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BOARD OF OVERSEERS OF THE BAR

State of Maine

MAINE SUPREME JUDICIAL COURT

Docket No. BAR-13-7

IN RE:)	ORDER TO DISCHARGE
)	RECEIVER
Jay H. Otis)	M. Bar R. 32(c)
)	
)	

This matter was heard by the undersigned Justice of the Court, upon a Petition of the Board of Overseers of the Bar (“the Board”) to Discharge Roberta E. Winchell as Receiver of the law practice of Jay H. Otis (“Mr. Otis”). The Board represents it provided copies of its Petition and the Final Report of the Receiver to Mr. Otis. No hearing was requested by the Board, the Receiver or Mr. Otis. As 21 days has passed since the filing of the Petition, pursuant to M. R. Civ. P. 7(c) opposition to the Petition is deemed waived. Therefore the Court makes the following findings, and enters the following orders:

1. Roberta E. Winchell, Receiver of the law practice of Jay H. Otis, has taken all reasonable steps to discharge the obligations as Receiver of the law practice of Jay H. Otis, to return all client files, and to marshal all funds in Mr. Otis’s operating and trust accounts.
2. The Board is able to maintain in storage those client files that have not yet been retrieved by the former clients of Mr. Otis. Those files may be securely destroyed 8 years after last substantive activity in each of those files.

3. The Board shall maintain a record of its costs for storage and maintenance of the client files. The retention, storage, maintenance and destruction of the files shall be costs borne by Mr. Otis.

4. The Receiver shall deliver all funds, whether from IOLTA or general accounts, to the Board. The Board shall deliver \$4,206.00 to the Lawyers' Fund for Client Protection. The Board shall deliver \$528.92 to the Receiver to reimburse her for her out of pocket expenses incurred as Receiver. The balance of the funds from the IOLTA or general accounts shall be held by the Board to be applied to any claim made by a former client of Mr. Otis pursuant to the Rules of the Lawyers' Fund for Client Protection, or as further ordered by this Court. If any funds remain after 8 years from the date of this Order, the Board shall submit those funds to the Secretary of State's Office pursuant to Title 33 Chapter 41, the Unclaimed Property statutes.

5. The Receiver has declined to seek monetary compensation for the considerable time she and her staff devoted to the duties as Receiver. The Receiver may retain possession of the file cabinets, book shelves, a floor safe and a copier from Mr. Otis's office.

Accordingly, it is ORDERED:

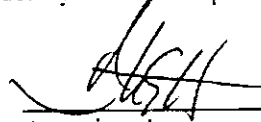
1. Roberta E. Winchell, Esq., is discharged as Receiver of the law practice of Jay H. Otis, effective immediately.
2. The Receiver is authorized to retain the office furniture and equipment currently in her possession.
3. Mr. Otis is personally responsible for repayment of any outstanding debts in his name, and is and will be personally responsible for reimbursing the Lawyers' Fund for Client Protection for all sums it has paid or does pay to former clients of Jay H. Otis. Further. As set

forth above. the funds from Mr. Otis's IOLTA and general accounts shall be transferred to the Board of Overseers of the Bar to be applied or disbursed as set forth above.

4. The Court acknowledges the valuable service the Receiver performed, thanks her for her generous efforts and extends its sincere appreciation for agreeing to serve.

The Clerk is directed to incorporate this Order by reference upon the docket.

Dated: December 1, 2016



Associate Justice,
Maine Supreme Judicial Court

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