On June 28, 2012, with due notice, Panel A of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E), concerning misconduct by the Respondent, C. Peter Bos, Esq. The disciplinary proceeding had been commenced by the filing of a Stipulated Disciplinary Petition by the Board of Overseers of the Bar (the Board) on April 11, 2012.

At the June 28, 2012 hearing, the Board was represented by Assistant Bar Counsel Aria Eee, and Attorney Bos appeared pro se. Additionally, the complainant, Thomas A. Cox, Esq., had been provided with a copy of the parties’ proposed stipulated sanction Report in advance of the stipulated hearing.

Prior to that hearing, the parties had 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 C. Peter Bos of Bangor, 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 then applicable Maine Rules of Professional Conduct (M.R.P.C.) Attorney Bos was admitted to the Maine Bar in 1984, and he is currently registered as an active Maine attorney.

In April 2008, Attorney Bos began representing a vulnerable client (Ms. J) in what may be characterized as a predatory mortgage transaction. Although Attorney Bos did not originate the loan transaction, he did fail to properly advise Ms. J and protect her from the undue influence of a third-party, Mr. Hibbert.

In the years prior to this matter, Hibbert had increased his control over Ms. J’s finances and assets. During the representation, Attorney Bos discovered a Lincoln County indictment related to Hibbert’s theft from his mother. Attorney Bos acknowledges that in his first meeting with Ms. J and Hibbert, he noticed that Ms. J was heavily influenced by Hibbert. Attorney Bos agrees that he should have known his client was so vulnerable and impaired that the transaction about which he was advising her should have been terminated.

Attorney Bos knew that Hibbert would receive funds from Ms. J’s mortgage loan. Bos wired those funds directly to accounts described by Hibbert without consulting Ms. J. Attorney Bos acknowledges his serious failure to
protect Ms. J and her financial interests, and his inadequate representation of Ms. J caused her severe harm.

Finally, Attorney Bos’ client file contained minimal information detailing his communications with Ms. J, his concerns about Hibbert, or any work he performed on this client’s case.

Attorney Bos’ actions during this representation constituted violations of then applicable M. Bar R. 3.6 (a)(1)(2)(3) [standards of care and judgment/neglect] and 3.2(f)(4) [conduct prejudicial to the administration of justice].

CONCLUSION AND SANCTION

The Code of Professional Responsibility and the Maine Rules of Professional Conduct specifically require attorneys to uphold their duties to clients and the courts. Due to Attorney Bos’ actions, Ms. J suffered extreme financial loss and was required to institute a lawsuit against Hibbert and Pioneer Capital Corporation in hopes of recovering some of her losses.

The Panel notes that Attorney Bos was publicly reprimanded in 2009 and again in 2011 for conduct similar in time and detail to that which is at issue here. In that regard, Attorney Bos’ misconduct involving his misrepresentation of Ms. J occurred during the same time period in which Attorney Bos was struggling to manage his practice as discussed in those earlier reprimands.

Attorney Bos has made clear his sincere remorse for his poor handling of Ms. J’s legal matter, and he has been cooperative in her successor counsel’s efforts to recover her losses.
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 properly discharge their professional duties. Among the factors to be considered in imposing sanctions are the duty violated, the lawyer's mental state, the actual or potential injury caused by the lawyer's misconduct, and the existence of any aggravating or mitigating circumstances. See *ABA Standards for Imposing Lawyer Sanctions*, 1991 (ABA Standards). *See also* M. Bar R. 7.1(e)(3)(C).

The first factor to be considered for sanctions under the ABA Standards is to determine the duty that was breached. The then applicable Code of Professional Responsibility specifically required attorneys to uphold their responsibilities to clients and the courts. Attorney Bos violated his duties to Ms. J by failing to properly advise her of the consequences of her mortgage transaction and the rights she was giving up based upon the type of mortgage it was. He also failed to discuss alternatives to this mortgage transaction. In turn, Ms. J was a susceptible consumer; the injury to her was severe, and the effects of the transaction were drastic.

There are some mitigating circumstances present. Attorney Bos candidly admitted his failures to safeguard Ms. J's interests. He explained that his misconduct occurred during a very difficult personal time, and he understands that while that is not an excuse, it does provide some context for his serious errors in the representation. Attorney Bos has also been cooperative with successor counsel's efforts to void the loan transaction. At the disciplinary
proceeding, Attorney Bos apologized for his actions and accepted responsibility for his multiple violations of the then applicable Code of Professional Responsibility. Attorney Bos is also willing to extend the period in which his practice will be monitored by another Maine attorney.

There is also an aggravating circumstance. Attorney Bos has been disciplined before for conduct in 2009 and again in 2011 for conduct similar in time and detail to that which is at issue here.

Since the evidence of misconduct supports a finding and Attorney Bos agrees he did in fact violate the Code of Professional Responsibility, the Panel finds that its issuance of a Public Reprimand with continued monitoring of Attorney Bos’ practice is an appropriate sanction.

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

Date: June 28, 2012

Date: June 28, 2012

Date: June 28, 2012

David J. Fletcher, Esq.
Chair

Cynthia M. Mehnert, Esq.

Steven E. Diaz, MD, FACEP