

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. BAR-11-20

	)	
	)	MONITORING ORDER
In Re: Suzanne Dwyer-Jones, Esq.	)	
of York, ME	)	
Me. Bar # 8638	)	
Petitioner	)	

This Order is incorporated by reference to the Decision and Order dated August 26, 2015.

As the parties have agreed and this Court has ordered, Attorney Dwyer-Jones shall submit her practice of law to the monitoring of Linda P. Maloy, Esq. of Biddeford, Maine for a period of three years unless otherwise ordered by the Court. The Court further ORDERS that:

1. Any costs or fees associated with Attorney Maloy's monitoring shall be borne by Attorney Dwyer-Jones.
2. Attorney Dwyer-Jones will meet with Attorney Maloy at Attorney Maloy's calling and convenience. That shall initially occur on a bi-weekly basis, unless Attorney Maloy subsequently determines that more or less frequent meetings are appropriate.
3. Attorney Maloy shall have the right to withdraw and terminate her services at any time for any reason she deems necessary. If she intends to do so, she shall notify Bar Counsel and Attorney Dwyer-Jones of her withdrawal, whereupon this matter may then be scheduled for further hearing as deemed appropriate by the Court.
4. If any aspect of the monitoring process creates a situation, which is, or might be interpreted to be a conflict of interest under the Maine Rules of

Professional Conduct, Attorney Maloy may adopt any one of the following courses with the proposed result:

- a. Attorney Maloy ceases to act as monitor and a potential conflict is avoided.
  - b. Attorney Maloy continues as monitor, but totally excludes Attorney Dwyer-Jones's client's matter from the monitoring process, so that no conflict is deemed to exist.
  - c. Attorney Maloy continues as monitor, but withdraws from the conflicted matter.
  - d. Attorney Maloy continues as monitor, and obligates Attorney Dwyer-Jones not to participate in the matter and to promptly obtain replacement counsel for her client(s).
5. Attorney Maloy shall have the right to contact clerks of court, judges, or opposing counsel to monitor Attorney Dwyer-Jones's compliance with her professional obligations.
  6. Likewise, if Attorney Maloy determines that Attorney Dwyer-Jones should refrain from accepting complex cases or otherwise expanding her practice, Attorney Maloy shall inform Attorney Dwyer-Jones of that fact. Attorney Dwyer-Jones shall then follow Attorney Maloy's directive to refrain or limit her acceptance of such cases, absent this Court's order to the contrary.
  7. Attorney Maloy shall *initiate* no contact with any of Attorney Dwyer-Jones' clients. Attorney Maloy's only communications in the performance of her monitoring duties shall be with Attorney Dwyer-Jones, Bar Counsel and other persons referenced above. However, if any clients of Attorney Dwyer-Jones make contact with Attorney Maloy (with concerns about Attorney Dwyer-Jones) those clients should be referred to Bar Counsel's office.
  8. Attorney Maloy's participation and monitoring of Attorney Dwyer-Jones' practice shall not be deemed to create an attorney-client relationship between Attorney Dwyer-Jones and Attorney Maloy or between Attorney

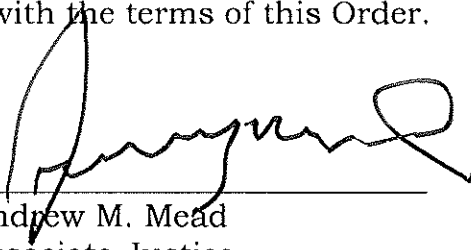
Maloy and Attorney Dwyer-Jones's clients. Specifically, Attorney Maloy shall be deemed not to represent Attorney Dwyer-Jones or any of Attorney Dwyer-Jones's clients or to be employed by them in any capacity and Attorney Maloy shall not have any responsibility of any nature to any of those clients. Moreover, the attorney-client privilege shall not apply to Attorney Maloy's monitoring of Attorney Dwyer-Jones's practice, and Attorney Maloy shall be immune from any civil liability (including without limitation, any liability for defamation) to Attorney Dwyer-Jones or any of Attorney Dwyer-Jones's clients.

9. Attorney Maloy shall have the authority to review and examine any of Attorney Dwyer-Jones's files, except those in which Attorney Maloy might have adverse interests under paragraph 5. In that event, Attorney Maloy shall notify Bar Counsel who may then develop an alternative means of file review.
10. Attorney Dwyer-Jones shall prepare and present to Attorney Maloy two weeks in advance of their first meeting a list of all her current clients, showing each pending client's matter with a brief summary and calendar of the status thereof. For all subsequent meetings, Attorney Dwyer-Jones shall prepare and present that information to Attorney Maloy at least one week in advance of the meeting.
11. Attorney Maloy will, as soon as practicable, have Attorney Dwyer-Jones establish a method of objectively identifying delinquent client matters and have her institute internal checks and controls to make her practice appropriately responsible to the needs of her clients.
12. Attorney Maloy shall file a confidential report with the Court every four months or sooner if the Court deems it necessary. The Report shall be copied to Attorney Dwyer-Jones and Bar Counsel and it shall cover at least the following subjects:
  - a. measures Attorney Dwyer-Jones has taken to avoid delinquencies;
  - b. a description of any client matter identified as delinquent or problematic;

c. any professional assistance Attorney Maloy has provided to Attorney Dwyer-Jones.

13. Attorney Maloy shall have the duty to report to the Court and Bar Counsel any apparent or actual professional misconduct by Attorney Dwyer-Jones of which Attorney Maloy becomes aware. Likewise, Attorney Maloy shall report to the Court and to Bar Counsel any lack of cooperation by Attorney Dwyer-Jones with the terms of this Order.

Date: October 9, 2015



Andrew M. Mead  
Associate Justice  
Maine Supreme Judicial Court