

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, ME)
 Me. Bar # 9544)
 Defendant)

ORDER

On February 9, 2010, the Board of Overseers of the Bar (the Board) commenced the above attorney disciplinary action by the filing of an Information. Based upon the Board's previous filing, this Court issued an Order temporarily suspending Attorney Paul L. Letourneau with conditions upon his continued practice of law in Maine. That September 25, 2009 Decision and Order scheduled the final hearing on this matter for March 25, 2010.

At the March 25, 2010 hearing, Attorney Letourneau was represented by Timothy E. Zerillo, Esq. and the Board of Overseers was represented by Assistant Bar Counsel Aria eee. Also in attendance at the hearing was Richard Afuma, a former client of Attorney Letourneau, who had previously complained to the Board about his representation. Attorney Joseph Mekonis, Letourneau’s Monitor and

Maine Assistance Program (MAP) Director, William Nugent were also in attendance.

Attorney Letourneau was admitted to the Maine Bar in December 2003. Since his admission, he has primarily worked as a solo practitioner with a concentration on criminal defense and family law. In the course of this proceeding, it has become apparent to the Court that Attorney Letourneau proved unable to properly manage his busy law office. Following the September 2009 Decision and Order, this Court directed that Attorney Letourneau's practice be restricted solely to criminal cases and closely monitored by another attorney. With those provisions, Attorney Letourneau's continued practice has not generated further client complaints, but on two occasions has resulted in referrals from the District Attorney's office to the Monitor and to the Board. The Court understands that those two concerns have been resolved without warranting any intervention from the Board or the Court, and no new incidents have since been reported.

As a result of the previous client complaint filings and the stipulations reached for this proceeding, the Court finds that over the course of his time as a solo practitioner, Attorney Letourneau engaged in violations of then applicable Maine 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 those nine (9) clients who complained to the Board.

Letourneau's failure to supervise and subsequently take action against his former legal assistant exacerbated the existing problems related to client communication, neglect of legal matters, and managing his law practice.¹

Attorney Letourneau was previously ordered to issue apology letters to the complainants in the matters against him. While Attorney Letourneau did not complete those apologies within the time frame originally ordered, by March 17, 2010, Attorney Letourneau did deliver individual, written apology letters to Ryan Byther, Nicholas Wentworth, Richard Affuma, Joe Thayer, Dominique Smith, Louis Doyon, Thomas Cyr, Amy Boothby and Robert Boardman.

Keeping in mind that the purpose of bar discipline proceedings is not punishment but rather protection of the public, the Court must fashion an Order that addresses the problems associated with Attorney Letourneau's practice but does not unnecessarily interfere with his livelihood. In that regard, the Court imposes upon Attorney Letourneau a six (6) month suspension, but suspends all of that period. As referenced herein, Attorney Letourneau's practice remains restricted to criminal defense, and Attorney Letourneau shall not undertake

¹ Letourneau was not aware of many actions taken by his former assistant, James Bowes, as Letourneau failed to establish proper supervision of Bowes. As a result, Bowes's failures relating to office management and client contact went unnoticed by Letourneau for months. In addition, there is evidence showing that Bowes actively deceived some of Letourneau's clients, and answered several of the bar complaints without Letourneau's knowledge. One client, Nicholas Wentworth, a complainant in this proceeding, submitted an Affidavit to the Board attempting to withdraw his complaint against Letourneau, based upon his realization of Bowes's deception. Letourneau acknowledges, however, that the failures of his assistant are his responsibility, and that his failure to appropriately monitor and control Bowes warrant imposition of the discipline imposed by this Order.

additional employment outside his law practice without prior approval from both his Monitor and the MAP Director, William Nugent.

Additionally, Attorney Letourneau shall undergo bi-weekly monitoring by Joseph Mekonis, Esq. who shall serve in that capacity until March 25, 2011, or until further order of the Court. The specific terms of Attorney Mekonis's monitoring shall be outlined by separate Order of the Court and are incorporated into this Order by reference.

After a term of four (4) months without new complaints or referrals, and with prior notice to the Court and Bar Counsel, the Monitor may assist Attorney Letourneau with adding an additional practice area to his law practice. In that regard, new complaints or referrals in which the underlying facts are alleged to have occurred before the date of this Order will not be an automatic bar to expansion of Attorney Letourneau's practice areas, but may be presented to the Court for consideration.²

Attorney Letourneau shall remain in contact with the Director of the Maine Assistance Program (MAP) to determine what, if any, services he should undertake in order to improve his ability to manage his law practice. If requested by MAP,

² This distinction is due to Mr. Wentworth's recent complaint against Letourneau concerning representation during the time of Bowes's employment. Any new complaint/referral related to that time period may be considered by the Court.

Attorney Letourneau shall enter into a contract for services to be administered and monitored through the MAP program.

Finally, during the period of monitoring and for two years thereafter, Bar Counsel may elect to file an Information directly with the Court without any Grievance Commission review or hearing concerning any new complaints of professional misconduct allegedly committed by Attorney Letourneau and received by the Board after the date of this Order.

Accordingly, it is hereby **ORDERED and ADJUDGED** that Paul L. Letourneau, Esq. is suspended for a period of six (6) months for his violations of then applicable Maine Bar Rules 3.6(a) and 3.13. However, all of this suspension is hereby suspended provided Attorney Letourneau complies with the above-outlined conditions and engages in no further misconduct. A failure to abide by any of these conditions may result in a finding of contempt by the Court and further post-judgment proceedings. *See* M. Bar R. 7.3(i)(1)(F).

Dated: March 25, 2010

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