

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-09-08

BOARD OF OVERSEERS OF THE BAR )  
 )  
 Plaintiff )  
 v. )  
 Kathleen T. O'Boyle )  
 of Export, PA )  
 Me. Bar # 8752 )  
 Defendant )

**DECISION and ORDER**

The Board of Overseers of the Bar initiated the above attorney disciplinary action on May 19, 2009 by the filing of a Petition for Receivership. In June 2009 the Board filed a Petition for Temporary Suspension. Based upon their discussions at a subsequent pre-trial conference, the parties notified the Court that they were in agreement to an order providing for stipulated findings and sanction. On February 3, 2010, the parties appeared before the Court to outline their proposal for resolution of this matter. The Board of Overseers was represented at the hearing by Assistant Bar Counsel Aria Eee while Ms. O'Boyle appeared *pro se*.

Ms. O'Boyle (O'Boyle) was admitted to the Maine bar in October 1998. Before moving to Pennsylvania in August 2008, she maintained two offices as a solo practitioner in Aroostook County. On June 18, 2009, this Court approved, *Ex Parte*, the Board's Petition and temporarily suspended Ms. O'Boyle from practicing law in Maine. That suspension remains in effect and currently there

*Mailed to O'Boyle & Eee*

are two court-appointed Receivers who have managed the storage and delivery of O'Boyle's closed client files, following the Court's entry of an *Ex Parte* Order for Appointment of Temporary Receiver. <sup>1</sup>

Following a review of the pleadings, the exhibits and the parties' proposal, the Court finds that during and after her move from Maine, Ms. O'Boyle engaged in violations of then applicable Maine Bar Rules 3.1(a); 3.2(a)(1); 3.2(f)(1)(4); 3.6(a)(2)(3); 6(a)(1); 6(e) and 7.3(i)(1)(A)(B). Specifically, at the time of her move, Ms. O'Boyle failed to timely communicate with some of her clients, to properly monitor Ms. Prehemo's legal matter, to pay storage fees at the facility which housed her closed client files and to promptly pay a required refund as issued by the Fee Arbitration Commission. Moreover, it is clear that Ms. O'Boyle continued to communicate with opposing counsel regarding a court matter after her June 19, 2009 suspension. Although it was not her intent to advocate as the client's counsel, Ms. O'Boyle now acknowledges that her continued contact constituted a violation of M. Bar R. 3.2(a)(1).

Based upon all of the above circumstances, the Court imposes upon Ms. O'Boyle a three (3) year suspension from the practice of law in Maine. Additionally, on or before May 25, 2010, Ms. O'Boyle shall pay for all costs (\$850.00) related to the Receivers' management of her discontinued practice. Ms. O'Boyle is also required to pay the remaining \$50 of the Fee Arbitration

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<sup>1</sup> While the Court notes that the orders were entered before Ms. O'Boyle had an opportunity to respond, the record reflects that the Board sent Ms. O'Boyle copies of its pleadings contemporaneously with its filing of the same.


Commission Panel's Award to her former client, Verley Hafford by February 8, 2010. In addition, by July 1, 2010 Ms. O'Boyle shall remit the \$295.00 payment owed to Salar Storage in satisfaction of her June 10, 2009 bill. Finally, on or before August 16, 2010, Ms. O'Boyle shall reimburse the Board of Overseers for its entire payment of the costs (\$636) it assumed to store her client files and office equipment.

The Court notes that many client files remain housed at the Salar Storage Facility in Caribou, Maine. By April 30, 2010, Ms. O'Boyle shall have implemented a plan to ensure the appropriate management of her client files and she shall report that plan to the Court. Any continued storage after April 30, 2010 shall be the entire financial responsibility of Ms. O'Boyle. After that date and with the Court's approval, Ms. O'Boyle may arrange for removal/transfer of any remaining files to a secure and accessible location approved by the Board. If for some reason it is necessary for the Receivers to continue managing/monitoring client files after April 30, 2010, Ms. O'Boyle shall notify the Court.

Finally, Bar Counsel may file an Information directly with the Court without any Grievance Commission review or hearing concerning any new complaints of professional misconduct allegedly committed by Ms. O'Boyle and received by the Board after the date of this Order, regardless of whether that alleged misconduct occurred before or after that date.

Accordingly, it is hereby **ORDERED and ADJUDGED** that Kathleen T. O'Boyle is suspended for a period of three (3) years for her violations of Maine Bar Rules 3.1(a); 3.2(a)(1); 3.2(f)(1)(4); 3.6(a)(2)(3); 6(a)(1); 6(e) and 7.3(i)(1)(A)(B).

Dated: February 5, 2010

  
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Jon D. Levy  
Associate Justice  
Maine Supreme Judicial Court