

STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM

**In Re: Melvin Fink**  
**PRB File No. 012-2019**

**DISCIPLINARY COUNSEL'S MOTION TO AMEND**  
**PETITION OF MISCONDUCT**

**EXHIBIT 2**

To Office of The Bar  
Michael Kennedy, Esq  
Costello Courthouse  
32 Cherry Street, Suite 213  
Burlington, VT 05401

BAR COUNSEL

JUL 12 2018

RECEIVED

RE: Attorney Melvin Fink - Assault of July 17, 2017 - 2015 Moss Brook Road, Peru, VT  
Obernier – Howell home from 1983 - 2018

Reference: HOWELL V PARE, DOCKET 313-11-15WMDM 30 PUTNEY ROAD,  
BRATTEBORO, VT Plaintiff John Howell (my son), Defendant Brittney Pare, Child, [REDACTED]  
[REDACTED] (my grandchild)

Attorney Fink represented John Howell from November 17, 2016 – June 6, 2017\*See Attached  
Counsel from Attorney Fink to me and then me to my son, John Howell after recusal on June 6,  
2017

I first spoke with Attorney Fink in November of 2016 by phone regarding representing my son, John  
Howell, in Family Court. The other party was Brittney Pare. Together they have a daughter, [REDACTED].

I explained the situation; he said he would be able to represent him. I retained Attorney Fink on behalf of  
my son, John Howell in the amount of \$10,000.00. See Attached

Attorney Fink represented John from November 2016 to June 6, 2017. \*See Attached

Last weeks in May of 2017, I learned from my son, John, that Attorney Fink was recusing himself from  
representing him. I called Attorney Fink and asked what he could tell me about why he made that  
decision? He told me he found John to be difficult to work with and the determining reason was that John  
was “delusional”. According to Attorney Fink, John really believed that based on his discussion with  
Brittney (the Defendant in the case), they were going to move to Colorado and be a family, and she was  
not going to go forward with the pending motions during the scheduled June 6, 2017 hearing.

Attorney Fink, then said he raised his hands with proof of documents filed to show my son, that Brittney  
and her Attorney have filed the Motion to Enforce Discovery together with Motion to Enforce Payment of  
Child Support.

I knew John was having a very difficult time trying to keep his family together. I told Attorney Fink  
some of the background that led John down this path of not defending himself. John suffered post-  
traumatic stress from the death of his father and my husband. The trigger for these indecisions etc. was  
losing his family; his daughter [REDACTED] would not have a Dad all the time.

John and his dad had a tough time getting alone for many years and that relationship ended suddenly and  
very traumatically for John. They planned a father son bonding trip to Montauk to go shark fishing. On  
the first night, they went out to dinner, walked back to the boat. John’s dad went to lay down and John to  
bathroom. John heard strange sounds and ran to his Dad who was blue. John tried CPR but was not able  
to save his dad who had just turned 51 who died from a genetic arrhythmia. John made that ride with his  
Dad in the back of the ambulance and made the phone calls to me and his sister. When his daughter [REDACTED]

was born, (subject) of Family court, was the first time he closed his eyes and did not see his Dad dying. The connection was there and John was helpless again. I asked Attorney Fink to reconsider. He said, "I wish I had known this information before" but nevertheless declined to continue to represent him.

I met Attorney Fink for the first time at his recusal appearance in Vermont Superior Court, 30 Putney Road, Brattleboro VT on June 6, 2017. \* See Attached. The court allowed Attorney Fink to withdraw, leaving John to represent himself for the Motion to Enforce Discovery and the Motion to Enforce Payment of Child Support.\* See Attached. After Attorney Fink's request was granted, he remained in the courtroom and he came and sat down next to me while John attempted to represent himself at the hearing.

**May 22, 2017 – Attorney Fink Motion to Withdraw, Defendant's Attorney Response.** \*See Attached Earlier that morning, I watched my son, collect his paperwork for discovery and then on purpose leave it on the counter. He said he didn't need it. The proceeding went on and John had no proof with him to support that he had paid child support. The judge stated to Attorney Fink who was sitting next to me. "Attorney Fink I have known you for over ??years, and I have never seen a client of yours not have the necessary documents." After the Judge announced her decision to grant the defendant a certain amount of money etc. the court was adjourned. \*See Attached

Attorney Fink asked John and me to step into a room. We did. John began sobbing, he kept saying "I really didn't think Brittney was going to do that to me". Attorney Fink said to John, you should be proud of yourself for acknowledging that fact". He then turned to me and said, "look I can't represent John but I can counsel you and you can through me counsel John". He should be able to successfully represent himself without the need for hiring another attorney. I knew I couldn't afford another Attorney and John and I agreed to give it a try. Attorney Fink walked with us and we exited the courthouse going our separate ways.

We had a full plate, that I did not know the extent of, moving forward and I was surprised by how much needed to be done and it all sounded like a foreign language to me. The communication with Attorney Fink began in early June 2017. It was over the phone and just a couple of emails. I called his office at 802-228-4111. He always got on the phone and we discussed what was needed for me to tell John and help him through the process. There were a couple of weekend or evening calls as it pertained to emergencies on what to do and after leaving a few messages, he would call back.

**Approximately, from June 6, 2017 to July 16, 2017 we discussed over the phone the following and were to discuss the items below in person at a meeting in his office on July 17, 2017.**

**June 6, 2017: Motion to Reconsider Interim Child Support,** 10 days to file. Motion filed on June 19, 2017 and Denied on June 26, 2017. See Attached

**June 6, 2017 - 45 days granted to file Discovery** documents respond to regarding Motion to Enforce Discovery. See Attached

**July 6, 2017 Letter from Court canceling August 15, 2017 –** Final Parent Responsibilities canceled without reason or cause except that it was a mistake in the computer. Attorney Fink counseled me on this letter and to add #4. (\*See Attached) to the Motion To Modify and Amend Temporary Parent child Order.

Prior to hearing being canceled we discussed Parental Rights and Responsibilities. Discussed with Atty Fink, Witnesses, what is admissible, etc. Who should be there, relatives and important friends and past work associates. And the process of John defending himself and acting as his own attorney. Attorney Fink was positive John could do this and it was simple. I said, I can't see him doing this at all. He then said,

but he can call his own witness and interrogate the Defendant's witness and recall his own witness up for rebuttal. \*See Attached

**June 9, 2017 – Weston Little School Financial Information** identifying payments made. {Me or Johns grandmother, Rosemarie Obernier} Denied Little Scholl only records amounts paid and dates how it was paid. See Attached

**June 13, 2017: Weston Little School, Request for [REDACTED] attendance records.** Denied See Attached Emails with Little School

**Weston Little School Per Atty Fink counseled to me on the 17<sup>th</sup>, contact State of Vermont child development division/Dep children & families** re Attendance. Emails with Elaine Crawford Licensing Field Specialist. \*See Attached

**June 15, 2017 –** Counseled by Attorney Fink to send Interference of Visitation to Defendant's Attorney Harassment from Defendant \*See Attached.

**July 12, 2017 -Motion to Participate by Phone**

**July 15, 2017 –** Threatened by Police by both Defendant Brittney Pare & her mother during visitation time with [REDACTED] in Ct with John Howell and myself. Defendant needed to speak to [REDACTED] anytime as per the Court Order. Defendant wanted me or John to wake her up and complained she didn't speak to her enough that day. Additionally, Ms. Pare's mom threatened me with the state police if I didn't call her back in 15 minutes and Ms. Pare texted my daughter who was staying at her in-laws, Petraska Family in Chester, VT and that something terrible has happened to me and [REDACTED]. My daughter called me in tears. I spoke with Attorney Fink on the phone. \* See attached text messages.

**Motion for Grandparent's Rights –** Suggested by Attorney Fink so that I would be able to visit with [REDACTED] without the chaos of being threatened by the Defendant and family as well as watching John be threatened. Referring to past event while Attorney Fink was representing John I was present during the police issue in Jan. 2017. Defendant called police did not believe their daughter had a fever and wanted her taken out of house in Ct put in her car and drive her back to Vt. \*See Attached Incident Report

Our in person, July 17, 2017 meeting was arranged on the phone sometime in the week before the 15th of July. We had talked about me meeting him at his office to go over the above issues and responses. Through our prior and his and John's conversations and John's past move to Vermont to try and work there and be a family with the Defendant that we had a home somewhere in Vermont. He asked, "when I would be in Vermont to meet", I said the 16th of July through the 17th to ready home for sale and bring John's daughter, [REDACTED] from Ct to her mom's home in South Londonderry, VT. \*See Attached Text Message with Defendant.

He said, "let me look at my calendar" and he gave me the date of July 17, 2017 at 9am. He gave me his office address and asked did I know where that was. I said yes. I spoke to John before I left and told him I was meeting with Attorney Fink and told him his office address. John said "mom, that is right near where Brittney (Defendant) works". I thought okay, I will try and not let her see me visit Fink? I arrived in Vermont on the 16th of July dropped off John's daughter, [REDACTED] to her mom's address in South Londonderry after visiting us in CT for weekend. I would meet with Attorney Fink then drive back that day to CT. Attorney Fink

Attorney Fink called me about 8am on July 17, 2018 and asked, "where is your home", I said "Peru" he said, "oh good that he needed to go that way anyway and it would be better if we could meet at my home.

I didn't not think that was an unreasonable request. I said ok. He asked me for the address, I gave him 215 Moss Brook Road, Peru. I drove over to Hapgood Pond market to buy some coffee and muffins.

Our kitchen, family and dining area is all open with the only dividers of bar height kitchen counter with about 14 stools that circled around the kitchen. \*See Attached Pictures. We have a large dining table that sits next to the kitchen counters. I placed all my paperwork to be discussed in separate piles on the dining table, made some coffee and went into the master bedroom, on same level to hang some last-minute artwork and curtains.

I was finishing up and walked into our movie room to get to the kitchen. It was there that I was surprised to see Attorney Fink standing there, smiling and he said hello and that he was looking for me and the front door was open. I went to move on to the kitchen and he just stood there to say something to me. He said you are captivating. I had no answer. Then said, do you know your captivating? I was shocked and backed up a bit and then he casually said, "that's what I thought when I saw you in court". These compliments, were normal to hear during my lifetime but I always found them uncomfortable but not threatening. I was nervous and wanted to move on to the kitchen and just thanked him for his compliment.

I motioned for him to see the piles of paperwork on the dining table and I said, "I hope we can get through it all". He replied, "I'm free until 2". I thought, ok its 9am and I thought that was the strangest thing to say and I thought was he just joking? I asked him if he wanted a coffee/tea. He said no. I motioned to the dining table and said I set up what we need to discuss in separate piles and went to sit down at the table. He just stood there standing at the counter at the far end from the table nearest the seating area. I was baffled but ok he wants to stand, so I will bring each pile to him, take notes and return it and pick up another pile. I started the process one by one I picked up a pile of paperwork, walked it over to him at the counter, went over it, took notes and walked it back to the dining table and picked up another pile. It went surprisingly fast with what I thought was not enough notes to use. The Grandparents Rights was the last pile. He said, I shouldn't do this but I have a book in my car to reference Vermont Statutes. He went to his car to get it. He returned with the book and stood exactly back to where he was standing before. He said, "I'm really not supposed to show you this" and searched for a reference related to Grandparents Rights and then moved onto The Little School by law had to comply with John on his request for attendance records on his daughter. We were done in just over an hour.

He closed the Statute book and turned to me and directly looked into my eyes and said, "do you believe in chemistry"? I just stood there struggling to understand his question. The only thing that came to me was it related to John and Ms. Pare? I answered honestly as I felt I was on the stand and had to answer him. I said "Yes, I do, I had it once in my life with my deceased husband". He stood there for a moment and said "I want to pleasure you". I was speechless. It was then that I realized I was in trouble. For the first time, I noticed he was bigger than I remembered. I froze, quickly trying to visualize how to answer him and what were the consequences of my saying no? I asked, "what do you mean"? He repeated, "I want to pleasure you and I have until two o'clock". I was now scared and so many things raced through my mind. Did he want payment for his advice this way? I all of a sudden felt threatened to do this and had to make this horrible choice between giving Attorney Fink what he wanted or lose attorney support at this critical time for my emotionally compromised son and granddaughter or worse he will sabotage the case somehow. I thought I would just have to make a choice, yes or no. Before I could make that choice, I felt his hand on the back of my head and he forced my face into his and he forced his tongue

down my throat. I was in a head lock and tried to move and I felt his other hand on my backside and pushed my pelvis into his. He had me in a body lock and I couldn't move. He kept wiggling and shoving his tongue back and forth throughout my mouth and was trying to jam his finger through my clothes into my anus. It was harsh and rough. I tried to move and pull away and he increased his grip. I was searching my mind on what to do. I decided to stay still and not struggle and he might think I was giving in and let me go. I was terrified and my head was filled with thoughts, what does pleasuring mean? What would I have to endure? That's when I first thought of being hurt or killed? What will this do to my son my granddaughter knowing the reason for me getting harmed was to try and help them? What seemed like forever, he stopped and loosened his grip on me. He said again "I want to pleasure you". I said, the first thing that came to my mind to stall him "aren't you married". He said, "that has nothing to do with pleasuring you". I said, "I don't want to be pleased or have sex, I'm still in love with my husband who passed away and have no interest in sex".

He released my head and body but held on to both my arms. He looked at me and said "are you sure that is your answer". I said, "yes". He shook his head, as if to warn me you will be sorry and I had one last chance to change my mind. He said, "I want to pleasure you." I was scared to say no, I was scared of what he would do to me or my son's case. He looked angered. I said, "no" for now but maybe some other time, I have to get back to CT. He stood there holding my arms for I don't know how long and He let me go and shook his head in cynical disappointment. He said, "not a good decision". Picked up his book and walked to the door and went down the stairs to his car. I followed after seeing him nearing his car through the window and went to inside the front door, he looked up and shook his head, and said "your loss". Got into his car and drove off. I locked the door and became hysterical, I could still feel the pressure he put on my head and rear and the taste of him in my mouth. I will never forget it. I never saw it coming. That's when I knew, he was a predator. For the past month, he positioned himself so that I would need to rely on him and trust him. I was vulnerable with a compromised son and granddaughter at stake. The odds were I would do anything to help my family's situation. I felt stupid and violated. I thought, about the look on his face when I said no, and when he was leaving, he is going to make me pay for not letting him have me sexually.

I was sick to my stomach. Shaking and crying I locked up the house and got in the car and cried through route 30. My best friend in Florida called me and asked how did it go. I answered him in a text message about what Attorney Fink said, to me and left out the physical part.\* See Attached. I just couldn't say it or think it. My friend was shouting and saying that bastard, and he needs to be reported to the bar. He said, I knew it sounded weird when you told me he changed the meeting location last minute to the Peru house. Hearing him say this, I felt guilty, should I have known? I didn't think it sounded the least bit strange given the logistics. He said I'm calling my attorney friend in Florida and discussed what actions you should take. \* See Attached. I said, I'll call you later but I have so much to do to instruct John on how to respond and file all this paperwork. \*See Attached

Report him? I thought, I can't. I was scared of how Attorney Fink would punish me by using his power in the court system. \*See Attached. My son was not emotionally doing well and if he found out what happened, he might drive to Vermont and physically confront Attorney Fink and maybe worse he would feel responsible. I had to keep it inside me until I knew my son was safe and could handle the news that the Attorney who represented him, called him "delusional", recused himself, then counseled his mother to help him, but he really didn't help him and only wanted to have sex with his mother?

**\*See Attached Text Message July 17, 2017 from Me to Joseph Coscia**

**\*See attached pictures of our 215 Moss Brook Road as it relates to Kitchen Counter, Dining Table and Room.**

I flew back to Florida as planned on July 18, 2017. With my notes from the previous day, I worked with John over the phone and email on composing the Motions and issues to be submitted to the Court.

July 17, 2017\*See Attached. July 21, 2017 – **Grandparents Rights Request filed by Court.** \*See Attached

**On July 20, 2017**, Attorney Fink sent John an email saying that I asked him to email him the documents he previously gave Attorney Fink regarding Discovery Responses. At the end of the email, he wrote “if you have any questions, please call us at [REDACTED]. I never requested those documents, actually I was told John did not send the necessary documents and when asked in Court on June 6, 2017 by the Judge, Attorney Fink did not say he was in possession of any documents’ \*See Attached. Attorney Fink never answered John’s calls/emails or helped him on any letters after July 17, 2017 counseled by him to me on

**July 26, 2017** – I Sent email to John Howell with proposed changes after meeting with Attorney Fink on July 17, 2018. \*See Attached

**August 10, 2017** – I reluctantly sent an email to Attorney Fink office on behalf of John for him to review the revised letters that John had sent on July 18, 2017, no response.

**August 18, 2017-** John sent email to Attorney Fink office for Attorney Fink to review. Motion to Modify Child Support Order, Motion to Modify & Amend Temp Parent Child Order, \*See Attached. He did not respond.

**August 18, 2017** – John sent email to me to review the above before he sent to court. \*See Attached

We worked to file all the motions and documents and had no assistance. \* See Attached. John kept trying to get in touch with Attorney Fink but no answer. \*See Attached. I don’t know when but I finally, I made the call on behalf of John who was standing next to me about why his Motion was denied. He got on the phone and said, “he got denied because he neglected to put the right legal term in the letter”. I asked Attorney Fink to refer John to another Attorney, he didn’t have one. I put John on the phone and it didn’t go well. John became more despondent. Some month later I called Attorney Fink office to ask for an invoice of the \$10,000.00. I did not ask to speak with Attorney Fink, I requested it from the woman who answered the phone. I said, John nor I never received an accounting from them since November 17, 2016. She said she would get back to me. I asked her to email it to me.

The phone rang, I noticed the number as Attorney Fink Office and it was him. I gagged and he said, “how is John doing”, I said fine. He said, “how are you”, I said fine. He said” he will have them send John to John’s address the invoice and refund as the entire \$10,000 was not used. I did receive it and it will be submitted to this case by separate mailing.

**On August 14, 2017**, I received an email from Attorney Fink stating in the event that I forward further emails to the office, to use the following address, [REDACTED]. Brittney sent an email to John and cc’d me and said if John or I did not get [REDACTED] back from visitation exactly at the court appointed time on Sunday, she will not be visiting until we comply to court order and visits will resume. All Motions we submitted were DENIED. John became alarmingly depressed.

August 28, 2017 – Court Filed Motion to Modify Child Support Order from John.

August 30, 2017 – Motion for Contempt and For Enforcement of Child Support Order

**On August 31, 2017**, John emailed Attorney Fink and Bcc'd my request was not answered regarding an atty referral from Attorney Fink. referencing my request for an attorney referral and John also wrote to him maybe he and Attorney Fink can try and work together again. \*See Attached.

September 11, 2017 – Judge orders hearing for October 31, 2018 for Contempt and Motion to Modify.  
\*See Attached.

**Attorney Fink responded on September 8, 2017.** No to work together and no to a referral. \* See attached

**On February 16, 2018, Attorney Fink emailed me a court case Vincent v. Vincent** Final decree from Family Division Windsor Unit. \*See Attached. I read it and thought, he was reaching out to me to see if I needed his help. I knew if I accepted his help, I was consenting to having sex with him. I did not contact him.

A week after the above email, by mail I received a different copy of Vincent v. Vincent final decree.  
\*See Attached. I was extremely upset and knew he was still trying to get to me. He sent the 2<sup>nd</sup> copy to get my attention. I felt threatened and scared and again fearful for my son's case and my granddaughter.

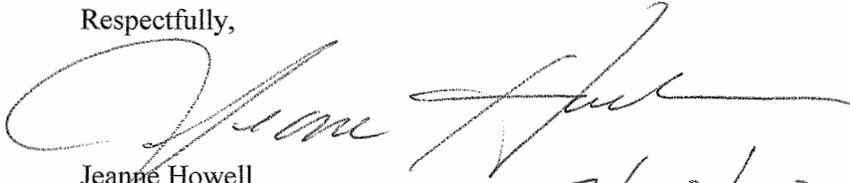
█ visits became scarce. John's efforts to work were jeopardized by his emotional disposition and he became more and more isolated. It only took until October of 2018 after not seeing his daughter since August 2017 that I knew he needed help. The last court date he attended was on October 31, 2018. He had no representation. He was extremely depressed, we had a therapist for him for past year, he was still spiraling. My family and I got together and we asked him to go to a Pain/Post Traumatic Stress in patient facility in Kentucky for two weeks. He left in November 2017. He lost everything, job, possessions, money, his daughter, attorney support, family and friends and was struggling to survive and he agreed to get help with Dialectical Behavior Therapy to help him with his emotions in Colorado. After he left on May 2, 2018, I cried, I knew he would be safe from the Courts and Attorney Fink and I could reach out and tell someone about what happened on July 17, 2017. I started leaving messages for an attorney in Vermont that I needed guidance but it wasn't until I knew my son was safe far away from the case/Attorney Fink that I made that call told my story and asked her for guidance and with that I was able to write what happened to me to you. After that, I had the courage to drive on July 9, 2018 to Putney, Vermont State Police Westminster Barracks at 1330 Westminster Heights Road to report the assault by Attorney Fink.

\* Police Report not yet received as yet.

Attorney Fink's actions has caused me, my son, my granddaughter and my family tremendous emotional pain and financially cost me a substantial amount of money. I lived in fear of what he could do to me, my son, my granddaughter for almost a year. John and his daughter have not seen each other for almost a year. I live with the pain and memory of his actions that day of July 17, 2017. It will stay with me for life and the severe consequences I suffered by believing and trusting him to help my son. He did none of it.

I would appreciate any help in this situation.

Respectfully,



Handwritten signature of Jeanne Howell in cursive script.

Jeanne Howell

[Redacted]

[Redacted]

7/10/18