BOARD OF OVERSEERS OF THE BAR
AUG 23 1999

STATE OF MAINE

Board of Overseers of the Bar
GCF No. 98-168

BOARD OF OVERSEERS OF THE BAR
Petitioner,

VS.

AMENDED REPORT OF FINDINGS AND CONCLUSIONS OF BOARD PANEL

RICHARD S. EMERSON, JR.
Respondent,

On July 21, 1999, pursuant to due notice, the undersigned Panel of the Board conducted a disciplinary hearing open to the public according to Maine Bar Rule 7.1 (e)(2) with respect to alleged professional misconduct of Respondent Richard S. Emerson, Jr.

The Board of Overseers of the Bar was represented by Geoffrey Welsh, and Respondent Emerson was represented by Peter J. DeTroy, Esq. During the hearing, Board Exhibits 1 through 6 were admitted without objection, as were Board Exhibits 10 through 23. The Complainant in this matter, Donna Borelli-Wax (Borelli) attended. The testimony of the Complainant and Respondent were taken.

FINDINGS OF FACT

On or about May of 1995 Emerson became successor counsel for Borelli in reference to her divorce matter which had been filed in 1994 by her previous attorney. As a result of Emerson's neglect and avoidance, Borelli's divorce complaint was dismissed by the court in 1997 under M. R. Civ. P. 41(b) (lack of prosecution). Emerson failed to timely inform Borelli of that dismissal. Emerson failed to keep various appointments with Borelli, and did not adequately and sufficiently keep her informed about the status and lack of progress of the matter. On or about February 22, 1999 Emerson moved to withdraw from Borelli's divorce case, and shortly thereafter she obtained new counsel.

CONCLUSION

This panel concludes, and the parties agree that Emerson's conduct violated M. Bar R. 3.6(a)(3), and the appropriate disposition of the complaint is that Respondent Richard S. Emerson, Jr. be, and he hereby is, reprimanded for his violation of the Maine Bar Rules.

PANEL OF THE BOARD

Dated: August 20, 1999

M. Michaela Murphy, Esq.
Acting Chair

Karen B. Lovell, Esq.

Robert Lawrence McArthur, Ph.D.