

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. BAR-14-1

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SEP 18 2014

Board of Overseers of the Bar)
)
Plaintiff)
v.)
)
Jeremey Miller, Esq.)
of Concord, NH)
Me. Bar #4398)
Defendant)

BOARD OF OVERSEERS OF THE BAR

ORDER
M. Bar R. 7.2

The Board of Overseers of the Bar (Board) initiated the above attorney disciplinary action on March 24, 2014 by the filing of an Information pursuant to M. Bar R. 7.2(b). Attorney Miller filed a timely Answer to the Information largely denying the allegations of professional misconduct.

The Court scheduled the parties for a pre-trial conference on June 4, 2014. During the conference, the parties informed the Court that they would attempt to resolve the matter by a negotiated Order. In the event no agreement could be reached, the Court scheduled trial for September 15, 2014.

Prior to that date, the parties notified the Court of their consent to finalize this matter with a proposed sanction order. Thereafter, the Court scheduled a stipulated hearing for September 15, 2014 during which the Board was represented by Deputy Bar Counsel Aria Eee and Attorney Miller appeared *pro se*.

FINDINGS AND CONCLUSIONS

Attorney Jeremey Miller (Miller) was admitted to the Maine bar in November 2008. Although he is admitted in both Maine and New Hampshire, Miller's primary practice and office is located in Concord, New Hampshire.

The instant matter arose due to Miller's actions in a Chapter 7 bankruptcy case filed in the U.S. Bankruptcy Court, District of Maine:

In Re: P. C. On behalf of his client, P.C., Miller filed a bankruptcy Petition in September 2012 using the court's Electronic Case Filing (ECF) system. Miller's filing did not include all of the required supporting documents. Based upon that deficiency, the Bankruptcy Court dismissed the Petition later that month.

In December 2012, Miller filed a second Petition with supporting documents using the court's ECF system. In doing so, Miller believed that P.C. had seen and signed those documents, a fact Miller later discovered was untrue. Significantly, the Bankruptcy Court Rules require an original "wet" signature by the client prior to an attorney's filing. The Rules state, "Original executed documents...must be maintained by the filer until two years following the closing of the case or the expiration of all appeal periods, whichever is later." Those Rules also provide, "Upon request of the Court or any interested party, the party must provide original documents for review."

Prior to the January 15, 2013 Creditor's meeting, the Bankruptcy Trustee requested confirmation from Miller that all of P.C.'s documents (which had been filed under the ECF system) contained original "wet" signatures. According to the Trustee's subsequent Motion for Sanctions, "Miller was

equivocal as to the existence of the 'wet' signatures but promised to send faxes or scans/emails of those documents if they were in his file." Miller thereafter advised the Trustee that P.C.'s "wet" signature did not appear on any of the supporting documents in Miller's possession.

On January 18, 2013 the Trustee filed a Motion for Sanctions, outlining Miller's actions related to the P.C. bankruptcy filings. Subsequently, by Consent Order of February 27, 2013 Miller agreed that his conduct violated the United States Bankruptcy Court's filing rules.

Within the terms of that Consent Order, Miller agreed to various provisions including a \$250.00 sanction; a disgorgement of the entire fee P.C. paid for Miller's legal services; a requirement that he implement office-wide systems to prevent recurrence of the errant filings; and a nine (9) month restriction on his filing in the U.S. Bankruptcy Court, District of Maine.

Due to Miller's above-outlined failures he engaged in conduct which was misleading to the Trustee and the Bankruptcy Court and which was prejudicial to the administration of justice. See M. R. Prof. Conduct 3.3(a) and 8.4(c)(d). Though unintentional, Miller agrees that his conduct also violated the U.S. Bankruptcy Court, District of Maine's Rules and procedures.

Following a review of the pleadings and the parties' proposal, the Court concludes and Miller agrees that he engaged in violations of the Maine Rules of Professional Conduct which include M. R. Prof. Conduct 1.3 [Diligence]; 3.3(a); [Candor to the Tribunal] and 8.4(a)(d) [Conduct Prejudicial to the Administration of Justice].

SANCTION

Attorney Miller's multiple violations of the Maine Rules of Professional Conduct are serious and warrant an appropriate sanction. The Court is mindful, however, that the primary purpose of attorney discipline proceedings is not punishment but rather protection of the public. The Court also notes that in addition to the instant action, Miller agreed in 2013 to be reprimanded for his affiliation with "Legal Helpers Debt Resolution," a partnership which resulted in neglect and harm to some of his Maine clients.

As a mitigating point for the Court's consideration, is the fact that Miller has taken responsibility for his errors. He has entered into consent orders issued by the U.S. Bankruptcy Court, District of Maine and now this Court. He disgorged the fee paid by his former client and agreed to a financial sanction imposed by the Bankruptcy Court. Finally, Miller certified to the Bankruptcy Court that he has implemented systems which ensure future compliance with the Court's Administrative Procedures. During the stipulated hearing before this Court, Miller reiterated his commitment to maintain those office systems as a means to ensure protection of his client's interests.

The Court has considered all of the above factors in aggravation and in mitigation. Accordingly, and accepting the parties' agreement, the Court suspends Attorney Miller from practicing law in Maine for three (3) months, effective September 16, 2014. That suspension, however, is itself suspended pursuant to the following conditions:

Miller must not submit any court filings without confirming (at least by file review) that he and/or his staff have followed all necessary and proper court procedures; and

Miller must ensure that his clients are aware and agree to such filings; and;

Miller must refrain from engaging in violations of the M. R. Prof. Conduct; and;

Miller must ensure that his office retains systems which comport with his duties and obligations as an officer of the court.

Attorney Miller is responsible for complying with the above-outlined conditions and he is not required to provide independent confirmation to Bar Counsel unless he is specifically requested to do so. If Miller violates one or more of the conditions, however, Bar Counsel may request a hearing from the Court to determine whether any actual term of the three-month suspension should be imposed upon Miller.

Finally, in the event a grievance complaint is received by the Board after September 16, 2014, Bar Counsel may elect to file a new disciplinary matter directly before the Court pursuant to the terms of this Order and Maine Bar Rule 7.2(b).

Date: September 15, 2014

/s/

Andrew M. Mead
Associate Justice
Maine Supreme Judicial Court

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