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BOARD OF OVERSEERS OF THE BAR

State of Maine

Maine Supreme Judicial Court

BAR-16-19

)	
)	
IN RE:)	Order of Appointment of
)	Receiver
Christopher D. Hardy, Esq.)	M. Bar R. 32
)	

Upon Petition submitted by the Board of Overseers of the Bar, pursuant to M. Bar R. 32, the Court Orders:

As of this date, Jesse Bifulco is appointed the Receiver of the law practice of Christopher D. Hardy. As Receiver, Attorney Bifulco shall:

1. secure the professional files, client property and client data of Attorney Hardy;
2. obtain access to Attorney Hardy's post office boxes, to secure any law office or legal mail, and access to any e-mail accounts which are associated with Attorney Hardy's law practice;
3. obtain exclusive use of all computer hardware, software, applications, programs and digital files, user names and passwords for each program, application or service which has been used by the law office of Christopher D. Hardy;
4. obtain signatory authority over IOLTA and all other bank or fiduciary accounts the law practice maintained including the general or operating account for the law office;
5. reconcile IOLTA and all other accounts associated with the office, and then report the results of the reconciliations to Special Bar Counsel;
6. obtain access to all safe deposit boxes and other facilities in which office or client property is stored;
7. inventory the open and closed client files;

8. give priority attention to client matters which are open and time sensitive;
9. confer with Special Bar Counsel regarding publication of a notice to former clients regarding closing of the law office and retrieval of files;
10. confer with the bookkeeper, accountant and/or and financial advisor of the law office;
11. prudently access and utilize Attorney Hardy's operating, general and IOLTA accounts to effect the formal conclusion of the law practice, including the temporary retention of support staff or other personnel as necessary and appropriate;
12. address any conflicts of interest pursuant to M. R. Prof. Cond. 6.5. Any files identified by the Receiver as presenting a conflict of interest shall be transferred to Special Bar Counsel of the Overseers of the Bar, or his designee;
13. preserve and protect confidential information of the clients of Attorney Hardy pursuant to M. R. Prof. Cond. 1.6. Attorney Bifulco is authorized to allow limited disclosure of confidential information to detect and resolve conflicts of interest arising from his appointment as Receiver, or in conjunction with the sale of the practice pursuant to M. R. Prof. Cond. 1.17A, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client;
14. allow himself, consistent with M. R. Prof. Conduct 5.5, to be engaged by any former client of Attorney Hardy provided that he inform such client in writing that the client is free to choose to employ any attorney, and that this Order of Appointment does not mandate or recommend the Receiver's employment by the client. A client's retention of Mr. Bifulco as successor counsel is not a per se conflict of interest solely by reason of this Appointment Order;

15. act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R. 32(c).

16. submit to the Court:

- a. a report of his actions and the status of the Receivership at six month intervals;
and
- b. with the final report, a record of hours worked and disbursements made, in the event payment of legal fees at the State court appointment rate is requested. The assets of the law office of Attorney Hardy shall be the first method of compensation to the Receiver and his agents, although ultimately, the Receiver may elect to serve in a *pro bono* capacity or be compensated from another source (e.g., the estate of Attorney Hardy).

It is further Ordered Attorney Bifulco shall be protected from liability for professional services rendered in accordance with this Order pursuant to M. Bar Rule 32(e).

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

Dated: October 18, 2016

/s/ Andrew M. Mead
Justice, Maine Supreme Judicial Court

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Clerk's Office
Maine Supreme Judicial Court