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BOARD OF OVERSEERS OF THE BAR

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-08-10

BOARD OF OVERSEERS OF THE BAR Plaintiff v. Seth T. Carey of Rumford, ME Me. Bar # 9970 Defendant	)	**DECISION and ORDER**

On November 25, 2008 counsel agreed to waive any proceedings before the Grievance Commission and to stipulate to the filing of a disciplinary information with the Court concerning a grievance complaint that had been filed on October 8, 2008 by Anne Corbin against Seth Carey. That Waiver was approved by the Court's Order dated December 1, 2008. As a result, the Board of Overseers of the Bar initiated this attorney disciplinary action by the filing of an information on January 28, 2009. Based upon their discussions, the parties' counsel notified the Court that they had agreed to a proposed Order including stipulated findings and a sanction.

On this date, October 6, 2009, the parties appeared before the Court and presented that proposed Order for its consideration. At the hearing, the Board of Overseers was represented by Bar Counsel J. Scott Davis, and Mr. Carey was represented by Gerald F. Petruccelli, Esq. Ms. Corbin was present and provided an opportunity to comment about counsel's proposed Order.

Based upon a review of the factual allegations set forth in that underlying disciplinary information coupled with this Court's knowledge of the findings and conclusions as set forth in its Order of February 12, 2009, the Court deems it appropriate to adopt counsel's proposed submission as follows:

FINDINGS OF FACT

1. Although Mr. Carey currently remains suspended from practice under that February 12, 2009 Order, at all times relevant to this new action he was still an attorney in good standing admitted to and engaging in the practice of law in the State of Maine and therefore subject to the Maine Bar Rules.

2. Mr. Carey was admitted to the Maine bar in May 2006 and since that time until his suspension in 2009 had been engaged in private practice in Rumford.

3. On October 8, 2008 – the second and final day of Mr. Carey's disciplinary hearing which resulted in this Court's issuance of that February 2009 suspension order – Anne Corbin, an Assistant Professor of Criminal Justice at Thomas College in Waterville, filed a grievance complaint with the Board against Mr. Carey.

4. A brief friendship had developed between Ms. Corbin and Mr. Carey in the middle of September 2008. As a result, Mr. Carey was at her residence on October 4, 2008 and did then discuss certain issues that greatly bothered him in his then pending grievance matters, with the Court's disciplinary hearing scheduled to commence on October 7, 2008.

Mr. Carey was experiencing considerable stress at that time. Ms. Corbin reported in her complaint and would testify that Mr. Carey became quite emotionally upset and angry such that he suddenly struck or grabbed Ms. Corbin's German Shepherd puppy; that Ms. Corbin then asked Mr. Carey to leave, but he refused; that Mr. Carey never struck or harmed Ms. Corbin, but his sudden aggressive behavior did cause her to be wary of what she termed in her complaint as his "unhinged" behavior. Ms. Corbin also reported and would testify that due to his refusal to leave, Mr. Carey spent the evening at her residence while she was in a room away from him; that on the morning of October 5th Mr. Carey initially refused to leave and continued to behave in a manner causing Ms. Corbin to remain very concerned about his emotional angry outbursts; and that he did eventually comply with her request to leave. Ms. Corbin then very soon thereafter telephoned the office of the Board of Overseers of the Bar to "report" Mr. Carey's conduct, and then formally filed her grievance complaint with the Board on October 8, 2008.

5. Mr. Carey does not agree with all and denies certain of Ms. Corbin's descriptions of his attitude and behavior, but he does now agree and regret that a number of his comments and actions were improper and could have caused Ms. Corbin to become as upset and distraught as she described in her complaint. As such, he agrees that his conduct was unworthy of an attorney in violation of then applicable M. Bar R. 3.1(a).

SANCTION

The events that are the subject of this proceeding occurred before the February 12, 2009 Order and just prior to the time of the hearing on the earlier disciplinary matters. Therefore, the Court will not impose any additional length of suspension or repeat the conditions and terms currently imposed and in place by the February 12, 2009 Order. Accordingly, the following sanction with conditions is now imposed upon Mr. Carey in this matter effective this date:

- A concurrent 60-day suspension of practice is imposed upon Mr. Carey, retroactive to August 1, 2009;
- Within 14 days of the date of this Order Mr. Carey shall meet with the Director of the Maine Assistance Program (MAP) as the latter deems necessary to determine what, if any, services Mr. Carey should receive or undertake either directly or indirectly through MAP. If requested by MAP's Director, Mr. Carey shall enter into a contract for services to be administered and monitored through the MAP program as reasonably required by its Director. If the Director and Mr. Carey should disagree as to the necessity of such a contract being executed by Mr. Carey, he may file his written objection with Bar Counsel for consideration and decision by the Chair of the Grievance Commission;

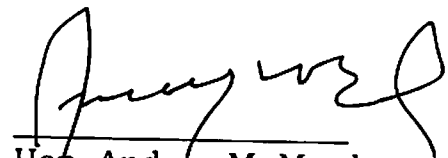
- Mr. Carey shall have no further contact or discussion of any kind with Anne Corbin, nor shall he direct, request or allow anyone else on his behalf to do so;

- Mr. Carey's future contacts with the Board of Overseers' staff shall only be through his attorney, or if done *pro se* shall then involve only his discussion or correspondence with Bar Counsel Davis, the Board's Executive Director or its CLE Coordinator.

- Bar Counsel shall have the discretion to file an additional disciplinary information, either directly with the Court or after receiving authority from the Grievance Commission to do so under M. Bar R. 7.1(d)(5), without needing to conduct any preliminary hearing under M. Bar R. 7.1(e) concerning any new complaint(s) of professional misconduct allegedly committed by Mr. Carey, regardless of the alleged date of the occurrence of that misconduct; and

- Any apparent violation of the conditions of this Order shall be brought to the attention of the Court by Bar Counsel.

Dated: October 6, 2009



Hon. Andrew M. Mead
Associate Justice
Maine Supreme Judicial Court