

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Mathieu v. Jarvis

Mathieu · No. 25-CV-04072 · Decided March 19, 2026

SUMMARY

The Vermont Superior Court granted Paul Jarvis's motion to dismiss Kenneth Mathieu's claims arising from Jarvis's representation of Mathieu's son in a divorce proceeding. The court held that Jarvis owed Mathieu no attorney duty of care, Mathieu could not represent his son without being an attorney, and the action could not collaterally attack the divorce judgment or a separate repossession decision.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Colin Owyang
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	March 19, 2026
DOCKET	25-CV-04072
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the plaintiff's complaint under the Vermont Superior Court's motion-to-dismiss procedure.
STANDARD OF REVIEW	On a motion to dismiss, the court tests the legal sufficiency of the claim and grants dismissal when no facts or circumstances would entitle the plaintiff to relief.
PRECEDENTIAL VALUE	nonprecedential trial-court order

TOPICS

- motions to dismiss
- professional negligence
- family law procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- professional negligence
- family law

QUESTIONS PRESENTED

- Whether Mathieu could maintain a claim against Jarvis based on Jarvis's representation of Mathieu's son in the divorce action.

2. Whether an attorney owes a duty of care to a nonclient third party who claims injury from the attorney's representation of the attorney's client.
3. Whether Mathieu could represent his son in the action despite being a nonattorney.
4. Whether Mathieu's action could collaterally attack the divorce judgment or the credit union's repossession decision.

HOLDINGS

1. An attorney owes a duty of care only to the client, not to a third party who claims to have been damaged by the attorney's representation. Because Jarvis represented Mathieu's son rather than Mathieu, Jarvis owed Mathieu no duty of care, and Mathieu's claim was subject to dismissal.
2. Mathieu could not represent his son because Vermont prohibits nonattorneys from practicing law.
3. The action could not be used to collaterally attack the divorce judgment or the credit union's repossession decision.

KEY QUOTATIONS

"The longstanding common law rule is that an attorney owes a duty of care only to the client, not to third parties who claim to have been damaged by the attorney's negligent representation." (at 2)

"The practice of law includes all advice to clients, and all actions taken for them in matters connected with the law." (at 2)

FACTUAL BACKGROUND

The divorce judgment awarded Mathieu's former daughter-in-law sole possession and ownership of the tow truck and residence where the tools were stored. Mathieu was not a party to that divorce, while Jarvis represented Mathieu's son at trial and on appeal. In a separate action, Green Mountain Credit Union obtained possession of the tow truck after default on the purchase loan, and that decision was not appealed. Mathieu nevertheless sued Jarvis and asserted that he represented both himself and his son.

PROCEDURAL HISTORY

Kenneth Mathieu sued attorney Paul Jarvis, who had represented Mathieu's son in a divorce action. Jarvis moved to dismiss on the ground that he represented the son, not Mathieu. The court granted the motion to dismiss.

DISPOSITION

dismissed

CASES CITED

- Mathieu v. Mathieu, No. 21-DM-00618, Final Decree of Divorce at 4 (March 2, 2022)
- Mathieu v. Mathieu, No. 22-AP-089, Entry Order Affirming Final Decree of Divorce (August Term, 2022)

- Green Mountain Credit Union v. Mathieu, No. 23-CV-03182, Decision on Motion for Summary Judgment (June 23, 2025)
- Davis v. Am. Legion, Dept. of Vt., 2014 VT 134, ¶ 12, 198 Vt. 204
- Powers v. Off. of Child Support, 173 Vt. 390, 395 (2002)
- Bovee v. Gravel, 174 Vt. 486, 487 (2002) (mem.)
- Hedges v. Durrance, 2003 VT 63, ¶ 6, 175 Vt. 588 (mem.)
- Strong v. Fitzpatrick, 2017 VT 35, ¶ 12, 204 Vt. 452
- Estate of Snelgrove v. LeBlanc, 2023 VT 58, ¶ 5, 218 Vt. 636 (mem.)
- In re Morales, 2016 VT 85, ¶ 11, 202 Vt. 549
- In re Welch, 123 Vt. 180, 182 (1962)
- Town of Pawlet v. Banyai, 2024 VT 13, ¶ 8, 219 Vt. 90

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