

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. BAR-16-17

BOARD OF OVERSEERS OF THE BAR)	
)	
Petitioner)	
)	
v.)	ORDER OF INTERIM
)	SUSPENSION
)	
PAUL L. LETOURNEAU, ESQ.)	
of South Portland, ME)	
Me. Bar #9544)	
Respondent)	

Pursuant to Maine Bar Rule 24, the Board of Overseers of the Bar has moved for issuance of an order of interim suspension against Paul L. Letourneau, Esq. Over Attorney Letourneau's objection, I grant the Board's motion.

The Board filed the motion on July 20. The following day, the Chief Justice assigned me to this proceeding as Single Justice. On July 22, I conferred telephonically with counsel for the parties. With the agreement of the parties, I established a schedule for the parties to submit memoranda on the Board's motion. The parties have filed those submissions, which I have considered.

The Rule 24 motion is based on information—which is undisputed—that over a period of time, Attorney Letourneau sent unwanted text messages, photographs, and video images of a graphically sexual nature to a client whom he represented in several criminal cases. The client ultimately sought legal advice from a different attorney, who then both assumed representation of her in at least some of the cases where Attorney Letourneau had been counsel of record, and, in June, reported the matter to the Board. I infer that the report, which led to Bar Counsel’s investigation of the matter, has triggered an administrative disciplinary proceeding under M. Bar R. 13 and related provisions.

Attorney Letourneau, through counsel, admits most or all of the conduct that underlies the Board’s motion and does not argue that his conduct falls short of constituting violations of the Maine Rules of Professional Conduct. The present record supports the conclusion that he has violated several Rules, including Rules 1.7, 1.16, and 8.4.

I find that Attorney Letourneau’s conduct, based on the present record, poses an ongoing threat to the administration of justice and therefore to the public. Additionally, as is shown by MAP’s plan to address the issue of “professional boundaries between attorneys and clients,” Attorney Letourneau’s conduct poses an ongoing risk of harm to his remaining clients.

Attorney Letourneau argues that interim suspension nevertheless is not warranted because of the steps he has taken in response to the Board's intervention: executing a contract with the Maine Assistance Program; arranging for counseling with a psychologist, which is scheduled to begin on August 9; withdrawing his name from the roster of the Maine Commission on Indigent Legal Services (Attorney Letourneau was court-appointed to represent the client to whom he sent the communications at issue in this proceeding); and refraining from having any further contact with the client after she requested that he stop communicating with her.

The initial course that Attorney Letourneau has taken, combined with his expression of regret for his conduct as conveyed through counsel, is commendable. The risks to the administration of justice, the public, and his clients are not presently ameliorated, however, because that course is in its infancy: he has not yet actually engaged in psychological intervention, and the MAP contract is not even a week old. Further, Attorney Letourneau started to make arrangements for therapeutic and rehabilitative intervention only after he learned that the Board had initiated a disciplinary proceeding against him.

Accordingly, I order that Attorney Letourneau shall be suspended from the practice of law in Maine pending the final disposition of the disciplinary proceeding or until further order of the Court. Attorney Letourneau shall have leave to seek a modification of this order upon a showing of a material change of circumstances.

Attorney Letourneau shall comply with the notice requirements set out in M. Bar R. 31, as is required in M. Bar. R. 24(c). Because Attorney Letourneau is counsel of record in pending cases, I will appoint a receiver to protect the interests of those and all other clients. Counsel in this proceeding shall confer about this issue and, no later than August 5, shall file either an agreed proposed order on receivership, or, if the identity of a receiver or the terms of the receivership are disputed, counsel shall file separate submissions setting out the parties' positions on those issues.

Date: 7/27/16

/s/

Jeffrey L. Hjelm
Associate Justice
Maine Supreme Judicial Court