STATE OF MAINE

BOARD OF OVERSEERS OF THE BAR

GCF No. 12-395

Board of Overseers of the Bar

v.

Dori F. Chadbourne, Esq.
of Portland, ME
Me. Bar No. 009141

Petitioner

Respondent

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

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

On June 11, 2013, 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, Dori F. Chadbourne, 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 March 28, 2013.

At the hearing, Attorney Chadbourne appeared pro se and the Board was represented by Assistant Bar Counsel Aria Eee. Complainant Donna Canfield also attended the hearing. Although the matter was originally scheduled for trial, the Board and Attorney Chadbourne informed the Panel that they had reached agreement on the contested issues. To that end, the parties outlined their agreement on the record and subsequently filed a proposed sanction Report for the Grievance Commission Panel’s review and consideration.

Having reviewed the stipulated, proposed findings as presented by counsel, the Panel makes the following disposition:
FINDINGS

Respondent Dori F. Chadbourne, Esq., of Portland, Maine has been at all times relevant hereto an attorney duly admitted to and engaging in the practice of law in Maine. As such she is subject to the Maine Bar Rules and the Maine Rules of Professional Conduct (M.R. Prof. Conduct). Attorney Chadbourne was admitted to the Maine Bar in May 2001 and she maintains a solo practice in Portland. Her practice largely focuses on family law with a lesser concentration in business litigation, other forms of civil litigation and appellate work.

The pending complaint matter arose out of Attorney Chadbourne’s representation of former client Donna Canfield. Ms. Canfield hired Attorney Chadbourne in or around June 2012 and within that time frame paid Attorney Chadbourne an advanced fee related to a divorce action.

Initially, the attorney client relationship was good. Attorney Chadbourne’s communication with Ms. Canfield was adequate and informative. A few months later, however, Attorney Chadbourne fell ill and was out of the office for significant periods of time. Ms. Canfield began having difficulties reaching Attorney Chadbourne or receiving timely responses to her inquiries, which Attorney Chadbourne has disclosed to the Board also occurred with some other clients. While she did not intend to abdicate some of her client communications, Attorney Chadbourne acknowledges that her failure to properly respond to Ms. Canfield constituted a violation of M. R. of Prof. Conduct 1.4(a)(3)(4).

Due to Attorney Chadbourne’s unavailability to Ms. Canfield, she was terminated from the representation. Within Ms. Canfield’s September 26, 2012
letter of discharge, she requested an accounting for the advanced fee she had paid and a return of the remaining funds. By her letter of September 28, Attorney Chadbourne promptly responded to Ms. Canfield’s letter and assured her that an accounting and refund would be provided forthwith. She also committed to immediately releasing the client file to successor counsel.

Unfortunately, Attorney Chadbourne did not address those subsequent steps in a manner most consistent with her former client’s interests and needs. While there was some communication between Attorney Chadbourne and successor counsel’s office, it was not until October 12 that Ms. Canfield’s file was electronically transmitted to successor counsel and October 19 before hard copies were transferred. Her moderate delays in that regard were violative of M. R. Prof. Conduct 1.16(d). Of greater concern, however, was Attorney Chadbourne’s failure to respond to Ms. Canfield’s requests for an accounting and refund. While Attorney Chadbourne was again experiencing medical complications, she failed to respond at all to Ms. Canfield’s repeated requests, which proved distressing to her former client. Following Ms. Canfield’s complaint (and related Petition for Fee Arbitration), Attorney Chadbourne completed an accounting and refunded the unused portion of the advance, together with interest that Attorney Chadbourne voluntarily added to the refund in some effort to partially compensate for the delay. Attorney Chadbourne acknowledges that her delayed refund of Ms. Canfield’s money constituted an instance of prejudicial conduct, in violation of M. R. Prof. Conduct 8.4(d) in that such delay in refunding to a client the unused portion
of a client's advance hinders that client's ability to provide an advance for any subsequent counsel.

Finally, Attorney Chadbourne concedes and regrets her lack of response to the Canfield grievance complaint matter. She understands that her failure to so respond to Bar Counsel's investigation resulted in a violation of M. R. Prof. Conduct 8.1(b). While Attorney Chadbourne's lack of response largely centered on her absence from the office and her ongoing medical complications, she realizes that she must prioritize both client and practice management concerns.

To that end, Attorney Chadbourne has instituted several measures to ensure a consistent and diligent response to her clients and her business needs. Those measures include the retention of an administrative assistant to answer calls when Attorney Chadbourne is out of the office and to assist in bringing billing current, (which Attorney Chadbourne acknowledges still being behind), and the hiring of a new associate who will begin work in the fall and who will be able to assist clients in Attorney Chadbourne's absence.

**CONCLUSION AND SANCTION**

The Maine Rules of Professional Conduct specifically requires attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Chadbourne's above-outlined failures, Ms. Canfield received inadequate access to her counsel and a significantly delayed return of the unused portion of her advanced fees. The Panel notes that Attorney Chadbourne has taken responsibility for her transgressions. She has acknowledged the distress and
frustration her actions caused Ms. Canfield and Attorney Chadbourne expressed her remorse for her violations of the Maine Rules of Professional Conduct.

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, or otherwise have failed to, properly discharge their professional duties. See M. Bar. R. 2(a). Since the evidence supports a finding and Attorney Chadbourne agrees that she did in fact violate the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes.

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

Date: 6/27/13

Martha C. Gaythwaite, Esq.
Chair

Clarke C. Hambley, Jr., Esq.

Richard P. Dana, CPA
(Public Member)