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**MAY 23 2017**

State of Maine

**BOARD OF OVERSEERS OF THE BAR**

Maine Supreme Judicial Court

BAR- 17- 7

	)	
	)	
IN RE:	)	Order Appointing Receiver
	)	M. Bar R. 32
Barry L. Pretzel, Esq.	)	
	)	

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

As of this date, Jeremy Pratt, Esq., is appointed the Receiver of the law practice of Barry L. Pretzel. Attorney Pratt shall:

1. secure the professional files, client property and client data of Attorney Pretzel;
2. obtain access to Attorney Pretzel's post office boxes, to secure any law office or legal mail, and access to any e-mail accounts which are associated with Attorney Pretzel's law practice;
3. obtain use of, at the Receiver's discretion, all computer hardware, software and digital files, user names and passwords;
4. obtain signatory authority over IOLTA and all other bank accounts the law practice maintained;
5. reconcile IOLTA and all other bank accounts, and then report the results of the reconciliations to Special Counsel or her designee;

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. the Receiver shall confer with Special Counsel or her designee regarding publication of a notice to former clients regarding closing of the law office and retrieval of files;
10. confer with Attorney Pretzel's bookkeeper and/or accountant if necessary;
11. prudently access and utilize Attorney Pretzel's operating and IOLTA accounts to effect, if necessary, 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 Counsel of the Board, her designee, or another attorney agreed to by the Board;
13. preserve and protect confidential information of the clients of Attorney Pretzel pursuant to M. R. Prof. Cond. 1.6. Attorney Pratt 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

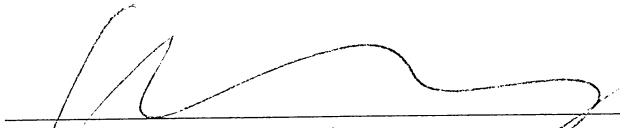
M. R. Prof. Cond. 1.17A, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client;

14. allow himself, consistent with M. R. Prof. Conduct 5.5, to be engaged by any former client of Attorney Pretzel 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 Attorney Pratt as successor counsel is not a *per se* conflict of interest solely by reason of this Appointment Order;
15. Attorney Pratt shall act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R. 32(c).
16. Attorney Pratt shall 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 Pretzel 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.

It is further Ordered that Attorney Pratt 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: 5-18-17

  
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Associate Justice,  
Maine Supreme Judicial Court

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