Vermont Supreme Court
Filed: March 5, 2026

IN THE SUPREME COURT
OF THE
STATE OF VERMONT

IN RE EVA P. VEKOS, ESQ. (OFFICE OF DISCIPLINARY COUNSEL)	Original Jurisdiction Supreme Court Docket No. _________ Professional Responsibility Board PRB No. 097-2024

DISCIPLINARY COUNSEL'S PETITION FOR INTERIM SUSPENSION DUE TO CRIMINAL CONVICTION

NOW COMES the Office of Disciplinary Counsel and, pursuant to Rule 21 of Administrative Order 9, notifies the Court that, on December 16, 2025, Respondent Eva P. Vekos, the State's Attorney for Addison County, was convicted, for the first time, of the misdemeanor crime of operating, attempting to operate, or being in actual physical control of a motor vehicle on a public highway while under the influence of alcohol in violation of 23 V.S.A. § 1201(a)(2) (hereinafter "DUI #1 – Influence"), in *State of Vermont v. Eva Vekos*, 24-CR-01332. A certified copy of State's Attorney Vekos' Record of Conviction for DUI #1-Influence is attached hereto as **Exhibit 1**.

Disciplinary Counsel has determined, as required by A.O. 9, Rule 21(B), that State's Attorney Vekos' commission of DUI #1-Influence constitutes a "serious crime," specifically, a crime that "reflects adversely" on her "fitness as a lawyer," particularly in light of the aggravating circumstances related to its commission, as detailed below. Therefore, Disciplinary Counsel requests, pursuant to A.O. 9, Rule 21(B) and (D)(1), that the Court place State's Attorney Vekos on immediate interim suspension from the practice of law during the pendency of forthcoming disciplinary proceedings before a Hearing Panel of the Professional Responsibility Board ("PRB").

In support hereof, Petitioner Office of Disciplinary Counsel offers the following incorporated Memorandum, supporting **Exhibits 1-8**, and a proposed Order of Interim Suspension.

MEMORANDUM

Respondent's DUI #1-Influence Conviction is, standing alone and especially in light of surrounding circumstances, a "serious crime" adversely reflecting on her fitness to practice law as a prosecutor and requiring her interim suspension. State's Attorney Vekos committed her crime during the course of her law practice and performance of her public duties. In an effort to avoid prosecution for her DUI, she also committed additional and related professional misconduct of abusing her public office, attempting to improperly influence police officers and interfering with the administration of justice.

I. Factual Background

"Respondent Eva P. Vekos is an attorney licensed to practice law in the State of Vermont. She is currently the State's Attorney for Addison County." *In re Vekos*, 2024 VT 18, ¶ 1, 219 Vt. 638, 638-39, 316 A.3d 221, 222 ("*Vekos* I").[1] On January 25, 2024 at approximately

[1] The Court's March 2024 Entry Order in *Vekos I* did not consider whether State's Attorney Vekos' alleged actions with respect to her January 25, 2024 DUI arrest would violate any provision of the Vermont Rules of Professional Conduct or, if convicted of DUI, would constitute a "serious crime" for purposes of interim suspension under A.O. 9, Rule 21. Rather, the Court addressed Respondent's failure to respond to Disciplinary Counsel's requests, in furtherance of his disciplinary investigation, for information about her publicly announced post-arrest "medical leave" from her position as Addison County State's Attorney. 2024 VT 18, ¶¶ 1, 10-11.

In granting Disciplinary Counsel's petition, pursuant to A.O. 9, Rule 22(A), for immediate interim suspension of State's Attorney Vekos' law license, this Court concluded that her failure to respond to Disciplinary Counsel's requests for information about her "medical leave" violated V.R.Pr.C. 8.1(b), which "in connection with a disciplinary matter," prohibits a lawyer from "knowingly fail[ing] to respond to a lawful demand for information from . . . [a] disciplinary authority" and that this failure to respond to lawful and reasonable investigatory demands presented a substantial threat of harm to the public. *See id.*, ¶¶ 12-14. After being placed on

8:52 p.m., State's Attorney Vekos arrived in her motor vehicle at the scene of an ongoing suspicious death investigation at 748 Swinton Road, Bridport, Vermont. *See* Jan. 27, 2024 Supplemental Affidavit of Vermont State Police Trooper Ryan Anthony ("Anthony Supp. Aff.") ¶¶ 2-3, copy attached hereto as **Exhibit 2**.[2] State's Attorney Vekos was present to participate in a "walk through" of the potential crime scene with members of the Vermont State Police Crime Scene Search Team, including Trooper Anthony. *Id.* ¶ 3. State's Attorney Vekos later stated to Vermont State Police Sergeant Eden Neary that "she came out to participate in a homicide investigation [and was] just doing her job." Jan. 29, 2024 Affidavit of Vermont State Police Sergeant Eden Neary ("Neary Aff.") ¶ 5, copy attached hereto as **Exhibit 3**.

Upon the arrival of State's Attorney Vekos, Trooper Anthony walked beside her and recognized the odor of intoxicants emanating from her person. Anthony Supp. Aff. ¶ 4. After the completion of the "walk through," but prior to State's Attorney Vekos being able to drive

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interim suspension, State's Attorney Vekos subsequently "cooperated with Disciplinary Counsel's requests for information" by replying "to his prior inquiries about the reasons, nature, and causes of her now-concluded medical leave." *In re Vekos*, 2024 VT 22, ¶ 2, 219 Vt. 642, 642, 316 A.3d 276, 276 ("*Vekos* II"). Accordingly, and with no opposition from Disciplinary Counsel, the Court granted Respondent's motion for dissolution of her interim suspension from the practice of law in April 2024. *Id.,* ¶¶ 2-3.

[2] The following factual recitation and supporting documentary exhibits are not offered to prove State's Attorney Vekos' culpability for the crime of DUI #1 – Influence. Her commission of that crime is conclusively established by the certified Record of Conviction. *See* A.O. 9, Rule 21(E) ("A certificate of a conviction of an attorney for any crime shall be conclusive evidence of that crime in any disciplinary proceeding instituted against the lawyer based upon the conviction."). That her DUI #1 – Influence conviction was the result of a nolo contendere plea, as discussed below, is immaterial for purposes of attorney disciplinary proceedings. *See In re Bernstein*, 137 Vt. 431, 431-32, 407 A.2d 169, 169-70 (1979) (ordering disbarment of attorney convicted of embezzlement on nolo contendere plea).

Rather, as discussed more fully *infra*, certain factual circumstances related to State's Attorney Vekos' commission of her crime are pertinent to assessing whether it is a "serious crime" that "reflects adversely" on her "fitness as a lawyer," pursuant to A.O. 9, Rule 21(B) and (C).

away from the scene, Trooper Anthony approached her, who was sitting in the driver's seat of her vehicle. *See id.* ¶ 6.[3] Trooper Anthony asked State's Attorney Vekos how much alcohol she had consumed that evening and she replied that she had had one Gin & Tonic with a burger approximately an hour earlier. *Id.* At that point, State's Attorney Vekos had been on scene for approximately 30 minutes. *Id.*

While speaking with State's Attorney Vekos, Trooper Anthony recognized a strong odor of intoxicants emanating from her person and noticed that State's Attorney Vekos spoke with slurred speech. *See id.* ¶ 7. Trooper Anthony then asked State's Attorney Vekos to undergo Standardized Field Sobriety Tests ("SFSTs"), but she refused. *Id.*

State's Attorney Vekos then asked Trooper Anthony, "[a]re you serious Ryan, can't you just have a friend come and get me." *Id.* ¶ 8. Trooper Anthony replied that "that was not an option and asked her to undergo SFSTs or she would be placed under arrest." *Id.* State's Attorney Vekos then asserted that Trooper Anthony would arrest her anyway, regardless of whether or how well she performed the SFSTs. *See id.*

Trooper Anthony denied State's Attorney Vekos' insinuation that he intended to falsely arrest her and repeated his request that she undergo SFSTs. *Id.* ¶ 9. State's Attorney Vekos again refused. *Id.* She then "stepped out of the vehicle [and] told [Trooper Anthony] . . . to take her under arrest." *Id.* State's Attorney Vekos was then taken into custody and transported to the Vermont State Police New Haven Barracks for "processing" on a DUI charge by Sergeant Eden Neary. *Id.*

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[3] Trooper Anthony's interactions with State's Attorney Vekos were recorded on video, which is available for the Court's review.

At the New Haven Barracks, State's Attorney Vekos informed Sergeant Neary that she would not be taking any interview questions from him or any evidentiary tests related to the detection of alcohol in her system. *See* Neary Aff. ¶ 5, **Ex. 3**.[4] While speaking to her, Sergeant Neary detected a moderate odor of intoxicants emanating from State's Attorney Vekos, observed that her eyes were watery, and noticed that she her speech was "mumbled" at times. *See id.*

State's Attorney Vekos then asked Sergeant Neary "if [he] knew that discretion was allowed, and [he] informed her we as a Department do not take discretion with DUI." *Id.* "She then stated [that] this," presumably her arrest and imminent citation for DUI at the New Haven Barracks, "was going to damage the relationship with her office which she has worked hard to build with law enforcement because [Toooper] Ryan [Anthony] doesn't know how to apply discretion and he didn't go to his supervisors." *Id.*

After being advised of her *Miranda* rights, State's Attorney Vekos announced that "she was not answering any questions or making any comments." *Id.* ¶ 6. She also declined to take a requested evidentiary test using a breath alcohol testing instrument, the DMT Datamaster. *See id.* Finally, State's Attorney Vekos refused to be fingerprinted or photographed by the State Police. *See id*.

Sergeant Neary then completed, signed and issued to State's Attorney Vekos a notice of intention to pursue a civil suspension of her driver's license for refusing alcohol evidentiary testing, as well as a criminal citation to appear in court on DUI charges. *See id.*; *see also* Jan. 25, 2024 Notice of Intention to Suspend (Form 240) issued to Eva P. Vekos, copy attached

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[4] Sergeant Neary's interactions with State's Attorney Vekos were recorded on video, which is available for the Court's review.

hereto as **Exhibit 4**; Jan. 25, 2024 Criminal Citation (Form 332) issued to Eva P. Vekos, copy attached hereto as **Exhibit 5**.

On January 30-31, 2024, State's Attorney Vekos corresponded by email with leaders of several law enforcement agencies situated in Addison County concerning her new instructions for prosecution referrals from their officers to the Addison County State's Attorney's Office ("Addison SAO"), as well as topics for their next "chief's meeting." Jan. 30-31, 2024 Email Correspondence: E. Vekos to/from VSP Lt. Mozzer, *et al.*, copy attached hereto as **Exhibit 6**. In seeming confirmation of her January 25th statement to Sergeant Neary that arresting and citing her for DUI would "damage the relationship" between the Addison SAO and law enforcement, State's Attorney Vekos announced in a January 31st email to these Addison County law enforcement leaders that she would no longer personally meet with them in the course of her duties as State's Attorney "because I no longer feel safe around law enforcement." *See* **Ex. 6** at p.1. She continued, "[t]his safety issue will conflict with the plan for me to do educational trainings" for their agencies, which was "too bad." *Id.* State's Attorney Vekos concluded her email by deriding the perceived "grammatical skills" and educational levels of these law enforcement leaders and their officers. *See id.* at pp.1-2.

By an Information filed by the Attorney General in *State of Vermont v. Eva Vekos*, 24-CR-01332 on February 2, 2024, State's Attorney Vekos was charged with DUI #1 – Influence in violation of 23 V.S.A. § 1201(a)(2). *See* Docket Entries, *State v. Vekos*, 24-CR-01332. After technical amendments of the Information, probable cause was found on February 12, 2024 by the Chittenden Superior Court, Criminal Division, Honorable Thomas J. Zonay presiding. *See id.* A 'not guilty' plea was entered for State's Attorney Vekos at the February 12, 2024 arraignment. *See id.*

On December 16, 2025, State's Attorney Vekos changed her plea, with the Superior Court's consent and over the State's opposition, to 'nolo contendere.' *See id.* That same day, the Superior Court, the Honorable John Pacht presiding, convicted State's Attorney Vekos of DUI #1-Influence in violation of 23 V.S.A. § 1201(a)(2) and sentenced her to a deferred and probated custodial term of six months. *See* Dec. 16, 2025 Deferred Sentence Probation Order, *State v. Vekos*, 24-CR-01332, copy attached hereto as **Exhibit 7**.

II. Argument

Rule 21(B) of Administrative Order 9 provides in pertinent part that:

> Upon being advised that a lawyer subject to the disciplinary jurisdiction of the Court has been convicted of a crime, disciplinary counsel shall determine whether the crime constitutes a ''serious crime'' warranting immediate interim suspension. If the crime is a ''serious crime,'' disciplinary counsel shall prepare a proposed order for interim suspension and forward it to the Court and the respondent, together with a certificate of the conviction. Disciplinary counsel shall then file formal charges against the respondent predicated upon the conviction.

A.O. 9, Rule 21(B). "The Court shall place a lawyer on interim suspension immediately upon proof that the lawyer has been convicted of a serious crime regardless of the pendency of any appeal." *Id.*, Rule 21(D)(1).

Rule 21(C) defines "serious crime" as:

> [A]ny felony or lesser crime that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft or an attempt, conspiracy, or solicitation of another to commit a ''serious crime.''

Id., Rule 21(C).[5]

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[5] In addition, Vermont Rule of Professional Conduct 8.4(b) renders it an independent disciplinary violation to "engage in," but not necessarily be charged with or convicted of, a "serious crime," which it defines in terms nearly identical to A.O. 9, Rule 21(C)'s definition of

Here, State's Attorney Vekos' DUI #1-Influence Conviction is a "serious crime" adversely reflecting on her fitness to practice law as a criminal prosecutor "in other respects," which automatically warrants her interim suspension under Rule 21(D)(1). Although a first-time misdemeanor, Respondent (1) committed her crime during the performance of her professional and public duties as State's Attorney, which raises serious questions about her suitability to practice as a criminal prosecutor; and (2) in attempting to avoid being charged with her crime, she committed additional professional misconduct by abusing her public office, attempting to improperly influence police officers, and seeking to prejudice the administration of justice.

A. First-Time Misdemeanor DUI is a "Serious Crime" Because it Generally Reflects Adversely on a Lawyer's Fitness to Practice Law, Especially When Committed Under Aggravating Circumstances.

A fundamental measure of a lawyer's fitness to practice law is his or her willingness to abide by the law and refrain from criminal conduct. *See In re Pope*, 2014 VT 94, ¶ 12, 197 Vt. 638, 640, 101 A.3d 1284, 1287 (approving reciprocal discipline for attorney convicted in New York of misdemeanor identity theft and noting that "'[f]itness to practice' implicates a variety of capacities, not the least of which is the understanding that an attorney occupies a position of public trust, and 'has a duty to the profession and the administration of justice, especially to uphold the laws of the state in which he [or she] practices'" (citations omitted)). Although "[t]he

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"serious crime" for purposes of interim suspension. *See* V.R.Pr.C. 8.4(b) ("It is professional misconduct for a lawyer to . . . engage in a 'serious crime,' defined as any illegal conduct involving any felony or lesser crime that adversely reflects on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or involving any crime a necessary element of which involves interference with the administration of justice, false swearing, intentional misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a 'serious crime.'").

generality of the phrase, ‘conduct that reflects on fitness to practice law’” is “susceptible to varying subjective interpretations,” the phrase is not “unconstitutionally vague or overbroad” due to the “the impossibility of enumerating every act that might constitute a violation of professional standards” and “because ‘the everyday realities of the profession and its overall code of conduct provide definition for this type of phrase.’” *In re Illuzzi*, 160 Vt. 474, 481, 632 A.2d 346, 349-50 (1993) (citations omitted).

1. Determining Whether Certain Criminal Offenses Reflect Adversely on Fitness to Practice Requires Consideration of Surrounding Circumstances.

In specific cases, “[w]hether a criminal act reflects adversely on a lawyer’s fitness depends on the nature of the act and the circumstances of its commission.” Restatement (3d) of Law Governing Lawyers § 5, cmt. g (2000). For some criminal acts, the inherent nature of the offense indicates a lack of fitness to practice law without need to closely examine the circumstances surrounding their commission. *See In re Hill*, 144 N.E.3d 184, 190-91 (Ind. 2020) (“Crimes involving theft, fraud, or the like -- even if they involve an isolated act committed outside of one's legal practice -- have been held to be attorney misconduct because they inherently bear on an attorney's honesty or trustworthiness. Crimes of violence -- even those involving a single act committed outside of one’s legal practice -- have been held to be attorney misconduct on the premise that such an act bears on ‘fitness as a lawyer in other respects.’” (internal citation omitted)).

The official commentary to Vermont Rule of Professional Conduct 8.4 likewise recognizes that “[m]any kinds of illegal conduct reflect adversely on fitness to practice law” by their very nature, “such as offenses involving fraud and the offense of willful failure to file an income tax return” and that “[o]ffenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice” also generally “indicate lack of those

characteristics relevant to law practice." V.R.Pr.C. 8.4, cmt. 2. Conversely, "some kinds of offenses carry no such implication," such as "offenses concerning some matters of personal morality," because they have "no specific connection to fitness for the practice of law." *Id.*

For a third category of criminal offense however, a determination of whether it "reflects adversely on the lawyer's . . . fitness as a lawyer in other respects" for purposes of A.O. 9, Rule 21 and Rule of Professional Conduct 8.4(b) requires consideration of the particular circumstances of a specific lawyer's commission of that crime. For example, "[a] pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation." V.R.Pr.C. 8.4, cmt. 2.

Beyond a pattern of repeated offenses, courts have noted other types of aggravating circumstances that "indicate indifference to legal obligation" and strengthen the conclusion that a criminal offense reflects adversely on a attorney's fitness to practice law. For instance, courts examine whether there is a factual connection or "nexus between [an attorney's] act of misconduct and his [or her] fitness to practice law" such that the crime may "affect his practice or lead to any reasonable question about his suitability as a practitioner." *In re Oliver*, 493 N.E.2d 1237, 1242-43 (Ind. 1986).

"[O]f course, crimes committed by an attorney during the performance of his or her legal work have been treated as having an immediate and self-evident nexus to the attorney's fitness to practice law." *Hill*, 144 N.E.3d at 191. "In certain circumstances, an attorney's particular field of practice also has informed [a court's] nexus analysis." *Id.* For example, a prosecutor's "act of domestic battery 'calls into question his ability to zealously prosecute or to effectively work with the victims of such crimes.'" *Id.* (citation omitted).

2. Under Vermont Law, an Attorney's DUI Conviction Reflects Adversely on Their Fitness to Practice Law, Especially They Have Committed Other Related Professional Misconduct.

This Court has indicated that the crime of DUI reflects adversely on a lawyer's fitness to practice law and is subject to discipline, a conclusion strengthened when committed on multiple occasions, or in conjunction with other related professional misconduct. *See In re Warren*, 164 Vt. 618, 618, 669 A.2d 558, 558-59 (1995) (approving Professional Conduct Board's report finding that attorney who was arrested and convicted of DUI, after four previous DUI arrests, had "engag[ed] in conduct adversely reflecting on his fitness to practice law" and "prejudicial to the administration of justice" where attorney had also appeared in court for clients on five occasions under the influence of alcohol).

This principle is consistent with the Court's observation that an attorney may have "engag[ed] in conduct that adversely reflects on fitness to practice law" whenever he or she commits even minor crimes, especially when done knowingly or repeatedly, since "even minor violations of law by a lawyer may tend to lessen public confidence in the legal profession." *In re Berk*, 157 Vt. 524, 526, 530-31, 602 A.2d 946, 947, 949-50 (1991) (citations omitted; holding that attorney who was arrested for attempting to purchase cocaine, which he had done at least three times previously and which he intended to share with his law firm associate, had "engag[ed] in conduct that adversely reflects on fitness to practice law," despite dismissal of criminal charges upon completion of pretrial diversion program, because his knowingly illegal "actions reflect negatively on his professional judgment and detract from public confidence in the legal profession"); *see also In re Doherty*, 162 Vt. 631, 631-32, 650 A.2d 522, 522 (1994) (imposing two-month suspension for lawyer convicted of misdemeanor cultivation of marijuana

in violation of prior disciplinary rule prohibiting "engaging in conduct adversely reflecting upon fitness to practice law.").

This Court has also suggested that when an attorney impedes law enforcement in an effort to avoid potential prosecution for DUI, he or she has engaged in conduct adversely reflecting on their fitness to practice law. *See In re Neisner*, 2010 VT 102, ¶¶ 13, 15, 189 Vt. 145, 151-53, 16 A.3d 587, 591, 592. In *Neisner*, an attorney left the scene of an automobile-motorcycle accident that he had caused, admittedly because he was "worried about the consequences if it were discovered that he had consumed alcoholic beverages at two wedding receptions." *Id.*, 2010 VT 102, ¶ 4.

Attorney Neisner then lied to police investigating the accident, and convinced his wife to lie on his behalf, by stating that she had been driving and he had been her passenger. *Id.*, ¶¶ 4-5. The Court found that the attorney's upheld felony conviction for impeding a public officer arose from dishonest and deceitful conduct that constituted a "serious crime" in violation of Rule 8.4(b), but which also "reflect[ed] adversely on that lawyer's fitness to practice law" since he "violated his most basic professional obligation to the public," namely, to "'maintain the standards of personal integrity upon which the community relies.'" *Id.,* ¶¶ 13, 15 (citation omitted).

3. In Other Jurisdictions, an Attorney's DUI Conviction Reflects Adversely on Her Fitness to Practice, Particularly if Committed Under Aggravating Circumstances.

Beyond Vermont, courts have indicated that the crime of DUI, on its face, usually reflects adversely on an attorney's fitness to practice law. "Crimes involving alcohol and drugs are often deemed to fall within [ABA Model] Rule 8.4(b)" and violate its pronounsement that "[i]t is professional misconduct for a lawyer to . . . commit a criminal act that reflects adversely on the

lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." American Bar Association, *Annotated Model Rules of Prof'l Conduct* r. 8.4, Annotation (10th ed. 2023) (collecting citations); *see also* 7 Am. Jur. 2d *Attorneys at Law* § 83 ("Operating a motor vehicle under the influence of intoxicants is a ground for disciplinary action.").

For example, it is well-established under New York law that "an attorney's conviction of alcohol-related offenses constitutes conduct that adversely reflects upon his or her fitness as a lawyer." *In re Shichman*, 796 N.Y.S.2d 369 (N.Y. App. Div. 2005); *see also In re Green*, 817 N.Y.S.2d 386, 387 (N.Y. App. Div. 2006) ("The respondent knew or should have known that in committing" misdemeanor DUI offense "which formed the basis for his guilty plea and the sentence imposed, he was engaging in conduct that adversely reflected on his fitness as a lawyer, in violation of Code of Professional Responsibility."). Likewise, in Indiana, because "[l]awyers are professionally bound to comply with and uphold the law . . . a lawyer's commission of OWI [operation while intoxicated] and similar offenses, even standing alone with no attendant misconduct, have been found to violate Prof.Cond.R. 8.4(b)," especially when committed as part of a pattern of repeated offenses. *In re Haith*, 742 N.E.2d 940, 941-42 (Ind. 2001).

However, other jurisdictions like Colorado have indicated that although "DUI often reflects negatively on a lawyer's fitness to practice," it is not a "per se rule violation" of the Rules of Professional Conduct. *People v. Miller*, 409 P.3d 667, 672-73 (Colo. O.P.D.J. 2017). Rather, Colorado lawyers are usually deemed in violation of Rule 8.4(b) "where the lawyers' convictions were directly linked to other misconduct or harm." *Id.* at 673; *see also id.* at 678 (hearing panel member arguing in dissent that when a lawyer has been "convicted of a one-time misdemeanor DUI offense" there must be "attendant criminal or professional misconduct" committed, "other aggravating circumstances . . . present," or a "a relationship between the

offense and the lawyer's practice of law" for such "DUI convictions [to] have been deemed to adversely reflect on fitness to practice law" (Rogers, Hrg. Panel Member, dissenting)).[6]

In *Miller*, the majority found that a lawyer convicted of first-time misdemeanor DUI resulting in no harm to clients or others had nonetheless committed a criminal act that reflected adversely on his fitness to practice under "the circumstances presented here," namely, that "his extreme intoxication while driving . . . and his past pattern of drunk driving indicate indifference to fundamental legal obligations and to the public." *Id.*at 673. This conclusion was especially warranted given that drunk driving is "something of a special category of crime [which] carries a significant risk of causing serious injury or death, and . . . is a crime that is both unprovoked and avoidable." *Id.*

Even in New York, where a DUI conviction standing alone reflects adversely on fitness to practice law, other crimes or professional misconduct committed in conjunction with DUI are regularly cited by courts in support of their conclusion that the attorney is unfit to practice. For instance, when a New York lawyer who has committed DUI tries to avoid apprehension or frustrate prosecution by impeding law enforcement in some way, such a pattern of related misconduct is readily found to reflect adversely on the lawyer's fitness to practice law. *See In re Clarey*, 864 N.Y.S.2d 155 (N.Y. App. Div. 2008) (suspending for one year attorney convicted of misdemeanor DUI and misdemeanor leaving the scene of an accident); *see also In re Piken*, 924 N.Y.S.2d 527 (N.Y. App. Div. 2011) (publicly censuring lawyer convicted of misdemeanor DUI

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[6] Likewise, under Oklahoma law, "conviction for DUI does not facially demonstrate a lawyer's unfitness to practice law and require that the circumstances be investigated." *State ex rel. Okla. Bar Ass'n v. McBride*, 175 P.3d 379, 385 (Okla. 2007); *see also State ex rel. Okla. Bar Ass'n v. Armstrong*, 791 P.2d 815, 818–19 (Okla. 1990) (remanding to trial panel to consider lawyer's DUI "conviction in light of the surrounding circumstances . . . and recommend whether such conviction demonstrates the respondent's unfitness to practice law.").

and misdemeanor resisting arrest, in addition to other DUI and traffic-related infractions on two occasions); *In re Shapiro*, 749 N.Y.S.2d 264, 265-66 (N.Y. App. Div. 2002) (suspending for one year attorney convicted of misdemeanor DUI and misdemeanor obstruction of governmental operations).

Similarly, in Indiana, where a DUI conviction itself with no attendant misconduct may reflect adversely on fitness to practice law, *Haith*, 742 N.E.2d at 941-42, courts nonetheless examine whether there is a "nexus" or connection between the attorney's act of impaired driving and their law practice or future ability to perform their professional duties, that is, their "fitness to practice law." *Oliver*, 493 N.E.2d at 1241-43 (holding that attorney and special prosecutor's misdemeanor DUI charge, later dismissed, arose out of "isolated incident" of driving home intoxicated from bar that had not "adversely affected his capacity to practice law in the community" because "this was a first offense," and since attorney "had no history of alcoholic problems, his reputation in the community was such that it was unlikely that the event would affect his ability to practice law."). However, the *Oliver* court also held that because of the attorney's service as a special prosecutor, his "commission of the offense of driving while intoxicated constituted conduct prejudicial to the administration of justice," an independent disciplinary violation of Rule 8.4(d) sanctionable in that case by public reprimand. *Id.* at 1242. "It was not necessary to demonstrate harm in the prosecution of the case in which [attorney] was serving as prosecutor. The harm done was to public esteem for those charged with enforcing the law." *Id.*

Accordingly, the Indiana Supreme Court has consistently held that a prosector's DUI charge or conviction, even as a first-time misdemeanor, is sanctionable conduct prejudicial to the administration of justice. *See In re Sims*, 665 N.E.2d 584, 585 (Ind. 1996); *In re Schenk*, 612

N.E.2d 1059, 1059-60 (Ind. 1993); *In re Seat*, 588 N.E.2d 1262, 1264 (Ind. 1992). The *Seat* court explained the rationale for holding that when a prosecutor commits any crime, including DUI, it is uniquely harrmful to public respect for the legal system and therefore inherently prejudicial to the administration of justice:

> The duty of prosecutors to conform their behavior to the law does not arise solely out of their status as attorneys. As officers charged with administration of the law, their own behavior has the capacity to bolster or damage public esteem for the system. Where those whose job it is to enforce the law break it instead, the public rightfully questions whether the system itself is worthy of respect.

Id.

B. State's Attorney Vekos' DUI #1 – Influence Conviction Constitutes a "Serious Crime" Because the Aggravating Circumstances Related to its Commission Reflect Adversely on Her Fitness to Practice Law as a Criminal Prosecutor.

State's Attorney Vekos' DUI #1-Influence Conviction is a "serious crime" because it "reflects adversely" on her "fitness as a lawyer" practicing as a criminal prosecutor, thereby requiring her interim suspension under Rule 21(D)(1) during the pendency of forthcoming PRB disciplinary proceedings. Respondent's DUI and additional related misconduct "indicate lack of those characteristics relevant to law practice" and an "indifference to legal obligation," V.R.Pr.C. 8.4, cmt. 2, because her criminal and other unprofessional behavior have "affect[ed] h[er] practice" and raised a "reasonable question about h[er] suitability as a practitioner" for a number of reasons. *Oliver*, 493 N.E.2d at 1242-43.

First, because of State's Attorney Vekos' "particular field of practice" as a prosector, *Hill*, 144 N.E.3d at 191, her criminal behavior is all the more egregious and harmful to "public confidence in the legal profession," *Berk*, 157 Vt. 524, at 530-31, 602 A.2d 946 at 949-50, and "public esteem for the system" of justice that she is chiefly responsible for upholding in Addison County. *Seat*, 588 N.E.2d at 1264. A core attribute of "fitness to practice" under Vermont law is

that because all lawyers occupy "positions of public trust," they must fulfill their "duty to the profession and the administration of justice . . . to uphold the laws of the state." *Pope*, 2014 VT 94, ¶ 12 (citations omitted). By this reasoning and in light of the special status of prosecutors under the Rules of Professional Conduct, a Vermont lawyer who practices as a prosecutor is subject to a heightened expectation that they will uphold the law and not betray their public trust, as well as a stronger presumption that any criminality reflects adversely on their fitness to practice. *See* V.R.Pr.C. 3.8, cmt. 1 ("A prosecutor has the responsibility of a minister of justice and not simply that of an advocate"); *see also* V.R.Pr.C. 8.4. cmt. 7 ("Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers.").

Moreover, due to State's Attorney Vekos' DUI #1-Influence Conviction, her professional fitness and "ability to zealously prosecute or to effectively work with the victims of" DUI offenses in Addison County, a significant part of her law practice, is now in serious doubt. *Hill*, 144 N.E.3d at 191. Likewise, the circumstances and subsequent events related to her DUI arrest call into serious question whether State's Attorney Vekos can work productively with law enforcement, another key attribute of any prosecutor's professional fitness. Specifically, she all but accused Trooper Anthony of seeking to falsely arrest her regardless of her performance on SFSTs, **Ex. 2** ¶ 8, has stated that she "no longer feel[s] safe around law enforcement," and has contemptuously insulted the intelligence of Addison County's law enforcement leaders. **Ex. 6** at p.1.

Second, State's Attorney Vekos' DUI #1-Influence conviction bears "an immediate and self-evident nexus to [her] fitness to practice law," *id.*, because she committed her "criminal conduct directly within the ambit of the performance of h[er] professional duties," *id.* at 193, that

is, while driving to the police and prosecutor "walk through" of the scene of a suspicious death in Addison County. *See Miller*, 409 P.3d at 678 (arguing that "a relationship between the [DUI] offense and the lawyer's practice of law" may cause a DUI conviction to be "deemed to adversely reflect on fitness to practice law" (Rogers, Hrg. Panel Member, dissenting)). Rather than "doing her job" by soberly "participat[ing] in a homicide investigation," **Ex. 3** ¶ 5, Respondent's appearance in an obviously inebriated state diverted law enforcement personnel away from that vital investigation and instead forced them to immediately question, arrest, transport and process State's Attorney Vekos for DUI so that she did not dangerously drive away from the scene in her intoxicated condition.

Also, State's Attorney Vekos evidently believed it appropriate and prudent to drive at night to a potential crime scene to meet with multiple law enforcement officers trained in the detection of DUI less, perhaps substantially less, than 30 minutes after consuming a "Gin & Tonic," **Ex. 2** ¶ 6, which "reflect[s] negatively on h[er] professional judgment" and fitness as a prosecutor. *Berk*, 157 Vt. at 530-31, 602 A.2d at 949-50. Respondent chose this course of action rather than simply trying to postpone or delegate the "walk through" meeting to one of her Deputy State's Attorneys. Perhaps more troubling, State's Attorney Vekos made the decision to drive to an important law enforcement function shortly after imbibing a full drink, despite knowing and publicly volunteering that, with regard to DUI, "[j]ust any influence from a drug or alcohol is a crime." John Flowers, *Vekos would bring defense attorney experience to county prosecutor's job*, Addison Independent, July 1, 2022, at p. 4 (5/11), copy attached hereto as **Exhibit 8**.

Finally, State's Attorney Vekos' DUI #1-Influence Conviction reflects adversely on her fitness to practice because it does not represent a single isolated, albeit significant incident of

criminal and professional misconduct. Instead, her DUI is "directly linked to other misconduct," *Miller*, 409 P.3d at 673, committed by State's Attorney Vekos in an effort to use her public position to avoid citation and prosecution for DUI.

Specifically, when confronted with Trooper Anthony's request at the end of the "walk through" that she perform SFSTs because she had admittedly been drinking and displayed signs of alcohol influence, Respondent attempted to persuade Trooper Anthony to shirk his duty to investigate crime by simply letting her leave the scene. Tellingly, State's Attorney Vekos did not insist at that point on her sobriety or unimpaired ability to drive home alone, but instead implictly endorsed Trooper Anthony's concerns by asking for a "friend" to drive her home instead. Therefore, when State's Attorney Vekos asked Trooper Anthony if he was "serious," she was not suggesting that suspecting her of DUI was implausible or spurious, but was instead implying that it was laughable or outrageous for a police officer to investigate the State's Attorney for DUI, a tacit but unmistakable demand for special treatment on account of her law enforcement status. *See* **Ex. 2** ¶ 8 ("Are you serious Ryan, can't you just have a friend come and get me.").

Then, at the State Police New Haven Barracks, where she had been transported after arrest for processing and formal citation for DUI, Respondent purported to give Sergeant Neary legal guidance in her capacity as State's Attorney that he was "allowed" to use his "discretion" to not cite her for DUI and crticized Trooper Anthony for failing to appropriately "apply discretion" and consult with his superior officers before arresting her. **Ex. 3** ¶ 5. By this conduct, State's Attorney Vekos attempted to leverage her public position as the chief law enforcement officer of Addison County and her professional status as an attorney learned in the law to extract

unwarranted leniency for herself in a personal criminal matter, as well as dissuade a second police officer from doing his sworn duty to uphold the law.

Sergeant Neary indicated to State's Attorney Vekos that he could not use his "discretion" to disregard her arrest (or her continued signs of alcohol impairment at the New Haven Barracks), but would instead proceed with processing and citing her for DUI. *Id.* Respondent then explicitly warned Sergeant Neary that doing so "was going to damage the relationship" between the Vermont State Police (or law enforcement generally) and the Addison SAO that she directed and controlled by virtue of her public position as Addison County State's Attorney. *Id.*

If there was any doubt that State's Attorney Vekos had merely made an idle and emotionally-driven threat that she would never act upon, she confirmed six days later that she was intent on using her authority to suppress cooperation and communication between the Addison SAO and Addison County law enforcement. Alluding to her recent DUI arrest, State's Attorney Vekos announced to Addison County law enforcement leaders that she no longer felt "safe around law enforcement" and would therefore decline to meet in person with them, or conduct planned educational trainings for their agencies. **Ex. 6** at p.1.

Taken collectively, State's Attorney Vekos' comments to law enforcement on the night of her DUI arrest in which she alluded to her official position in order to to obtain leniency would support several independent violations of Rules of Professional Conduct 8.4(d) ("engag[ing] in conduct that is prejudicial to the administration of justice") and 8.4(e) (to "state or imply an ability to influence improperly a government agency or official"). *See In re Discipline of Ravnsborg*, 12 N.W.3d 306, 319-20 (S.D. 2024) (impeached and removed state attorney general who pleaded no contest to two misdemeanors, operating a motor vehicle while using a mobile electronic device and improper lane driving, in connection with striking and

killing a pedestrian with his vehicle, violated Rules of Professional Conduct 8.4(c), (d) and (e) as a result of his post-accident behavior by "introduc[ing] himself to the 911 operator on the night of the accident as the attorney general . . . and did not use his real name until asked by the operator later on in the call," which was part of "an ongoing pattern of conduct of using his professional title to improperly influence government officials or receive special treatment" after other traffic violations, conduct which "interfered with the administration of justice in violation of Rule 8.4(d) and Rule 8.4(e)"); *see also State ex rel. Okla. Bar Ass'n v. Moon*, 295 P.3d 1, 4, 6, 8-9 (Okla. 2012) (lawyer arrested on drunk driving charges who "invoked the names of respected members of the legal community" including judges and district attorneys, as well as city and state officials "in an attempt to avoid prosecution and gain favorable treatment" violated Rule 8.4(e) prohibiting "any implication of an ability to influence improperly a government official.").

In certain respects, State's Attorney Vekos' conduct is more egregious than the *Ravnsborg* respondent, who merely identified himself as the state attorney general to a 911 operator for no legitimate reason, but did not expressly request special treatment on that or any other basis. State's Attorney Vekos was far more overt in her repeated and brazen requests for leniency from law enforcement personnel for no other stated or conceivable reason than the fact that she was, as all the State Police officers knew, the State's Attorney. When these efforts proved unsuccessful, State's Attorney Vekos, far worse than the *Ravnsborg* respondent, resorted to making a thinly veiled threat "to damage the relationship" between the Addison SAO and law enforcement in a final attempt to improperly influence police officers and avoid citation for DUI.

This "abuse of public office" directly connected to State's Attorney Vekos' criminal DUI shows an aggravating pattern of additional related misconduct and "an inability to fulfill the

professional role of lawyers," V.R.Pr.C. 8.4. cmt. 7, as well as "serious interference with the administration of justice" that "indicate[s] lack of those characteristics relevant to law practice" and "indifference to legal obligation." *Id.*, cmt. 2. Given the surrounding circumstances, State's Attorney Vekos' DUI #1-Influence Conviction is a "serious crime" adversely reflecting on her "fitness as a lawyer" that warrants her immediate interim suspension under A.O. 9, Rule 21.

CONCLUSION

WHEREFORE, Petitioner Office of Disciplinary Counsel respectfully requests, in accordance with A.O. 9, Rule 21(D), that the Court enter an order immediately suspending Respondent Eva P. Vekos, Esq. from the practice of law pending final disposition of PRB disciplinary proceedings, or order other such other relief as the Court deems appropriate.

Dated at Burlington, Vermont this 4th day of March 2026.

Respectfully submitted,

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