

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-09-11

BOARD OF OVERSEERS OF THE BAR )

Plaintiff )

v. )

PAUL L. LETOURNEAU, ESQ. )

of South Portland, Maine )

Me. Bar # 9544 )

Defendant )

**DECISION and ORDER**

The Board of Overseers of the Bar initiated the above attorney disciplinary action on August 29, 2009, by the filing of a Petition for Temporary Suspension. Based upon their discussions at a subsequent pre-trial conference, the parties notified the Court that they had reached an agreement concerning a provisional order that would include stipulated findings and a portion of the sanction. On September 22, 2009, the parties appeared before the Court to outline their proposal and argue the issue of disciplinary sanction. At the hearing, Attorney Letourneau was represented by Timothy E. Zerillo, Esq., and the Board of Overseers was represented by Assistant Bar Counsel Aria eee.

Attorney Letourneau was admitted to the Maine Bar in December 2003. Since then, he has primarily worked as a solo practitioner with a concentration on criminal defense, family law, and some personal injury cases. Following a review

of the parties' submissions and proposal and based on the stipulations reached for this proceeding, the Court finds that over the course of his time as a solo practitioner, Attorney Letourneau violated M. Bar Rules 3.6(a) and 3.13(c). Specifically, Attorney Letourneau's failure to adequately communicate with his clients and properly monitor their legal matters led to a general neglect of eight (8) clients who complained to the Board. Furthermore, Attorney Letourneau's failure to supervise his former legal assistant exacerbated the existing problems related to client communication, neglect of legal matters, and management of his law practice.

After argument by counsel, the Court imposes upon Attorney Letourneau a seven (7) month suspension, but suspends all of that period. Having had an opportunity to review the complaints filed by Attorney Letourneau's clients, and after hearing directly from Attorney Letourneau, the Court concludes that an entirely suspended suspension is appropriate at this stage of the proceedings. If the monitoring and support system now in place do not result in a dramatic improvement in Attorney Letourneau's communication with all of his clients and with his personal involvement in the management of his office, further sanctions may be imposed.

Moreover, after brief argument from the parties, the Court concludes that Attorney Letourneau's practice shall be limited to his criminal defense cases, with

the exception of one divorce matter identified at the interim hearing, and some protective custody matters already in process. Attorney Letourneau may complete the divorce matter if his client wishes him to do so, but he shall seek to withdraw from the protective custody matters. If any of Attorney Letourneau's motions to withdraw are denied, he shall associate with competent counsel to assist him in completing those cases, and such counsel shall be approved by the Office of Bar Counsel. This limitation on Letourneau's practice includes his agreement to concentrate his efforts solely on the practice of law and shall continue until further order of this Court.

Additionally, Attorney Letourneau shall undergo weekly monitoring by Joseph Mekonis, Esq., who shall serve in that capacity until further order of the Court. The specific terms of Mr. Mekonis's monitoring shall be outlined by separate order of the Court and are incorporated into this Order by reference.

Within fourteen (14) days from the date of this Order, Attorney Letourneau shall also meet with the Director of the Maine Assistance Program (MAP) to determine what, if any, services or steps he should undertake in order to improve his management of his law practice. If requested by MAP, Attorney Letourneau shall enter into a contract for services to be administered and monitored through the MAP program.

Finally, Attorney Letourneau has agreed and is ordered to personally apologize to all of the complainants involved in this bar disciplinary proceeding. Attorney Letourneau shall inform his monitor and the Office of Bar Counsel upon his completion of those apologies.

In order to put in place the monitoring and other services, the parties stipulated to a determination that Attorney Letourneau violated certain provisions of the Maine Bar Rules and also stipulated that those violations would result in a suspension of Attorney Letourneau's license to practice law. Those stipulations, which appear in this Order, do not estop Attorney Letourneau from arguing that he did not violate the Bar Rules as described in this Order, if future *contested* hearings on this matter are held. Likewise, the stipulations do not estop the Board of Overseers from arguing additional findings or Bar Rule violations by Attorney Letourneau. If subsequent *contested* hearings occur, both parties may proceed with the presentation of evidence before this Court without the preclusive effect of collateral estoppel.

Finally, by agreement of the parties, and with permission from the Court, if, after the date of this Order, the Board receives any new complaints of professional misconduct allegedly committed by Attorney Letourneau, Bar Counsel may file an Information directly with the Court without any Grievance Commission review or hearing concerning those new complaints.

Accordingly, it is hereby **ORDERED and ADJUDGED** that Paul L. Letourneau, Esq. is suspended for a period of seven (7) months for his violations of Maine Bar Rules 3.6(a) and 3.13. However, all of this suspension is hereby suspended so long as Attorney Letourneau complies with the above-outlined conditions and engages in no further misconduct. Within six months from the date of this Order, the Court will schedule a final proceeding concerning all bar disciplinary matters now pending against Attorney Letourneau.

Dated: September 25, 2009

\_\_\_\_\_  
/s/  
Ellen A. Gorman  
Associate Justice  
Maine Supreme Judicial Court