

STATE OF MAINE

SUPREME JUDICIAL COURT

BAR-08-09

BOARD OF OVERSEERS OF THE BAR)
Plaintiff)

v.)

CHRISTOPHER J. WHALLEY, Esq.)
of Ellsworth, ME)
Me. Bar #7370)
Defendant

DECISION and ORDER

The Board of Overseers of the Bar initiated the above attorney disciplinary proceeding on October 16, 2008 and the Court scheduled this matter for hearing on November 25, 2008. At the hearing, this Court accepted a stipulation between Bar Counsel and the Respondent which disposed of this matter.

The Court accepts the following facts provided by the Stipulation of the parties: Ms. Graham retained Attorney Whalley to represent her in a 2007 divorce in Maine. While Attorney Whalley believed that Ms. Graham's departure date was in either November or December 2007, he failed to appreciate his client's urgency to remain on track for her impending leave. Either through his misunderstanding or misperception about Ms. Graham's constraints, the resulting breakdown in the attorney/client relationship led to Ms. Graham's termination of Attorney Whalley's services. Thereafter, Ms. Graham completed her divorce matter pro se and filed a complaint with the Board of Overseers. In that Attorney Whalley had completed his drafting of all

proposed language for her divorce judgment, Ms. Graham was able to conclude her matter without any adverse impact to her case. Ultimately, Attorney Whalley acknowledges that this discrete failure of clear communications, which led to the breakdown of the attorney-client relationship, can be viewed as conduct lacking in the use of reasonable care and judgment. The Board of Overseers of the Bar agrees that the Board shall take no steps to initiate publication of this decision through any releases to the press.

Accordingly, it is hereby **ORDERED** that Christopher J. Whalley, Esq. is reprimanded for his violations of Maine Bar Rules 3.1(a); and 3.6(a). It is further ORDERED that the Board of Overseers of the Bar shall take no steps to initiate publication of this decision through any releases to the press.

Dated: December 10, 2008

/s/
Warren M. Silver
Associate Justice
Maine Supreme Judicial Court