

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket Nos. BAR-15-11
BAR-15-14

BOARD OF OVERSEERS OF THE BAR)
)
Plaintiff)
)
v.)
)
DALE L. LAVI)
of South Thomaston, ME)
Me. Bar # 008848)
)
Defendant)

**MONITORING
ORDER**

This Order is incorporated by reference to the Court’s Order and Decision dated April 25, 2016 in these two combined disciplinary matters.

As the parties have agreed and this Court has now ordered, commencing on June 1, 2016 Attorney Dale L. Lavi shall submit his practice of law to the monitoring of Christopher K. MacLean, Esq. of Camden, Maine for a period of one year unless otherwise ordered by the Court. The Court further ORDERS that:

1. Any costs or fees associated with Attorney MacLean’s monitoring shall be borne by Attorney Lavi.
2. Attorney Lavi will meet with Attorney MacLean at Attorney MacLean’s calling and convenience, on a bi-weekly basis, unless Attorney MacLean subsequently determines that more or less frequent meetings are appropriate.
3. Attorney MacLean shall have the right to withdraw and terminate his services at any time for any reason he deems necessary. If he intends to do so, he shall provide written notice to Bar Counsel and to Attorney Lavi’s

legal counsel, Justin Andrus, of his withdrawal, whereupon this matter shall then be scheduled for further hearing as deemed appropriate by the Court.

4. If any aspect of the monitoring process creates a situation that is or might be interpreted to be a conflict of interest under the Maine Rules of Professional Conduct, Attorney MacLean may adopt any one of the following courses with the proposed result:
 - a. Attorney MacLean ceases to act as monitor and a potential conflict is avoided.
 - b. Attorney MacLean continues as monitor, but totally excludes Attorney Lavi's client's matter from the monitoring process, so that no conflict is deemed to exist.
 - c. Attorney MacLean continues as monitor, but withdraws from the conflicted matter.
5. Attorney MacLean shall have the right to contact clerks of court, judges, and opposing counsel to monitor Attorney Lavi's compliance with his professional obligations.
6. Likewise, if Attorney MacLean determines that Attorney Lavi should refrain from accepting certain cases that are disallowed by or inconsistent with the Court's Order & Decision or from otherwise expanding his practice, Attorney MacLean shall inform Attorney Lavi of that fact. Attorney Lavi shall then follow Attorney MacLean's directive to refrain or limit his acceptance of such cases.
7. Attorney MacLean shall not initiate contact with any of Attorney Lavi's clients. Attorney MacLean's only communications in the performance of his monitoring duties shall be with Attorney Lavi or other persons contemplated by this decision. If any clients of Attorney Lavi contact

Attorney MacLean with concerns about Attorney Lavi, Attorney MacLean shall refer them to Bar Counsel's office.

8. Attorney MacLean's participation in the disposition of Attorney Lavi's disciplinary case and monitoring of Attorney Lavi's practice shall be deemed not to create an attorney-client relationship between Attorney Lavi and Attorney MacLean or between Attorney MacLean and Attorney Lavi's clients. Specifically, Attorney MacLean shall be deemed not to represent Attorney Lavi or any of Attorney Lavi's clients or to be employed by them in any capacity and Attorney MacLean shall not have any responsibility of any nature to any of them. Moreover, the attorney-client privilege shall not apply to Attorney MacLean's monitoring of Attorney Lavi's practice, and Attorney MacLean shall be immune from any civil liability (including without limitation, any liability for defamation) to Attorney Lavi or any of Attorney Lavi's clients.
9. Attorney MacLean shall have the authority to review and examine any of Attorney Lavi's files, except those in which Attorney MacLean might have adverse interests under paragraph 4. For those files, Attorney MacLean shall notify Bar Counsel who may then develop an alternative means of file review.
10. Attorney Lavi shall prepare and present to Attorney MacLean two weeks in advance of their first meeting a list of all his current clients. In addition, he must provide a brief summary concerning and calendar showing the status of each pending matter. For all subsequent meetings, Attorney Lavi shall provide updated reports containing all of this information to Attorney MacLean at least three days in advance of the meeting.
11. Attorney MacLean will, as soon as practicable, have Attorney Lavi establish a method of objectively identifying delinquent client matters and

have him institute internal checks and controls to make his practice appropriately responsible to the needs of his clients.

12. As stated in the Court's Order & Decision, it is allowed and expected that Attorney MacLean shall incorporate and use assistance from Attorney Jeremy Pratt as he deems necessary and appropriate.
13. Attorney MacLean shall file a confidential report with the Court every three months or sooner if the Court deems it necessary. The Report shall be copied to Bar Counsel and Attorney Andrus, and shall cover at least the following subjects:
 - a. Measures Attorney Lavi has taken to avoid delinquencies;
 - b. A description of any client matter identified as delinquent or problematic;
 - c. Any professional assistance Attorney MacLean has provided to Attorney Lavi.
14. Attorney MacLean shall have the duty to report in writing to the Court, Bar Counsel and Attorney Andrus any apparent or actual professional misconduct by Attorney Lavi of which Attorney MacLean becomes aware.
15. Likewise, Attorney MacLean shall provide a written report to Bar Counsel and Attorney Andrus concerning any lack of cooperation by Attorney Lavi with the terms of this Order.

Date:

May 2, 2016

/s/

Ellen A. Gorman
Associate Justice

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