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BAR COUNSEL'S 1995 ANNUAL REPORT

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## BAR COUNSEL'S 1995 ANNUAL REPORT

### INTRODUCTION

This document and the attachments comprise Bar Counsel's 1995 Annual Report summarizing the operations of the Board of Overseers of the Bar's three agencies: the Grievance Commission, the Fee Arbitration Commission and the Professional Ethics Commission. A brief discussion of certain issues studied or considered by the Board in 1995 is also included.

The Grievance Commission consists of five geographically distributed three-member panels, each consisting of two lawyers and one public member. The Fee Arbitration Commission also consists of five geographically distributed three-member panels, which may conduct hearings with either two lawyer members and one public member, or two public members and one lawyer member. The Professional Ethics Commission consists of eight lawyers. A complete listing of the 1995 membership of the Board and these Commissions is included at the end of this report.

## **I. GRIEVANCE COMMISSION**

### **A. COMPLAINTS**

Two hundred fifty-one (251) grievance complaints alleging professional misconduct by Maine attorneys were received and docketed by Bar Counsel in 1995, an increase from the complaints filed in 1994 - (208). Those 251 complaints, however, must be kept in the context of the entire attorney population. That is, of those 251 complaints there were some instances where more than one complaint was filed against an individual attorney. In fact, there were 26 attorneys who had more than one complaint filed against them involving a total of 68 (usually unrelated) multiple complaints. These 225 different attorneys complained about came from a registration base of 3,062 resident Maine active attorneys.

### **B. PANEL MEETINGS AND HEARINGS**

1. Case reviews - Panels of the Grievance Commission met on 29 occasions for the purpose of conducting preliminary reviews of 188 complaints, compared with 33 such meetings for 259 complaints in 1994. These are not hearings, and neither complainants nor respondent attorneys are present as a Grievance Commission panel, either in person or by conference call, reviews with Bar Counsel the contents of grievance complaint files which have been investigated by Bar Counsel. See M. Bar R. 7.1(d). Although the investigation and review process is confidential, any subsequent disciplinary hearings and the dispositions issued are open to the public.

From those 29 panel reviews, 167 complaints were closed by either issuance of dismissals (142), or dismissals with a warning to the respective attorneys (25).

2. Disciplinary proceedings - Grievance Commission panels also conducted public disciplinary or related hearings resulting in 24 dispositions, including nine (9) reprimands of attorneys. After hearing of six (6) matters, Bar Counsel was directed to file further court proceedings (informations) seeking to impose sanctions of either suspension or disbarment. The Commission conducted one (1) reinstatement hearing which resulted in an order of the Court later in 1995.

i. REPRIMANDS

A brief description of the proven misconduct in the nine reprimands issued by the Grievance Commission is listed below.

For a more detailed review of these or other public disciplinary decisions, copies are available at the Board of Overseers of the Bar's office, 97 Winthrop Street, P.O. Box 1820, Augusta, Maine 04332-1820 ((207) 623-1121).

1. Lawyer engaged in a conflict of interest by representing both a buyer and a current client who was the seller in a real estate transaction, and by failing to withdraw from representation of the seller upon learning of that client's misrepresentations to the buyer. Conduct was found to have been in violation of former Bar Rule 3.4(c) concerning multiple employment.



Board of Overseers of the Bar v. Richard L. Rhoda, Esq.,  
GCF #92-K-293 and #93-K-1 3/3/95.

2. Lawyer engaged in a conflict of interest in a divorce matter because he had previously been counsel to the opposing party reference relevant real estate transactions, in violation of former Bar Rule 3.4(e) (former clients). Board of Overseers of the Bar v. Stephen A. Little, Esq., GCF# 93-K-134 3/29/95.

3. An attorney's obligation to a client was found to continue beyond termination of the attorney/client relationship; when requested by the former client's new counsel to provide information, a reasonable obligation exists to at least respond and/or provide such information as able in a reasonable time period. Failure to respond at all to such reasonable requests for over five months was found to be more than a mere discourtesy and was in violation of Maine Bar Rule 3.6(a)(3). Board of Overseers of the Bar v. Philip L. Ingeneri, GCF #92-S-258 4/11/95.

4. In response to an investigative inquiry, without checking his client's file, an attorney revealed confidential client information, believing incorrectly that the information was part of a public record, and with no consent from the client. Violation was found of former Maine Bar Rule 3.6(1). The Panel also found that Rule 3.2(f) was violated by the attorney's

misrepresentation to his client of the nature of his conversation with that investigator. Board of Overseers of the Bar vs. David S. Turesky, GCF #93-S-124 4/26/95.

5. Client went to the attorney's office requesting her file be sent to her new counsel. Attorney became angry and responded to the client in a loud and profane manner, indicating that the file would not be forwarded until he had been through it. He also followed her out the office door, continuing to yell at her demanding payment of his fee, threatening suit and using more profane language. Panel found that an attorney has a duty to accept a discharge of employment in a professional manner and to cooperate with the client and successor counsel in transferring the matter without prejudice to the client. Those duties during discharge apply whether or not the attorney has been paid. This conduct was found to have been unworthy of an attorney and prejudicial to the administration of justice. Maine Bar Rules 3.1(a) and 3.2(f)(4). Board of Overseers of the Bar v. Julio V. DeSanctis, GCF #94-S-5 10/16/95.

6. Failure to commence suit against a contractor until shortly after the statute of limitations had run (resulting in the court's dismissal of that action), was in violation of Maine Bar Rule 3.6(a); attorney's transfer of his interests in his residence to his wife was found to have been prompted at least in part by an

intent to defraud creditors, in violation of Maine Bar Rule 3.2(f)(3). Board of Overseers of the Bar vs. Ralph W. Brown, GCF #92-S-301 and #92-S-302 10/23/95.

7. Drafting of a mortgage and note from a corporation, of which the attorney was clerk, to that attorney's client, being a 50% shareholder of the corporation, without the consent of all shareholders and which potentially favored that client over the corporation, was in violation of former Maine Bar Rule 3.4(c). Evidence also indicated that the interests of the other 50% shareholder, the corporation and the attorney's client were so divergent that the attorney should have withdrawn or obtained specific consent to his continued representation; his failure to do so was in violation of former Rule 3.4(c). Board of Overseers of the Bar v. Richard L. Currier, GCF #93-G-164 11/20/95.

8. Attorney neglected a client's case for nearly two years and even after receiving a complaint from Bar Counsel never did anything else on the case, with it eventually being dismissed by the court. He also failed to notify the client of that dismissal. Violations were found of Bar Rules 2(c) (failure to respond to the Petition); 3.1(a) (conduct unworthy of an attorney); and 3.6(a)(2),(3) (lack of preparation and neglect of a matter). Board of Overseers of the Bar vs. Daniel H. Reich, GCF #94-G-56 11/27/95.

9. Lawyer was reprimanded for his participation in the contemptuous conduct of his wife in a custody matter and for filing disciplinary complaints against two adverse counsel and two participating judges in that matter, in violation of Bar Rule 3.2(f)(4). Board of Overseers of the Bar v. Arthur B. LaFrance, Esq., GCF # 92-S-270 12/21/95.

**ii. OTHER GRIEVANCE COMMISSION DISPOSITIONS**

Certain other complaints heard before panels of the Grievance Commission resulted in dispositions other than reprimands or further court proceedings. After hearing, seven (7)<sup>1</sup> other matters were dismissed for lack of proof of any violations of the Maine Bar Rules, and one (1) dismissal with a warning was issued.<sup>2</sup>

**C. CHARACTERIZATION AND AREA OF LAW**

As the attached statistics indicate, 86 (34%) of the 251 grievance complaints received in 1995 alleged misconduct relating to Maine Bar Rule 3.6(a)(2),(3), and that percentage compares to

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<sup>1</sup>One such matter was dismissed at the unilateral request of Bar Counsel without hearing of any evidence, upon Bar Counsel being informed by the complainant that she requested that dismissal and that she had earlier filed the complaint as the result of pressure from another. (GCF #94-S-44).

<sup>2</sup> Upon agreement of both Bar Counsel and Respondent's counsel, the result in this instance was affirmed by the Board reference Bar Counsel's objection to the panel's report under Bar Rule 7.1(e)(5)(B).

38% in 1994. As suggested by the attached additional data, a higher percentage (47%) of neglect was involved in those matters heard in 1995 that resulted in some form discipline - either reprimands, suspension or disbarment.

Complaints dealing with misrepresentation, deceit or fraud totalled 53 (21%), with matters involving interference with justice totalling 50 (20%). There were 25 (20%) matters alleging a conflict of interest. By comparison, of those matters that went to hearing in 1995 and resulted in reprimands issued by the Grievance Commission, three (33%) resulted in a finding of a conflict of interest.

As has consistently occurred over the years, divorce/ family law remains the most frequent law area from which grievance complaints are filed, being 80 (32%) of the 251 complaints, almost identical to that of 1994 (31%). Complaints arising in tort matters comprised the second highest number of complaints in 1995, being 38 (15%), followed by real property with 33 (13%) and criminal with 24 (9.5%).

#### **D. SOURCE OF COMPLAINTS/SIZE OF LAW OFFICE**

The attached Appendix demonstrates the expected and continuing fact that most complaints are filed by present or former clients of an attorney, with 134 (53%) being of that type, followed by 75 (30%) filed by an adverse party and 33 (13%) filed by a court or another attorney.

Sole practitioners were the focus of 106 (42%) of the complaints filed, being a very slight decrease from those of 1994 (44%). Complaints filed against offices comprised of two (2) attorneys increased to twenty-one (21%), compared with 17% from 1994, with complaints against offices of three to six attorneys remaining virtually the same, twenty-one (21%) compared to 1994 (22%).

#### **E. BAR COUNSEL FILES**

Bar Counsel Files constitute matters which upon initial review by Bar Counsel do not appear to allege professional misconduct subject to any sanction under the Maine Bar Rules. See M. Bar R. 7.1(c). There were 179 such filings in 1995, representing a marked increase from the number docketed in 1994 (134). As a result, by combination of such matters with all unrelated<sup>3</sup> formal grievance complaints discussed above, the number of written allegations of attorney misconduct filed with Bar Counsel in 1995 totalled 430, a 26% increase from 1994 (340). Maine Bar Rule 7.1(c) provides for Bar Counsel's unilateral dismissal of Bar Counsel Files with or without investigation, with a complainant having the right to request review by a Grievance Commission Panel Chair for the initial half of the reporting period, January 1 - June 30, 1995. That is, by Rule amendments effective on July 1, 1995, such requests are now reviewed on a rotating basis by lay members of the Board or Grievance Commission.

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<sup>3</sup> See Appendix, Bar Counsel Files, specifically Footnote 13.

One hundred forty-two (142) Bar Counsel Files were dismissed by Bar Counsel in 1995, with 36 complainants requesting review of that action. 32 of those requests resulted in affirmance of the dismissals, 1 dismissal was vacated and docketed for a Grievance Commission panel's review, and 3 matters remained under review on December 31, 1995. (See Appendix).

## II. COURT MATTERS

Eighteen (18) attorney discipline related orders were issued by the Court in 1995 in the following categories: a) disbarments - 5; b) suspensions - 2; c) suspended suspension - 1; d) affirmance of a reprimand - 1; e) approval of reinstatements -3; f) denial of reinstatement - 1; g) contempt - 3; h) probationary conditions - 1; and dismissal - 1.

### A. DISBARMENTS

1. Lawyer was defaulted and disbarred after failing to answer the information filed by the Board. The facts of the case demonstrated a pattern of misappropriation in excess of \$100,000 of clients' funds. Board of Overseers of the Bar v. Martin R. Johnson, Docket No. BAR-92-2 1/18/95.

2. Attorney was retained to obtain a patent, but delayed in filing the application and was non-responsive to the client when he inquired about those delays. When the patent application was denied, the attorney delayed notifying the client of that fact, and was less than

diligent in filing an amendment to the patent application. When the amended application was denied, he again failed to properly notify the client of that denial. Attorney never informed client of the appeal options and did no further work for client despite leading the client to believe he would do so. Disbarment issued for violations of Maine Bar Rules 3.1(a), 3.2(f)(1),(4); 3.3; 3.6(a)(2),(3) and 9(f). Board of Overseers of the Bar v. David F. Gould,<sup>4</sup> Docket No. BAR-95-3 5/10/95.

3. The Board sought to have the Court suspend or disbar a current attorney from the practice of law for fraudulent conduct which occurred while he was a District Court Judge. That conduct occurred between May 1986 and July 1987 (while he was a judge and not practicing law) dealing with fraudulent misrepresentations he and others made in order to obtain easements across real estate owned by a Milton Ferrell. After a trial in July 1990, the Superior Court entered judgment on a jury verdict against him, finding him jointly and severally liable for \$250,000.00 in compensatory damages and personally liable for \$75,000.00 in punitive damages. See Ferrell v. Cox, 617 A.2d 1003 (Me. 1992). The Board's information was

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<sup>4</sup>Having been disbarred on May 10, 1995, Gould failed to satisfy his obligations under M. Bar R. 7.3(i). After hearing, the Court approved the Board's Motion for Contempt. Finding was made that although he had since filed the affidavits, he had been in contempt from June 9, through October 20, 1995, but the imposition of further sanctions would serve no purpose.



dismissed by the Court because the respondent was found to not be properly subject to attorney discipline procedures concerning his conduct during any period of judicial service. Board of Overseers of the Bar v. David M. Cox, Docket No. BAR-94-5 1/3/95. Several months later, however, pursuant to matters processed and reported by the Committee on Judicial Responsibility and Disability, the Court imposed its authority to discipline Cox for his "avaricious and dishonest conduct" that occurred while he was a judge. In that context, the Court concluded "that the restoration of public confidence will be better served by Cox's disbarment from the practice of law." (In re: David M. Cox, Docket No. JUD-93-1 5/22/95.

4. The Board brought a motion for contempt and disbarment, and on the last business day prior to the scheduled hearing, the defendant advised the Board via fax from North Carolina that he would not attend the hearing and stated his "consent to any order (the Court) chooses to enter." The Court found that the defendant by his ineffective attempt to resign and by correspondence with the Court had conceded his inability to comply with acceptable standards of professional conduct. Board of Overseers of the Bar vs. Thomas F. Malone, Jr., Docket Nos. BAR-90-13; BAR-91-33; and BAR-93-9 12/15/95.

5. Attorney found to have violated Bar Rules 2(c), 3.1(a), 3.5(a)(2), 3.5(a)(3), 3.6(a)(2) and (3) concerning matters that he neglected while employed as an Assistant Attorney General and on other matters later in private practice. In addition to being neglectful, he had also engaged in deceit and failed to take steps to mitigate client problems he had created. Upon analysis of the American Bar Association's Model Standards for Imposing Lawyers' Sanctions, the Court found that the attorney's conduct caused potentially serious injury to the State of Maine, that he engaged in a pattern of neglect with respect to client matters and knowingly deceived a client with the intent to benefit himself. Disbarment was issued with several conditions being required to be met should he seek reinstatement to practice law in Maine. Board of Overseers of the Bar v. Terrance J. Brennan, Docket No. BAR-95-6 12/26/95.

#### **B. SUSPENSIONS**

1. The New Hampshire Supreme Court suspended an attorney for 6 months, and upon motion of the Board for reciprocal discipline a six month suspension was also issued in Maine. Board of Overseers of the Bar v. Teresa DeNafio, Docket No. BAR-94-7 1/30/95.

2. Attorney neglected a matter involving her agreement

to review documents for the creation of an inter vivos trust, and also neglected to respond to the client's repeated requests for information about the status of the matter. She also was delinquent in an unrelated probate matter. At hearing, she admitted her neglect and offered no excuse or valid explanation for her dereliction. She also failed to plead or otherwise defend the disciplinary information, and upon the Board's motion a default judgment was entered, finding violations Bar Rules 2(c), 3.1(a), 3.6(a)(1),(2),(3) and 3.6(h)(1). Court issued a 90-day suspension, suspending all that suspension for a two-year period with several probationary conditions, including the establishment of a method, subject to the Court's and Bar Counsel's review and approval, for objectively and expeditiously identifying delinquent client matters. Board of Overseers of the Bar v. Lenore A. Grant, f/k/a Lenore A. Houck, BAR-95-7 7/24/95.

3. Attorney was suspended for violations relating to neglect of multiple clients' family law matters. He was found to have committed multiple violations of Rules 3.3(a) and 3.6(a)(3). It was further found that there was a significant psychological component to his neglect of his law practice, his condition being diagnosed as an "Adjustment Disorder with Disturbances of Emotions and Conduct". Suspension issued for a period of one (1) year with substantial conditions to be satisfied should

reinstatement be sought. Board of Overseers of the Bar v. Gordon P. Gates, Docket Nos. 95-1; 95-5 8/11/95.

#### **C. PROBATIONARY CONDITIONS**

Attorney convicted by plea of guilty in the U.S. District for conspiring to defraud the Interstate Commerce Commission and the Department of Defense of the United States in violation of 18 U.S.C. §371. The thrust of the charge involved unlawful conduct to obtain contracts for the interstate transportation of military property. Earlier indefinite suspension of July 25, 1994 was terminated by the Court's order of June 14, 1995, subject to a two-year period of probation-like conditions on the attorney, including supervision of his practice by another attorney, completion of a minimum of 15 hours of continuing legal education in each year, and in the fall semester of 1995 to enroll in the University of Maine School of Law's class on the Maine Code Professional Responsibility. Board of Overseers of the Bar v. Brian L. Datson, Docket Nos. BAR-94-3; 95-4 6/14/95.

#### **D. REINSTATEMENT HEARINGS**

1. Upon Petitioner's second petition seeking reinstatement to the Maine Bar the Court found that the petitioner had now "acknowledged the wrongfulness of (his earlier) conduct to some of the witnesses who testified

on his behalf. Moreover, in his testimony he offered explanations for the inconsistencies in his prior statements". The Court was therefore persuaded that reinstatement was appropriate and so ordered, subject to payment to the Board of Overseers for all necessary expenses incurred in connection with that petition for reinstatement and also payment to former clients of interest amounts as earlier ordered. Torrey A. Sylvester v. State of Maine, Board of Overseers of the Bar, Docket No. BAR-92-01 11/27/95.

2. A matter proceeded to hearing before a panel of the Grievance Commission with detailed findings and recommendations by that panel earlier in 1995, followed by a report from the Board adopting that panel's recommendations approving reinstatement. The Court did so order reinstatement subject to conditions that the petitioner submit a letter from an attorney willing to monitor the petitioner's practice for one year, and within six months of re-admission he submits proof of satisfactory completion of the Multistate Professional Responsibility Examination. Board of Overseers of the Bar v. Thomas R. Acker, Docket No. 90-15 11/29/95.

3. The single justice's (Dana, J.) denial of petitioner's reinstatement was heard and affirmed by the Law Court, therein confirming that a petitioner's burden of proof of clear and convincing evidence applies to all

matters under Bar Rule 7.3(j) and that a petitioner's conduct during the reinstatement process is an appropriate factor for consideration and assessment of whether reinstatement should be approved. Board of Overseers of the Bar v. Andrews B. Campbell, 663 A.2d 11 (Me. 1995).

#### E. CONTEMPT

1. The Court's earlier order in 1994 obligated an attorney to file a timely affidavit attesting to his compliance with Bar Rule 7.3(i) (notifying clients, attorneys, courts and agencies of his suspension status) and he was found to have failed to file that material in accordance with that order. He was found in contempt of the Court but in light of the fact that at the time of hearing he was otherwise properly practicing law under conditions set forth by the Court's order, no further sanction was imposed. Board of Overseers of the Bar v. Earle S. Tyler, Jr., Docket No. BAR-93-14; 94-4 4/5/95.

2. Lawyer was found in contempt of a disbarment order for engaging in the practice of law by giving opinions on the status of real estate titles. Board of Overseers of the Bar v. Richard S. Edwards, Docket Nos. BAR-93-12 and BAR-93-18 10/10/95.

### III. FEE ARBITRATION COMMISSION

The Board received 254 requests for petitions for arbitration of fee disputes, 87 (34.3%) of which were later returned and filed with the Secretary to the Fee Arbitration Commission, Jaye M. Trimm. (See Appendix).

With 19 petitions already pending, the 87 new petitions created a total docket of 106 petitions for 1995. Various arbitration panels met for a total of 25 occasions to hear and dispose of 41 petitions. With preliminary assistance and involvement of Assistant Bar Counsel Karen G. Kingsley and Commission Secretary Trimm, and with approval by Fee Arbitration Commission Chair Peter M. Garcia, Esq., 48 other fee disputes were either dismissed, settled, or withdrawn by consent of the parties prior to hearing. See M. Bar R. 9(e)(3).

Most disputes heard by the Commission continue to involve the lack of any written fee agreement between the parties. As a result, at the request of the Board, the Court promulgated M. Bar R. 9(g)(13) effective January 1, 1995, requiring that the attorney now bears the burden of proof of an agreement, or other basis for recovery of fees and expenses when there is no written fee agreement or engagement letter between the parties concerning fees.

The role of the office of Bar Counsel in the fee arbitration process is one of reviewing and screening petitions upon filing with the Secretary to determine if the matter warrants the attention of that Commission, should also be processed by the

Grievance Commission, or does not involve any fee dispute. Bar Counsel may attempt to promote and assist in the informal resolution of fee disputes prior to hearing by a panel. See M. Bar R. 9(e)(2). Additionally, pursuant to Board Regulation No. 8, the Fee Arbitration Commission and Grievance Commission are authorized to share respective investigative materials concerning related matters.

#### **IV. PROFESSIONAL ETHICS COMMISSION**

The eight attorney members of the Professional Ethics Commission met on six occasions to discuss, draft and approve the issuance of five (5) formal advisory opinions on ethical questions presented. As a result, Opinion Nos. 148 - 152 were issued by the Commission, and are briefly summarized below:

##### **Opinion No. 148 (March 30, 1995)**

Bar Counsel asked the Commission to review a provision of the Judicial Department's Contract for Criminal Defense Services requiring the contracting attorney to : 1) inform the presiding judge of any non-privileged information concerning the financial status of clients; and 2) advise clients that financial information pertaining to their eligibility for appointed counsel would not be privileged information unless at the same time it were probative of guilt or innocence. It was concluded that compliance with such a contractual obligation would not violate the Maine Bar Rules if it



is assumed that the phrase "probative of the guilt or innocence of the client" was not intended to be limited to the charges for which counsel had been appointed.

Opinion No. 149 (May 10, 1995)

In this opinion the Commission concluded that the Bar Rules do not prohibit lawyers and non-lawyers from being co-owners of an enterprise that engages solely in providing mediation services. The Commission also concluded that the Bar Rules do not prohibit lawyers and non-lawyers from sharing fees received solely from mediation services.

Opinion No. 150 - (May 12, 1995)

The Commission dealt with the issue of whether an attorney representing a client in a divorce proceeding could accept a referral fee from another attorney who has undertaken representation of the same client to recover damages from her husband for an aggravated assault. A subsidiary question concerned whether a contingent fee agreement pertaining solely to the assault claim would violate the Bar Rules and whether it would do so if the attorneys negotiated a total settlement of both the property division issues in the divorce action and the aggravated assault claim. The Commission concluded there would be no violation of the Bar Rules in these arrangements if the fee division were fully disclosed as required by Rule 3.3(d), and a further disclosure

pursuant to Rule 3.4(f)(2) were made with respect to the interest of divorce counsel in a share of the referral fee, as it might conflict with a divorce client's interest in a favorable division of marital property. The Commission observed that a marital property division might reduce the assets available to satisfy a judgment for damages and attorney fees in the aggravated assault action.

Opinion No. 151 (May 12, 1995)

This opinion deals with two related questions: 1) do the Bar Rules prohibit agreements between lawyer and client to submit future fee disputes to binding arbitration conducted under AAA rules outside the procedures of Bar Rule 9; and 2) do the Bar Rules prohibit an agreement requiring client to submit future fee disputes to binding arbitration but allowing the client to choose between Rule 9 and some other procedure? It was concluded that the first variation would violate the Bar Rules, because Rule 3.3(c) requires resolution of a fee dispute in accordance with Rule 9 at the request of the client. The second variation was found not in violation of the Bar Rules because, although some arbitration would be required, the client could elect to proceed under Rule 9.

Opinion No. 152 - (October 6, 1995)

A law firm inquired as to establishing a credit line with a bank which required that the law firm assign the bank all its receivables including names and addresses of clients and the right to notify clients to make payment to the bank even if there was no default in payment. This practice was found by the Commission to be in violation of attorney-client confidentiality, Bar Rule 3.6(h), and the right of clients to institute mandatory fee arbitration, Bar Rule 3.3(c).

V. MISCELLANEOUS MATTERS

A. AMENDMENTS TO THE MAINE BAR RULES

Reference has earlier been made to the amendment to Bar Rule 9(g)(13) concerning the burden of proof in Fee Arbitration Proceedings (See page 18). Other amendments are as follows:

1. Bar Rule 4(d)(9) was amended to provide that membership on the Grievance Commission is no longer required to include any members of the Board of Overseers of the Bar. In the early days following the promulgation of the Bar Rules and creation of the Board and Grievance Commission, there had been a preference and resulting requirement that at least three Board members - one public and two attorneys - also be members of the Grievance Commission. With the growing experience and service of the now increased membership of the Grievance

Commission, such a duality requirement was deemed no longer necessary for the voluntary membership of either the Board or the Grievance Commission.

2. Bar Rules 4(e) and 5(g) have been added to now clearly provide for immunity from liability for any conduct by members of the Board, Bar Counsel, Assistant Bar Counsel, Board and Bar Counsel staff and the Board's Commissions in the course of their official duties under any provision of the Maine Bar Rules.

3. LD 237 was presented to the Legislature in 1995 involving a proposed additional grievance complaint process through the Department of the Attorney General. Although the bill eventually was withdrawn, and in fact Attorney General Andrew Ketterer himself spoke against its passage and in favor of keeping the Board's complaint process in its present form, related amendments were made to the Bar Rules to provide for more public involvement at the leadership and decision-making levels. In that regard, Rule 4(a) was amended to require that lay members of the Board of Overseers shall now be appointed by the Court on the recommendation of the Governor. Further, Bar Rules 7(b)(3) and 7.1(c)(1) were amended to provide that on a rotating basis lay members of both the Board and the Grievance Commission shall review those matters where a complainant files a written request for review of Bar Counsel's dismissal of a matter under Rule 7.1(c),

i.e., matters deemed by Bar Counsel not to allege professional misconduct by an attorney.

#### **B. INFORMAL ADVISORY OPINIONS**

The office of Bar Counsel continues to provide daily assistance to Maine attorneys through the rendering of informal advisory opinions, usually over the telephone. Bar Counsel's assistance is limited to providing an attorney with an assessment of either that attorney's or the attorney's firm's proposed conduct under the Maine Bar Rules. Bar Counsel will not provide any such advice without first confirming that the conduct relates to the requesting attorney's own situation, because Bar Counsel is prohibited by both Advisory Opinion No. 67 and Board Regulation No. 28 from opining to anyone else - including a court - as to the propriety of an attorney's conduct.

#### **C. ASSISTANCE TO THE MAINE STATE BAR ASSOCIATION**

Bar Counsel and Assistant Bar Counsel continued to assist and appear on panels of various continuing legal education seminars of the Maine State Bar Association, local county bar associations and other organizations involving ethical issues, and also attended meetings and workshops of the MSBA's substance abuse committee.

In early 1995, Bar Counsel Davis and MSBA President Susan Hunter engaged in discussions to understand and develop better ways in which the grievance complaint process might be delivered to attorneys. As one result of that discussion, Bar Counsel and the

Board revised the format and language of the initial grievance complaint docketing letter as mailed to attorneys. That approach was used further later in the year when Bar Counsel Davis spoke to a meeting of the MSBA Family Law Section to explain and receive complaints about the processing of grievance complaints in the context of ongoing divorce litigation.

Bar Counsel Davis also co-authored with Augusta Attorney Malcolm L. Lyons an article published in the July 1995 edition of the *Maine Bar Journal* entitled, How to Avoid Making a Bad Situation Worse - Responding to a Complaint to the Board of Overseers of the Bar. In that article, the authors presented their respective suggestions from both sides of the grievance complaint process as to the proper and most professional manner in which to respond to grievance complaints.

#### **D. CONTINUING LEGAL EDUCATION - BAR RULE 6(a)**

In filing their registration statements, Maine attorneys continue to be required by Bar Rule 6(a) to list all formal continuing legal education in which they participated in the preceding calendar year. Accordingly, through the efforts of Board member Craig A. McEwen, Ph.D., the Board has filed with the Court its Report on Voluntary Continuing Legal Education by 1995 Maine Bar Registrants. Although that report was completed and filed in 1996, because it directly relates to the educational activities of Maine attorneys in 1995, it is attached herein as a part of Bar Counsel's 1995 Annual Report. As indicated, it is noted that

attorneys' self-reported voluntary participation in continuing legal education was higher in 1995 than 1994, but the reasons for the higher rate are unclear.

**E. CLIENT PROTECTION FUND ADVISORY COMMITTEE**

Pursuant to its duties and responsibilities under Bar Rule 4(d)(17),<sup>5</sup> the Board appointed a Client Protection Fund Advisory Committee to prepare a report to the Board concerning two issues: 1) whether the Board and that Committee should recommend to the Court the establishment by rule of a Client Protection Fund; and 2) if so, what form should that rule take? The Committee met on several occasions in 1995 to study this matter, which included review and comparison of the American Bar Association's Model Rules on Client Protection as well as the version of the rules used in six other states having attorney populations similar to that of Maine.<sup>6</sup>

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**<sup>5</sup> RULE 4 BOARD OF OVERSEERS OF THE BAR**

**(d) Responsibilities and Authority.** The Board of Bar Overseers:

(17) shall have the responsibility for establishing procedures for, and supervising, a continuous study of the Bar in its relation to the public and the courts for the purpose of making recommendations to the Court with respect to changes, additions or deletions in these rules or for such other action by the Court as it may deem advisable in its superintendence of the Bar. In furtherance hereof, the Board may establish or designate such commissions, agencies, or persons, to assist its study as it shall deem advisable;

<sup>6</sup>By a vote of 8-2-1, the Committee filed a draft proposed client protection fund rule and minority (dissenting) report with the Board in April of 1996; a public forum was conducted at the Summer meeting of the Maine State Bar Association on June 14, 1996.

#### F. VISITING COMMITTEE

Acting under those same responsibilities set forth in Bar Rule 4(d)(17), the Board also appointed a Visiting Committee to conduct a study of the operations of the Grievance Commission, the Fee Arbitration Commission, and the Professional Ethics Commission with a goal of gauging the effectiveness, fairness and public perception of the disciplinary process. To reach that goal, the Committee proposed at least four methods:

1. To visit and observe meetings of Grievance and Fee Arbitration Commission panels;
2. To conduct a survey using written questionnaires and telephonic interviews with members of the Bar and public.
3. To review the content and availability of information relating to the disciplinary process.
4. To have a sub-committee examine the process by which formal and informal ethics opinions are administered and delivered.

As a result of its involvement and review activities, substantial changes were made to the Fee Arbitration Commission's informational pamphlet resulting in a more readable and helpful publication being issued. It was also understood that at the conclusion of its study, the Committee would issue a formal written

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In July of 1996 by a vote of 6-1 (two members absent), the Board voted to recommend that the Court establish a client protection fund rule. That draft rule presently remains under study by the Court.



report to the Court and the Board of Overseers.<sup>7</sup>

**G. GRIEVANCE COMMISSION'S ORIENTATION GUIDE**

1995 saw the authorship and Board approval of the Grievance Commission's first orientation guide<sup>8</sup> wherein new members to the Grievance Commission now have a quite detailed booklet to become familiar with the grievance complaint process, from filing of the complaint through court proceedings. In that regard, the Board and the Commission are most thankful to the author, Marc V. Schnur, for his invaluable time and expertise in the preparation of that important booklet.

The Board also accepted with regret Mr. Schnur's resignation from service as the Court-approved Financial Consultant to the Board. His position has been replaced by a Board Finance Committee. Mr. Schnur will be missed, since upon completion of that term, he concluded more than 17 years of voluntary and unsparing service to Maine's bar and public as a member (at various times) of the Board of Overseers, the Fee Arbitration Commission, the Grievance Commission, the Client Protection Fund Advisory Committee and Financial Consultant.

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<sup>7</sup>Because the Committee assumed more projects to study than initially intended, it did not conclude its review until June of 1996, whereupon its report was filed and is now available for public inspection at the Board's office.

<sup>8</sup>As a result of the author's work in this regard and the Visiting Committee's inquiry, an earlier and similar guide concerning the Fee Arbitration Commission as authored by Robert F. Preti, Esq. (a Visiting Committee member and charter member of the Board of Overseers) was revised by Board staff for utilization by the Fee Arbitration Commission.

#### H. PROPOSED MAINE BAR RULE AMENDMENTS

Although not formally submitted to the Court in calendar year 1995, the Board did give extensive consideration and eventual approval in that year to proposed amendments in two areas of the Maine Bar Rules.

First, having become concerned as to the extensive time and hearing levels involved in the reinstatement process under Bar Rule 7.3(j), the Board gave final approval to a proposal for an amendment to that rule to provide for petitioners to submit a filing fee and completed Board questionnaire at the time any petition for reinstatement is filed. The petition and questionnaire are then reviewed by Bar Counsel who will decide whether to approve or oppose the petition. If Bar Counsel indicates approval, the matter is considered by the Board with the petitioner present to confirm the Board's agreement with that assessment. If the Board disagrees, or if in the first instance Bar Counsel files an opposition to the petition, the matter is set for hearing before a panel of the Grievance Commission.<sup>9</sup>

The Board also gave extensive study and approved proposed amendments of the registration and fee payment rules, Bar Rules 6 and 10. The Board acted in response to criticisms often presented mostly by non-resident Maine attorneys conducting an active practice elsewhere. Under the earlier (1995) language and

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<sup>9</sup>Effective April 15, 1996, the Court adopted and promulgated this rule amendment as proposed by the Board.

interpretation of the Bar Rules, any registered Maine attorney actively practicing anywhere was required to pay an annual registration fee, even if conducting no practice in the State of Maine. Pursuant to the Board's proposed amendments, any inactive Maine attorney is to be required to register and pay one-half of the active fee in the applicable active registration category for the first three years of inactive status. After that three year period, no fee or registration statement need be filed, but upon petitioning for reinstatement, a reinstatement fee and an arrearage amount is required from all such inactive attorneys seeking to resume active status.<sup>10</sup>

#### CONCLUSION.

Maine's disciplinary system and its related fee arbitration and ethics components could not operate successfully without the dedication of its many public and attorney volunteers, all of whom serve without pay. Bar Counsel and staff wish to thank all of those many volunteers for their support of and contribution to that disciplinary system.

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<sup>10</sup>Effective April 15, 1996 the amendments as submitted by the Board were approved by the Court.

The Board of Overseers and Bar Counsel are interested in providing improvement and becoming more effective in protecting the public and the integrity of the Maine bar, and any suggestions are welcome. Also, any attorney needing a conference room for a meeting or a deposition in the Augusta area is invited to make use of the Board's conference room.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Scott Davis', is written over a horizontal line.

Dated: August 13, 1996

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**BAR COUNSEL'S 1995 ANNUAL REPORT**

**VII. APPENDIX**

**STATISTICAL ANALYSIS OF DISCIPLINARY MATTERS  
AND FEE DISPUTES**

**REPORT ON VOLUNTARY CONTINUING LEGAL EDUCATION BY 1995  
MAINE BAR REGISTRANTS**

**MEMBERSHIP LISTS**

## **DISCIPLINARY COMPLAINT AND HEARING SUMMARY**

January 1, 1995 to December 31, 1995

### **GRIEVANCE COMMISSION**

#### **I. Complaints Reviewed - 188**

**ACTION:**

Dismissals:	142
Dismissals with warning to attorney:	25
Disciplinary hearings authorized:	19
Directly to Court re: Rule 7.2(b)(7)	2

#### **II. Dispositions After Public Hearing - 23 complaints**

**ACTION:**

Dismissals:	7
Dismissals with warning:	1
Reprimands issued:	9
Complaints authorized to be filed with Court by information:	6

#### **III. Grievance Complaint Summary**

A. Complaints pending at start of period:	110
B. New complaints docketed:	251
C. Total complaints pending:	<hr/> 361
D. Total complaints closed by review or hearing:	211
E. Complaints pending investigation, review or hearing:	150

COURT MATTERS - 1995

Disciplinary orders issued:

1. Disbarments	5 <sup>11</sup>
2. Suspensions	2
3. Suspended Suspensions	1
4. Resignation	0
5. Reprimand	1
6. Dismissal	1
7. Reinstatements	
a. approved	3
b. denied	1
8. Contempt found	3
9. Probation w/o suspension	1
Total:	<u>18</u>

Total Disciplinary Matters Pending - 12/31/95

A. Grievance Commission

1. Complaints to be investigated and reviewed:	112
2. Complaints awaiting Grievance Commission disciplinary proceedings:	20
3. Complaints heard - decisions pending:	3

B. Supreme Judicial Court of Maine

1. Attorneys involved in pending informations or actions	10 (15 complaints)
2. Informations authorized, but not yet filed	5 (7 complaints)

TOTAL: 150

(Comparative total for 1994 - 158)

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<sup>11</sup>Includes one matter initiated and processed by the Committee for Judicial Responsibility and Disability against a former judge.



1995 Summary of Disciplinary Impositions

Bar Rules Found to Have Been Violated<sup>12</sup>

Grievance Commission Reprimands - 9 :

<u>Rule</u>	<u>Misconduct</u>	<u>Number</u>
2(c)	Failure to answer charges	1
3.1(a)	Conduct unworthy of an attorney	3
3.2(f) (3)	Misrepresentation / deceit	2
3.2(f) (4)	Prejudicial to the admin. of justice	2
3.4(c); (e) (former rules)	Conflict of interest	3
3.6(a)	Neglect of client matter	3
3.6(1) (former rule)	Violation of client confidences	1
		<u>15</u>

Court Suspensions / Disbarments - 6 :

<u>Rule</u>	<u>Misconduct</u>	<u>Number</u>
2(a)	Unable to properly perform as an attorney	1
2(c)	Failure to cooperate w/Bar Counsel	1
3.1(a)	Conduct unworthy of an attorney	3
3.2(f) (2)	Illegal conduct	1
3.2(f) (4)	Prejudicial to the admin. of justice	2
3.3(a)	Excessive fees	2
3.6(a)	Neglect of client matter	4
3.6(h)	Violation of client confidences	1
		<u>15</u>

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<sup>12</sup>Certain of the disciplinary decisions cite multiple rule violations.

1995 GRIEVANCE COMPLAINTS - CHARACTERIZATION

	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
1. Trust violation	3	1
2. Conflict of interest	25	10
3. Neglect	86	34
4. Relationship w/client	15	6
5. Misrepresentation/fraud	53	21
6. Excessive fee	13	5
7. Interference w/justice	50	20
8. Improper advertising/ soliciting	0	0
9. Criminal conviction	1	.5
10. Personal behavior	2	1
11. No cooperation w/Bar Counsel	0	0
12. Medical	0	0
13. Incompetence	2	1
14. Jurisdiction	0	0
15. Conduct unworthy of attorney	1	.5
16. Other	0	0
	<u>251</u>	<u>100</u>

1995 - GRIEVANCE COMPLAINTS - AREA OF LAW

	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
A. Family	80	32
B. Juvenile	0	0
C. Criminal	24	9.5
D. Traffic	0	0
E. Probate/Wills	12	5
F. Guardianship	1	.5
G. Commercial	5	2
H. Collections	16	6
I. Landlord/Tenant	7	3
J. Real Property	33	13
K. Foreclosure	0	0
L. Corporate/Bank	2	1
M. Torts	38	15
N. Administrative Law	0	0
O. Taxation	0	0
P. Patent	2	1
Q. Immigration	0	0
R. Anti-Trust	0	0
S. Environmental	0	0
T. Contract/Consumer	1	.5
U. Labor	3	1
V. Worker's Comp	7	3
W. Other/None	14	5
X. Bankruptcy	5	2
Y. Municipal	<u>1</u>	<u>.5</u>
	251	100

1995 GRIEVANCE COMPLAINTS

<u>SOURCE OF COMPLAINT</u>	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
1. Client	134	53
2. Adverse Party	75	30
3. Lawyer or Judge	33	13
4. Board or Staff	9	4
	<u>251</u>	<u>100</u>

TOTAL COMPLAINTS BY SIZE OF LAW OFFICE

1. Sole Practitioner	106	42
2. 2	52	21
3. 3-6	54	21
4. 7-10	13	5
5. 11 or more	19	8
6. Government and Other	7	3
	<u>251</u>	<u>100</u>

TOTAL COMPLAINTS BY AGE OF ATTORNEYS

1. 24-29	1	.5
2. 30-39	47	19
3. 40-49	108	43
4. 50-59	76	30
5. 60+	18	7
6. Unknown	1	.5
	<u>251</u>	<u>100</u>

<u>YEARS OF PRACTICE IN MAINE BAR</u>	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
1. 40-61 years	5	2
2. 30-39 years	7	3
3. 20-29 years	56	22
4. 10-19 years	99	39
5. 2-9 years	81	32
6. Less than 2 years	2	1
7. Not admitted in ME	<u>1</u>	<u>1</u>
	251	100

COMPLAINTS BY COUNTY

1. Androscoggin	12	5
2. Aroostook	17	7
3. Cumberland	63	25
4. Franklin	2	1
5. Hancock	5	2
6. Kennebec	19	8
7. Knox	18	7
8. Lincoln	5	2
9. Oxford	8	3
10. Penobscot	37	15
11. Piscataquis	1	.5
12. Sagadahoc	7	3
13. Somerset	13	5
14. Waldo	4	1.5
15. Washington	6	2
16. York	32	12
17. Out of State	2	1
	<u>251</u>	<u>100</u>

1995 BAR COUNSEL FILES

<u>CHARACTERIZATION</u>	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
1. Conspiracy	17	9
2. Disagreement over conduct of case	12	7
3. Habeas Corpus	10	5.5
4. Insufficient information	14	8
5. Lack of professionalism	25	14
6. Malpractice	1	0.5
7. Personal life	5	3
8. Request for legal assistance	82	46
9. Other	<u>13</u>	<u>7</u>
Total Bar Counsel Files Docketed:	179 <sup>13</sup>	100
Bar Counsel Files pending at start of period	41	
Total Bar Counsel Files on docket	<u>220</u>	
Bar Counsel Files closed during period	<u>199</u>	
Bar Counsel Files pending at end of period	21	
.....		
Bar Counsel Files Dismissed	142	
Dismissals appealed	36	
Action on review of those appeals		
Dismissals affirmed	32	
Dismissals vacated (re-docketed for Grievance Commission Panel review)	1	
Reviews open as of 12/31/95	3	

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<sup>13</sup>Includes 7 matters originally docketed as Bar Counsel Files, and later transferred to formal grievance complaint status prior to December 31, 1995.

1995 BAR COUNSEL FILES

<u>AREA OF LAW</u>	<u>NUMBER</u>	<u>PERCENT OF TOTAL</u>
A. Family	39	22
B. Criminal	28	16
C. Probate/Wills	13	7
D. Commercial	0	0
E. Collections	10	5
F. Landlord/Tenant	8	4
G. Real Property	24	14
H. Corporate/Bank	3	2
I. Torts	9	5
J. Labor	0	0
K. Worker's Comp	8	4
L. Bankruptcy	2	1
M. Municipal	5	3
N. Other/None	<u>30</u>	<u>17</u>
	179	100

FEE ARBITRATION COMMISSION  
PETITION SUMMARY  
January 1, 1995 through December 31, 1995

PETITIONS:

Pending at start of period:		19
Docketed during period :		87
Total open petitions during period:		<u>106</u>
Dismissed, settled, withdrawn:	48	
Heard and closed:	41	
Heard and awaiting awards:	<u>0</u>	
Total petitions closed during period:	89	
Total petitions pending at close of period:		17

BREAKDOWN OF HEARING DATES BY PANEL:

Panel IA:	(York)	3
Panel IB:	(Cumberland)	7
Panel II:	(Androscoggin, Franklin Lincoln, Oxford & Sagadahoc)	5
Panel III:	(Kennebec, Knox, Somerset & Waldo)	6
Panel IV:	(Aroostook, Hancock, Penobscot, Piscataquis, & Washington)	<u>4</u>
TOTAL:		25

Comparison of Petitions docketed:

1993:	111
1994:	89
1995:	87



## Report on Voluntary Continuing Legal Education by 1995 Maine Bar Registrants

March 1996

Craig McEwen

Beginning in 1994, all attorneys registering as active members of the Maine bar were required to complete a statement describing their participation in continuing legal education during the prior calendar year.<sup>1</sup> An earlier report to the Supreme Judicial Court (Report on Voluntary Continuing Legal Education by 1994 Maine Bar Registrants) described the pattern of voluntary continuing legal education participation by Maine bar registrants in the initial implementation year of this new Rule. Among that report's conclusions was the observation that in the initial year many lawyers were unaware of the Rule, and its effective date applied to a calendar year of activity already nearly complete. Any long-term effects of the Rule would have to wait at least a year to see whether, with full knowledge of the Rule, Maine lawyers increased their voluntary participation in continuing legal education. This report briefly summarizes self-reported continuing legal education in the second year of the Rule. It shows that self-reported voluntary participation in CLE was higher in 1995 than 1994, although the reasons for that higher rate remain unclear.

In their 1995 registrations, 68.8% of all active Maine bar registrants reported engaging in

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<sup>1</sup> That Rule asks "that every registered Maine lawyer should endeavor to complete (12) credit hours annually of continuing legal education (CLE) with at least one (1) credit hour being primarily concerned with issues of professional responsibility" (M. Bar R. 3.11). Rule 6(a) further provides that those lawyers shall furnish with the annual registration statement, information concerning the formal CLE programs in which the lawyer participated during the preceding calendar year. Those Rules were approved by the Supreme Judicial Court on February 15, 1994.

at least some CLE activity, compared to 57.5% the previous year<sup>2</sup>. The percentage of active registrants reporting completion of 12 or more hours also increased, from 42.8% in 1994 to 51.2% in 1995. The increases in reported CLE participation occurred in virtually all Maine counties and for all sizes of law firms (see Tables 1 and 2). Participation in CLE remains related to years of practice but has increased for all experience groups. While 66% of lawyers with five or fewer years of experience report CLE in their 1995 registrations (compared to 48% in 1994), roughly 72% of those with 6 to 30 years of practice reported some CLE (compared to about 60% in 1994). Lawyers with over 30 years of experience were least likely to report any CLE -- 56% indicated that they had engaged in at least some CLE in 1995 compared to 40% in 1994.

The increase in reported CLE participation was a little bit greater for registrants practicing in Maine than for out-of-state registrants. In 1994, 48.6% of out-of-state registrants reported at least some CLE while 36% indicated completion of 12 or more hours. In 1995, these percentages grew modestly to 56.1% and 42.4% respectively. For lawyers in Maine practice, the percentage reporting completion of at least some CLE grew from 62% in 1994 to 72.9% in 1995 and from 45% reporting 12 or more hours in 1994 to 54.1% in 1995.

In the previous report to the Court, there was no evidence about completion of continuing legal education on issues of professional responsibility. The 1995 registration form clarified questions about such CLE work, so that it is now possible to report on it. In 1995, 35.9% of all

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<sup>2</sup> The data on CLE hours were extracted from the Registration statements by Debbie Mazeroll. No effort was made to screen the self-reports for the "legitimacy" of the CLE reported. Some confusion in the way that lawyers were asked to report total CLE hours produced some inconsistency in data entry early in the process of recording the data. Although many of these early errors were corrected, some may remain. These may distort slightly the percentages reported here of lawyers completing 12 or more hours of CLE, but they have no effect on the computation of percentages of lawyers who reported no CLE at all.

active Maine registrants reported at least one hour of CLE on professional responsibility. Out-of-state registrants were somewhat more likely than in-state registrants to report such CLE -- 40.0% of out-of-state registrants compared to 34.6% of in-state registrants.

The general self-reported increase in CLE participation in the first full year of the new CLE reporting requirement is consistent with the view that hortatory standards can modify lawyer conduct. However, although these patterns of change appear encouraging, it is not clear whether they represent real increases in CLE participation as a result of the hortatory standard, better record-keeping and fuller reporting of CLE activity once lawyers knew the Rule was in effect, or more imaginative interpretation of what might be counted as CLE. If the second or third explanations account for much of the change between 1994 and 1995, there is no reason to suppose that increases will continue in subsequent years. Even in the second year of CLE reporting, 48.8% of all active Maine registrants report completing fewer than 12 CLE hours per year and only 35.4% report at least one hour of CLE work on issues of professional responsibility. Nearly one-third of Maine registrants report no CLE during the previous calendar year.

**Table 1. Percent Registered Lawyers Reporting No CLE by Firm Size and Registration Year**

<b>Size/Character of Law Firm</b>	<b>% No CLE</b>	
	<b>1994</b>	<b>1995</b>
Sole	45.1%	38.9%
2 person	39.3%	26.5%
3-6 person	32.2%	20.9%
7-10 person	26.5%	23.0%
11-49 person	27.9%	18.9%
50-99 person	27.7%	43.8%
100 plus person	45.3%	20.5%
Public employee	47.1%	34.5%
Other	63.0%	58.6%

**Table 2. Percent Registered Lawyers Reporting Completion of No CLE by County and Registration Year**

Location of Practice	% No CLE	
	1994	1995
Out of State	50.9%	46.5%
Androscoggin	29.8%	18.2%
Aroostook	48.5%	29.5%
Cumberland	34.1%	28.4%
Franklin	25.0%	40.7%
Hancock	41.7%	36.6%
Kennebec	42.1%	28.2%
Knox	43.9%	25.8%
Lincoln	47.2%	34.4%
Oxford	26.3%	15.2%
Penobscot	35.7%	22.4%
Piscataquis	50.0%	22.2%
Sagadahoc	57.8%	39.2%
Somerset	38.1%	33.3%
Waldo	40.0%	27.3%
Washington	33.3%	16.0%
York	33.3%	25.3%

## 1995 BOARD AND COMMISSION MEMBERS

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Hon. Paul L. Rudman

#### BAR COUNSEL:

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#### ASSISTANT BAR COUNSEL:

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Debra L. Mazeroll	Bar Admission Administrator & Board Secretary
Jennifer L. Stevens	Administrative Clerk (commencing May, 1996)
Jaye M. Trimm	Administrative Secretary & Fee Arbitration Secretary