

State of Maine

MAINE SUPREME JUDICIAL COURT

Docket No. BAR-13-20

IN RE:

William B. Cote

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Order for
Appointment of Proxy
M. Bar R. 7.3(f)(1)

Upon the November 7 and 21, 2013 requests for Appointment of Receiver filed by the Board of Overseers of the Bar, pursuant to M. Bar R. 7.3(f), this Court Orders the following:

As of this date, Andrucki & Associates is appointed as the Proxy of William B. Cote's law practice. As such Andrucki & Associates shall have the sole authority to:

1. Secure the office keys, professional files, client funds and file property of the Cote law office;
2. Obtain signatory authority over all Cote law office bank accounts (IOLTA and operating/office accounts).
3. Obtain access to Mr. Cote's computer hardware and software (together with required passwords), and any post office boxes to secure all law office or legal mail.
4. Inventory the open and closed client files.
5. Give priority attention to client matters which are open and time sensitive. Notify all courts that Andrucki & Associates is serving as Mr. Cote's Proxy until further order of this Court.

6. Notify clients or former clients that Andrucki & Associates is serving as Proxy to the Cote law practice and provide opportunity for clients to consult with the Proxy or retrieve their property.
7. The Proxy shall access and utilize Mr. Cote's operating and IOLTA accounts to prudently and appropriately manage the practice. The Proxy may pay expenses, as they deem appropriate given available funds or anticipated receivables to the firm. The Proxy may also hire temporary office staff and take other action as necessary and appropriate to manage the Cote law practice.

As a service to the bar, the Law Firm of Andrucki & Associates acknowledge that they shall serve as Proxy on a *pro bono* basis, although if there are sufficient assets (including receivables) from Mr. Cote's law practice, Andrucki & Associates may be reimbursed from those assets. The Proxy shall submit a quarterly written report to the Court and the Board of Overseers of the Bar containing a record of time worked.

Likewise, the Proxy shall submit an itemized list of any disbursements made to effect the terms of this Order. Mr. Cote and his law practice shall be the first choice for source of payment for those disbursements. If insufficient assets are available from Mr. Cote, the Board of Overseers of the Bar may be an alternate payment source for those disbursements.

The law firm of Andrucki & Associates shall act as Proxy until discharged by the Court either by Motion or in accordance with M. Bar R 7.3(f).

Andrucki & Associates so appointed shall not disclose any information contained in any file listed in the inventory without the consent of the client to whom such file relates except as may be necessary to carry out an order of court including any order under M. Bar R 7.3(f).

Furthermore, Andrucki & Associates may be engaged by any former client of Attorney Cote's provided that the Proxy informs such client in writing that the client is free to choose to employ any attorney, and that the Court's appointment order does not mandate or recommend the Proxy's employment by the client.

The Proxy is subject to all Maine Rules of Professional Conduct, including M. R. Prof Conduct 1.7; 1.8 and 1.9 regarding conflicts of interest. A client's retention of the Proxy as successor counsel is not a per se conflict of interest solely by reason of appointment by this Order.

Andrucki & Associates shall be protected from liability for professional services rendered in accordance with this Order.

Finally, within sixty (60) days of this Order, the Proxy shall file a status report with the Court, with a copy to the Board of Overseers of the Bar, c/o Assistant Bar Counsel Aria Eee, Esq.

Dated: December 4, 2013

_____/s/_____
Justice Joseph M. Jabar
Associate Justice
Maine Supreme Judicial Court