

STATE OF MAINE

SUPREME JUDICIAL COURT  
Docket No. Bar-11-12

BOARD OF OVERSEERS ]  
OF THE BAR ]  
v. ]  
ERIC B. COTE, ESQ. ]

DECISION AND ORDER

A hearing was held concerning the information filed by the Board of Overseers of the Bar v. Eric B. Cote Esq. on November 8, 2011. The parties entered and filed with the Court a stipulation regarding most of the facts in this matter prior to the hearing conducted on March 15, 2012. Bar Counsel dismissed a second claim involving the same subject matter. The Board of Overseers of the Bar was represented by Aria Eee, Esq. and Mr. Cote represented himself.

Eric B. Cote has practiced law in Saco, Maine since 1977. He practices as a solo practitioner. Mr. Cote represented Rory Holland from October 2008 through April 2009 regarding a real estate partition action in which Mr. Holland was the defendant and Susan Varney was the plaintiff. Mr. Holland approached Mr. Cote one day in Biddeford District Court and asked Mr. Cote to represent Mr. Holland in the partition matter. Mr. Cote agreed to the representation on a limited basis. Mr. Cote did not agree to file an entry of appearance but agreed to advise and attempt to negotiate a

settlement between Ms. Varney and Mr. Holland. Mr. Cote was successful and obtained a favorable settlement on behalf of Mr. Holland and Mr. Holland signed the settlement agreement. Sometime thereafter, Mr. Holland reneged on the settlement agreement and refused to cooperate in further settlement of the matter. Mr. Cote subsequently withdrew from the representation of Mr. Holland and did not charge him any money for the representation. Neither the initial representation nor the withdrawal is in writing. At a later point, Mr. Holland asked Mr. Cote to attend a hearing in Superior Court regarding the enforcement of the settlement agreement and Mr. Cote refused to attend. At that point Mr. Holland threatened to “put a bullet in Susan Varney’s head and put a bullet in his head.” Mr. Cote reported the threat to Ms. Varney’s lawyer and she reported the threat to the police.

Approximately two months after Mr. Cote’s withdrawal from the case, Mr. Holland shot and killed Derek and Gage Greene. The shooting took place on June 30, 2009, and the grand jury returned an indictment on July 10, 2009. Mr. Holland was subsequently convicted of the murders and is serving a double life sentence.

From that time forward Mr. Cote engaged in an extensive investigation of Mr. Holland’s past. He is convinced Mr. Holland is a serial

killer responsible for many deaths and in at least one case another individual was wrongly convicted of the crime. In addition, he represented Tammy Cole, the mother of the Greene brothers, in a wrongful death action against Mr. Holland. Mr. Cote acknowledges he obtained confidential information from Rory Holland. He knew what assets Mr. Holland owned and which were subject to encumbrances. Having dealt with Mr. Holland's extreme behavior in the partition action, Mr. Cote was aware of Mr. Holland's tendency toward violence and the manner in which he handled litigation. Mr. Cote embarked on a one-man crusade studying various missing persons records and attempting to connect Mr. Holland to other crimes. He also received access through Susan Varney to a home she had shared with Mr. Holland and obtained over sixty videotapes and a computer from that home. Mr. Cote then turned over the videotapes and computer to the police investigating the murders. Mr. Holland filed a motion to suppress regarding the tapes and claims he did not testify at the trial as a result of the ruling on the motion.

This Court finds that Mr. Cote has violated Rules 1.9 and 8.4(d) of the Maine Rules of Professional Conduct because he had confidential information from his representation of Mr. Holland which he used against Mr. Holland in the subsequent action.

