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MAY 22 2017

BOARD OF OVERSEERS OF THE BAR

State of Maine

Maine Supreme Judicial Court

BAR 17-

IN RE:

John E. Harrington, Jr.

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Order Appointing
Receiver
M. Bar R. 32

Upon Petition filed by the Board of Overseers of the Bar (the Board) and pursuant to M. Bar R. 32, the Court Orders:

As of this date, Steven J. Mogul, Esq., (and Gross Minsky & Mogul, P.A.) is appointed Limited Receiver for the closed law office of retired Attorney John E. Harrington, Jr. Pursuant to this Order and with the Board's assistance, Attorney Mogul shall:

1. secure the professional files, client property and client data of Attorney Harrington;
2. inventory the client files;
3. notify former clients of the Receivership and provide an opportunity for those clients to retrieve their property;
4. store or dispose of any remaining files pursuant to M. R. Prof. Conduct 1.15(b)(2)(iii).

As a service to the bar, Attorney Mogul may serve as Receiver on a *pro bono* basis. However, Attorney Mogul shall submit a semi-annual written report to the Court, copied to the Board's Special Counsel, containing a record of time

worked and disbursements made in this matter. John E. Harrington, Jr. shall be the first choice for source of payment for the disbursements and any legal fees (at the state court appointment rate) sought by the Receiver. If insufficient assets are available from Mr. Harrington, the Board may be an alternate payment source for expenses related to the closed client files.

Attorney Mogul shall act as Receiver until discharged by the Court in accordance with M. Bar R 32(c).


Attorney Mogul so appointed shall not disclose any information contained in any file listed in such 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.

Attorney Mogul and Gross Minsky & Mogul, P.A. may be engaged by any former client of John E. Harrington provided that the client is informed in writing of the choice to employ any attorney, and that the Court's appointment order does not mandate or recommend the Receiver's employment. Attorney Mogul 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. However, a client's retention of the Receiver as successor counsel is not a *per se* conflict of interest solely by reason of Attorney Mogul's appointment by this Order.

Attorney Mogul and Gross Minsky & Mogul, P.A. shall be protected from liability for professional services rendered in accordance with this Order to the extent permitted by law.

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

Dated: May 18, 2017



Associate Justice
Maine Supreme Judicial Court