ordered that William L. Frattini is disbarred from the office of attorney and counselor at law. William L. Frattini is reminded that he must comply with AO. 9, Rule 23. AFFIDAVIT OF RESIGNATION NOW COMES William L. Frattini and, pursuant to Rule 19(A) of Administrative Order 9, hereby submits this affidavit of resignation.

In so doing, and being duly sworn, I hereby depose and state as follows: 1. I am an attorney licensed to practice law in the State of Vermont. 2. I desire to resign my license to practice law in the State of Vermont. 3. My resignation is being rendered freely and voluntarily. 4.

In submitting my resignation, I am not being subjected to coercion or duress. 5. I am fully aware of the implications of submitting my resignation. 6. I am aware that, in PRB File No. 2001.078, the Office of Disciplinary Counsel is investigating allegations that I embezzled about $86,537.70 from a financial institution of which I was an officer or employee and that I evaded federal tax obligations.

7. In April of 1999,1 pled guilty to, and was convicted of, three criminal offenses in the United States District Court for the District of Maine, said offenses being violations of 18 U.S.C. § 656 (embezzlement from a financial institution), 18 U.S.C. § 1341 (mail fraud), and 26 U.S.C. § 7201 (tax evasion). 8.

The material facts upon which these allegations are based are true. 9. I submit my resignation because I know that if the Office of Disciplinary Counsel pursues charges of misconduct predicated upon the conduct under investigation that I could not successfully defend against those charges. 10. Based on the foregoing, I freely and voluntarily resign my license to practice law in the State of Vermont.

11. The facts recited herein are based on my personal knowledge. STATEMENT OF FACTS NOW COMES Beth DeBemardi, Deputy Disciplinary Counsel, and pursuant to Administrative Order 9, Rule 19(B), hereby submits the following facts, in addition to the facts set forth in the respondent's affidavit of resignation: 1. During the 1990's, respondent worked at a financial institution in the State of Maine.

2. As set forth in respondent's affidavit of resignation, in April of 1999, respondent pled guilty to, and was convicted of, three criminal offenses in the United States District Court for the District of Maine, said offenses being violations of 18 U.S.C. § 656 (embezzlement from a *452financial institution), 18 U.S.C. § 1341 (mail fraud), and 26 U.S.C. § 7201 (tax evasion).

3. The facts set forth in respondent's affidavit support a violation of DR 1-102(A)(3), which provides that a "lawyer shall not... [e]ngage in illegal conduct involving a serious crime." The crimes of which respondent stands convicted are "serious crimes" for purposes of DR 1-102(A)(3), as they meet the definition of "serious crime" set forth in the Code of Professional Responsibility, definition section, item (5).

4. Respondent was sentenced to imprisonment for a term of fifteen (15) months on the embezzlement count and a term of six (6) months on the mail fraud count, to be served concurrently; respondent is subject to supervised release thereafter for a term of sixty (60) months; and respondent has been ordered to make restitution to three different parties, as follows: Border Trust Company, $86,537.70; Centennial Life Liquidation, $106,663.79; and the Internal Revenue Service, $12,875.00; for a total of $206,076.49.

5. Respondent was incarcerated at the federal prison camp known as FPC Schuylkill, located in Mmersville, Pennsylvania, from May 10, 1999 through September 12, 2000, at which time he was released. 6. Upon his release from FPC Schuylkill, respondent became subject to supervised release. He is presently under the supervision of the U.S. Probation Office located in Portland, Maine.

7. This statement of facts may be considered in any reinstatement proceeding, as provided in A.O. 9, Rule 19(B).