

State of Maine

MAINE SUPREME JUDICIAL COURT

Docket No. BAR-18-4

IN RE:)
Seth T. Carey)

Order for
Appointment of Receiver
M. Bar R. 32

Pursuant to M. Bar R. 32 and the Court's April 30 order imposing an immediate interim suspension, the Court orders as follows:

Effective immediately, Margot Joly, Esq., is appointed as the Receiver of Seth T. Carey's law practice. As such Attorney Joly shall have the sole authority to:

1. Secure the professional files, client funds and other property of the Carey law office;
2. Obtain signatory authority over all Carey law office bank accounts (IOLTA and operating/office accounts);
3. Obtain access to Attorney Carey's computer hardware and software (together with required passwords), and any post office boxes to secure all law office or legal mail;
4. Inventory the open and if necessary, the closed client files;
5. Give priority attention to client matters which are open and time sensitive;
6. Notify all courts that Attorney Joly is serving as Attorney Carey's Receiver until further order of this Court;
7. Notify clients or former clients that Attorney Joly is serving as Receiver to the Carey law practice and provide opportunity for clients to consult with the Receiver or retrieve their property; and
8. Attorney Joly as Receiver shall access and utilize Attorney Carey's operating and IOLTA accounts to prudently and appropriately manage the practice. As Receiver,

Attorney Joly may pay expenses, as she deems appropriate given available funds or anticipated receivables to the firm. She may also hire temporary office staff and take other action as necessary and appropriate to manage the Carey law practice.

9. As opposed to the Receiver appointed by the Court, no person designated by Attorney Carey, including his father, as a receiver shall have any authority to perform any of the actions listed above, and any person designated as receiver by Attorney Carey shall yield any files, funds, keys, or other property of the Carey law office (including but not limited to computers used in the Carey law practice) to Attorney Joly as the court-appointed Receiver.

As a service to the bar, Attorney Joly acknowledges that she shall serve as Receiver on a *pro bono* basis, although if there are sufficient assets (including receivables) at six month intervals or at the termination of the Receivership from Attorney Carey's law practice, she may be reimbursed from those assets. Attorney Joly as Receiver shall submit a quarterly written report to the Court and the Board of Overseers of the Bar containing a record of time worked.

Likewise, Attorney Joly as Receiver shall submit an itemized list of any disbursements made to effect the terms of this Order. Attorney Carey and his law practice shall be the first choice for source of payment for those disbursements. If insufficient assets are available from Attorney Carey, the Board of Overseers of the Bar may be an alternate payment source for those disbursements.

Attorney Joly shall act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R 32.

Attorney Joly so appointed shall not disclose any information contained in any file listed in the inventory without the consent of the client to whom such file relates except as may be necessary to carry out an order of court including any order under M. Bar R. 32(a).

Furthermore, Attorney Joly may be engaged by any former client of Attorney Carey provided that she informs such client in writing that the client is free to choose to employ any attorney, and that the Court's appointment order does not mandate or recommend Attorney Joly's employment by the client.

Attorney Joly as Receiver is subject to all Maine Rules of Professional Conduct, including M. R. Prof Conduct 1.7; 1.8 and 1.9 regarding conflicts of interest. A client's retention of Attorney Joly as successor counsel is not a per se conflict of interest solely by reason of appointment by this Order.

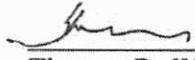
Attorney Joly shall be protected from liability for professional services rendered in accordance with this Order.

Attorney Carey shall not interfere with Attorney Joly as Receiver and shall cooperate with the Receiver in providing any requested information necessary for Attorney Joly as Receiver to perform the duties set forth in this order.

On or before May 21, 2018 Attorney Joly as Receiver shall if possible file a summary interim report with this Court setting forth – based on the information then available – the number of Attorney Carey's current clients, whether those clients have matters currently pending before any court or tribunal, and whether Attorney Joly has experienced any difficulties or attempted interference by Attorney Carey with Attorney Joly's assumption of the duties set forth in this Order.

Finally, within one-hundred and twenty (120) days of this Order, Attorney Joly as Receiver shall file a status report with the Court, with a copy to the Board of Overseers of the Bar, c/o Special Bar Counsel Angela Morse, Esq. If the Receivership should terminate earlier for any reason, Attorney Joly as Receiver shall file a final report within 30 days of the termination.

Dated: May 4, 2018



Thomas D. Warren
Justice, Superior Court

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