

SUPREME COURT OF VERMONT

In re Norman R. Blais

174 Vt. 628 (2002) (Vt. 2002) · No. No. 02-086 · Decided December 19, 2002

SUMMARY

The Vermont Supreme Court reviewed a disciplinary sanction imposed on attorney Norman R. Blais for repeated neglect of client matters and misrepresentation. The Court upheld a five-month suspension followed by probation, finding that the respondent's prior disciplinary history, multiple offenses, and aggravating factors supported the sanction.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Per Curiam; Chief Justice Amestoy; Justice Dooley; Justice Johnson; Justice Skoglund; Judge Gibson, Ret., Specially Assigned
JURISDICTION	Vermont
DECIDED	December 19, 2002
DOCKET	No. 02-086
DISPOSITION	affirmed
PROCEDURAL POSTURE	Attorney disciplinary appeal from the Hearing Panel of the Professional Responsibility Board's recommendation that Blais be suspended for five months for repeated neglect of client matters and misrepresentation.
STANDARD OF REVIEW	The Court accepts the Hearing Panel's factual findings, including mixed questions of law and fact, unless they are clearly erroneous or not clearly and reasonably supported by the evidence. The Court independently determines the appropriate sanction but gives deference to the Hearing Panel's recommendation.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Norman R. Blais v. Office of Disciplinary Counsel

TOPICS

- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

appellate procedure

QUESTIONS PRESENTED

1. Whether the five-month suspension was inconsistent with sanctions imposed in comparable Vermont attorney-discipline cases.
2. Whether the two-month suspension jointly recommended by Blais and disciplinary counsel was sufficient to protect the public.
3. Whether the Hearing Panel's sanction recommendation rested on unsupported findings or a mischaracterization of the record.
4. What standard of review applies to the Hearing Panel's factual findings and sanction recommendation.

HOLDINGS

1. The Court must accept the Hearing Panel's factual and mixed law-and-fact findings unless they are clearly erroneous or not clearly and reasonably supported by the evidence.
2. The Court makes its own determination of the appropriate sanction, while giving deference to the Hearing Panel's recommendation.
3. A five-month suspension followed by probation was appropriate and was neither inconsistent with Vermont precedent nor excessive.

KEY QUOTATIONS

“This Court makes its own determination as to which sanctions are appropriate, but we nevertheless give deference to the recommendation of the Hearing Panel.” (817 A.2d at 1269)

“Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.” (817 A.2d at 1270)

“short-term suspensions with automatic reinstatement are not an effective means of protecting the public” (817 A.2d at 1270)

FACTUAL BACKGROUND

Blais represented multiple clients in personal-injury, driver's-license, divorce, and related matters between 1987 and 1998. He repeatedly failed to file claims, pursue matters, obtain an appraisal, return client calls, or act on a client's driver's-license issue, while falsely assuring clients that their matters were progressing. The misconduct involved five client matters, resulted in potential or actual client injury, and occurred against a background of two prior disciplinary matters, although mitigating factors included personal problems, cooperation, and disciplinary delay.

PROCEDURAL HISTORY

Blais stipulated to the facts of five instances of client neglect and three instances of misrepresentation. The Hearing Panel accepted the factual stipulations and adopted the parties' conclusions of law but rejected their joint recommendation of a two-month suspension followed by probation, instead recommending a five-month suspension followed by eighteen to thirty-six months of probation. Blais appealed only the duration of the suspension, and the Supreme Court of Vermont adopted the Panel's decision and imposed the five-month suspension.

DISPOSITION

affirmed

CASES CITED

- In re Karpin, 162 Vt. 163, 647 A.2d 700 (1993)
- In re Anderson, 171 Vt. 632, 769 A.2d 1282 (2000) (mem.)
- In re Berk, 157 Vt. 524, 602 A.2d 946 (1991)
- In re Wenk, 165 Vt. 562, 678 A.2d 898 (1996) (mem.)
- In re Cummings, 164 Vt. 615, 669 A.2d 555 (1995) (mem.)
- In re Bucknam, 160 Vt. 355, 628 A.2d 932 (1993) (per curiam)
- In re Warren, 167 Vt. 259, 704 A.2d 789 (1997)
- In re Rosenfeld, 157 Vt. 537, 601 A.2d 972 (1991)
- In re McCarty, 164 Vt. 604, 665 A.2d 885 (1995) (mem.)

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