

STATE OF MAINE

SUPREME JUDICIAL COURT  
Docket No. BAR 11-11

Board of Overseers of the Bar )  
Plaintiff )  
vs. )  
David E. Hunt, )  
of Portland, ME )  
Me. Bar No. 2522 )  
Defendant )

**ORDER  
OF SUSPENSION  
M. Bar R. 7.3(e)(2)(B)**

The Board of Overseers of the Bar has petitioned the Court to suspend David E. Hunt from the practice of law in Maine. The Board's Petition included multiple exhibits and an Affidavit of Assistant Bar Counsel Aria Eee. Following extended negotiations, the parties notified the Court that they had reached agreement on resolution of this matter. This Order of Suspension adopts and approves the parties' agreement.

**FINDINGS**

Attorney Hunt was admitted to the Maine bar in 1981. Since approximately 1997, he practiced in Portland either within a small law firm or as a solo practitioner. In October 2011, Hunt was administratively suspended for his failure to complete his annual attorney registration filing and attain continuing legal education credits required by the Maine Bar Rules.

In recent years, Hunt has suffered from the effects of serious substance abuse, which the Board and Hunt regard to be a form of disability. Hunt initially sought treatment at Mercy Hospital on multiple occasions. In December of 2010 and January of 2011, Hunt sought inpatient substance

abuse treatment at Father Martin's Ashley in Maryland, a well-regarded substance abuse facility. He returned to that facility for a second inpatient treatment session in August 2011. His treatment at Ashley followed a period of absences from his office. Hunt arrived back in Maine on August 17, 2011. Meanwhile, at or about the time of Hunt's out-of-state treatment, the Court, upon a motion of the Board, ordered on August 18, 2011, that Hunt's law practice be placed into receivership, and the Court appointed Attorney Kurt Klebe, Esq., to serve as the Receiver. On August 24, 2011, Hunt was ordered by the Court to relinquish possession of all his client files and client property to the Receiver.

Prior to the appointment of the Receiver, Hunt was not able to perform all of his legal work or fully monitor his client matters to the standards required by the Maine Code of Professional Responsibility. His failures constituted violations of M.R. Prof. Conduct 1.3 and 1.4. Additionally, Bar Counsel asserts that Hunt made improper use of his operating and trust accounts and failed to comply with M.R. Prof. Conduct 1.15 by placing some advanced fees in his operating account. According to Hunt, he never actually billed clients for retainers. Instead, his practice was to periodically bill the decedents' estates he represented, both for fees already incurred as well as in advance of the provision of services. The Receiver's March 12, 2012 Report addressed Bar Counsel's concerns about Hunt's trust and operating accounts. The Court adopts that Report to resolve any factual disputes related to Hunt's use of or attempted access to those accounts. Based on the Court's review and

analysis, there likely was a technical violation of Rule 1.15 because, to the extent that client payments were payments in advance for services not yet rendered, the payments should have been deposited by Hunt into his trust account.

Hunt was hospitalized at Maine Medical Center from approximately July 6 to October 2, 2012. He is currently at a facility in Maine where he continues to be treated primarily for medical (physical) maladies. Hunt represents that he has abstained from the use of alcohol since his hospitalization in July of 2012.

The Court finds that due to his impairment and related actions, Hunt has been unable and remains unable to properly discharge his professional duties as a member of the Bar.

### **SANCTION**

Accordingly, upon consideration of the Board of Overseers of the Bar's Petition for Suspension and the parties' proposed, stipulated agreement, it is hereby ORDERED as follows:

1. The Board of Overseers of the Bar's Petition for Suspension is granted;
2. Effective retroactively to August 18, 2012, and pursuant to M. Bar R. 7.3(e)(2)(B), David Hunt is suspended from the practice of law in Maine. This suspension is based upon Hunt's incapacitation and his violations of various provisions of the Maine Rules of Professional Conduct.
3. Hunt's suspension is for the term of three (3) years. However, eighteen (18) months of that suspension is itself suspended,

provided Hunt does not otherwise violate the conditions of this Order or commit any new violations of the Maine Rules of Professional Conduct.

4. The Court emphasizes that any work performed by Hunt during his suspension must not be the provision of legal services or the practice of law, despite his training and prior bar licensure. Moreover, Hunt must ensure that any firm (and firm clients) for whom he may work as a paralegal or in any other capacity is notified in advance of the restrictions on his services imposed by this Order, including that Hunt is not permitted to practice law or provide legal advice.
5. Hunt must wait until eighteen (18) months from the effective date of his suspension (August 18, 2012) to seek reinstatement; and
6. Prior to his reinstatement in Maine, Hunt must comply with the provisions outlined in M. Bar R. 7.3(j), as well as the below conditions.
7. In that regard, Hunt is Ordered and further agrees to the following conditions for reinstatement, should that status be granted anytime after February 18, 2014:
  - a. Random substance abuse testing must have been in place for one year prior to his Petition for Reinstatement and continue for three years following his reinstatement;
  - b. Active participation in Alcoholics Anonymous (AA) or other certified substance abuse programs;
  - c. Comply with any and all probation conditions, including no use of alcohol and/or drugs, and no driving if his driver's license or right to operate a motor vehicle is suspended or revoked;
  - d. Evaluation by a mental health clinician agreed to by Bar Counsel, and the satisfactory performance of any required treatment, prior to filing a petition for reinstatement;
  - e. Yearly medical examinations following entry of this Order;

- f. Participate and contract with the Maine Assistance Program for Lawyers (MAP) program, including attendance at, and participation in, meetings as referred by the MAP Director;
- g. If requested by Bar Counsel, provide ongoing verification that his office lease payments are current if he is a lessee of office space;
- h. Employ at least one support staff-person familiar with the requirements of a law office practice if he is a sole practitioner;
- i. Maintain current annual registration and CLE requirements as required by the Maine Bar Rules and regulated by the Board of Overseers of the Bar;
- j. Reimburse any Receivership fees or costs paid on Hunt's behalf by the Board of Overseers and or the Lawyers' Fund for Client Protection; and
- k. At least one month before Mr. Hunt may file a Petition for Reinstatement, Mr. Hunt, Bar Counsel and a Monitor shall execute a Monitoring Agreement. The Monitor shall contract for the performance of a limited financial audit of Mr. Hunt's operating and trust accounts. The Monitor shall also meet with Mr. Hunt each month, and report her/his findings to the Board on a quarterly basis or sooner, if circumstances require. The monitoring of Mr. Hunt's practice shall conclude after eighteen months, unless both Mr. Hunt and Bar Counsel agree to extend the duration of required monitoring, or the Court extends the duration of required monitoring. Mr. Hunt and Bar Counsel shall attempt to agree on the selection of the Monitor. In the event that they cannot agree on the selection of a Monitor, and in the event that Mr. Hunt intends to resume practice as a solo practitioner, Bar Counsel may select a Monitor, subject to the Court's approval. In the event that Mr. Hunt and Bar Counsel cannot agree on the selection of a Monitor, and Mr. Hunt has

secured employment with a firm of more than three other lawyers, then the Court may appoint a lawyer from that firm to serve as the Monitor.

8. Upon the motion of Bar Counsel, the Court will schedule a hearing and consider whether to impose all or a portion of the suspended portion of Hunt's suspension if: (1) the Board of Overseers receives any further grievance complaints against Hunt or otherwise has cause to believe that Hunt has violated any requirement of the Maine Rules of Professional Conduct; (2) if Hunt has a relapse as reported by Bar Counsel or any third-party; (3) if Hunt is admitted into any facility for substance abuse treatment; or (4) if Bar Counsel asserts that it has reasonable cause to believe that Hunt has violated any condition of this Order.

Dated: July 18, 2013

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/s/  
Justice Jon D. Levy  
Associate Justice  
Maine Supreme Judicial Court