STATE OF MAINE

Board of Overseers of the Bar

GCF No. 09-390

STIPULATED REPORT OF FINDINGS AND ORDER OF PANEL C OF THE GRIEVANCE COMMISSION

M. Bar R. 7.1(e)(2)(4)

BOARD OF OVERSEEERS OF THE BAR

v.

CHRIS A. NIELSEN, ESQ.
of Biddeford, Maine
Me. Bar# 09739

Petitioner

Respondent

On December 13, 2010, with due notice, Panel C of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E), concerning misconduct by the Respondent, Chris A. Nielsen, Esq. This disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on July 30, 2010.

At the proceeding, Attorney Nielsen was represented by Attorney James M. Bowie, and the Board was represented by Assistant Bar Counsel Aria Eee. Complainant S. G. of Portland, Maine was not present for the hearing but Bar Counsel had provided her with a copy of the parties' proposed stipulated sanction Report in advance of the proceeding. Ms. G. subsequently confirmed her agreement with the content of that proposed Report and thereby elected to not attend the proceeding.

Prior to the disciplinary proceeding, the parties submitted a stipulated, proposed sanction Report for the Grievance Commission Panel's review and consideration.
Having reviewed the agreed, proposed findings as presented by counsel, the Panel makes the following disposition:

**FINDINGS**

Respondent Chris A. Nielsen, Esq. of Biddeford, County of York, State of Maine, has been at all times relevant hereto an attorney duly admitted to and engaging in the practice of law in the State of Maine and subject to the Maine Bar Rules. Attorney Nielsen was admitted to the Maine Bar in October 2004 and he is currently registered as an active Maine attorney.

On November 8, 2009 Ms. G. filed a complaint against Attorney Nielsen based upon his unsolicited mailing to her of a letter urging her to retain his legal services. Ms. G. emphasized her upset and distress at Attorney Nielsen’s errant mailing, as it was clear Ms. G. had neither been arrested nor in need of criminal defense.

Attorney Nielsen agrees that before sending his letter to Ms. G. he should have made certain that she was the one listed in the newspaper. He acknowledges that any person wrongly-identified as a “drunk driver” would likely find his mailing disturbing and offensive. In that regard, Attorney Nielsen acknowledges that his communication served to unnecessarily upset and distress Ms. G., in violation of M. R. Prof. Conduct 1.18; 7.1, 7.2, 7.4(d); and 8.4(a),(d).

Finally, during the course of Bar Counsel’s processing of this complaint matter, it became necessary to clarify certain information submitted by Attorney Nielsen. While responding to questions concerning his firm’s various

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websites and his advertised qualifications, Attorney Nielsen failed to ensure that the information he provided to Bar Counsel was consistent and entirely accurate. Though unintentional, Attorney Nielsen now agrees that his behavior in that regard constituted violations of M. R. Prof. Conduct 8.4(a) and (d).

CONCLUSION AND SANCTION

The Maine Rules of Professional Conduct specifically require attorneys to uphold their responsibilities to clients, the courts and members of the public. Due to Attorney Nielsen’s actions, a member of the public was wrongly frightened into thinking she was in need of criminal defense representation. Moreover, Bar Counsel has made clear that from his view, Nielsen’s responses to the complaint matter were not complete or entirely straightforward, a position with which Mr. Nielsen disagrees.

Attorney Nielsen has expressed his remorse for the mailing and the miscommunications. He has addressed the concerns about the certifications advertised on his prior firm’s website and ended his use of that advertising and the correspondence which might lead recipients to become alarmed as Ms. G. did in this instance. Attorney Nielsen assured the Panel he is intent on avoiding in the future the outcome which occurred with his mailing to Ms. G.

M. Bar. R. 2(a) provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable to discharge properly their professional duties. At the disciplinary proceeding, Attorney Nielsen apologized for his actions toward Ms. G. and expressed his remorse for his
violations of the Maine Rules of Professional Conduct. Assistant Bar Counsel Eee confirmed for the Panel that Attorney Nielsen has no prior sanction record with the Board of Overseers of the Bar. Nevertheless, since the evidence of his misconduct in this instance supports a finding and Attorney Nielsen agrees he did in fact violate the Maine Rules of Professional Conduct, the Panel finds that its issuance of a public reprimand of him should serve to adequately protect the public.

Therefore, the Panel accepts the agreement of the parties, including Attorney Nielsen’s waiver of the right to file a Petition for Review, and concludes that the appropriate disposition of this case is a **Public Reprimand** of Attorney Christopher A. Nielsen, which is now hereby issued and imposed upon him pursuant to M. Bar R. 7.1(e)(3)(C), (4).

Dated: Dec 19, 2010

For the Parties

Aria Eee
Assistant Bar Counsel

Date: 11/4/11

Chris A. Nielsen, Esq
Respondent

Date: Dec 28, 2010

James M. Bowie, Esq.
Counsel for Respondent

Date: December 23, 2010

David S. Abramson, Esq.
Chair

Martica A. Douglas, Esq.

Christine Holden, Ph. D.