On October 28, 2013, with due notice, Panel D of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E) concerning alleged misconduct by Respondent Jeremey A. Miller, Esq. The disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on February 4, 2013 (GCF No. 11-130).

At the hearing, Attorney Miller was represented by Attorney Phillip Johnson and the Board was represented by Assistant Bar Counsel Aria Eee. Just prior to the disciplinary proceeding, the parties negotiated a stipulated proposed order regarding GCF 11-130 for the Grievance Commission Panel’s review and consideration. The Complainant in GCF No. 11-130, Attorney Stev Parker, was in attendance at the hearing and made comments to the Panel concerning the parties’ proposed Report which he received just prior to the hearing.

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

Respondent Jeremey A. Miller, Esq. (Miller) of Concord, NH 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 and the Maine Rules of Professional Conduct. Attorney Miller was admitted to the Maine Bar in November of 2008 and primarily practices law in New Hampshire. Attorney Miller has his own law firm, J. Miller & Associates, PLLC located in Concord, New Hampshire.

On April 14, 2011, Attorney Stev Parker filed a grievance complaint against Miller. At the time of the filing, Attorney Miller was also a partner in Legal Helpers Debt Resolution (LHDR), a national debt resolution law firm. During the time period in question, Attorney Miller was the only Maine lawyer affiliated with LHDR. Among other things, Attorney Parker’s complaint alleged that he had experienced difficulty determining the extent of LHDR/Miller’s representation in various Maine collection matters.

In that regard, Attorney Parker identified five (5) cases he had been handling in which Attorney Miller/LHDR represented the opposing parties. Attorney Parker reported that he was unable to engage in any discourse with Attorney Miller concerning settlement offers, proposed motions, court scheduling orders or responses to discovery. Attorney Parker explained that he repeatedly tried to contact Attorney Miller after Attorney Miller filed answers in some litigation matters, but that Attorney Miller did not respond to Attorney Parker’s communications.

Attorney Parker also referenced that in certain cases in which Attorney Miller either did not appear at scheduled hearings and/or failed to respond to discovery, orders unfavorable to Attorney Miller’s clients were issued by the respective courts.
Through counsel, Attorney Miller filed a response to the grievance complaint. In that response, Attorney Miller acknowledged the complex issues presented by his partnership in LHDR and the resultant problems it caused. While Attorney Miller largely denied any professional misconduct he did explain how his work with LHDR evolved and acknowledged some of the resultant lapses in client representation.

In 2009, Attorney Miller entered into a partnership with LHDR that was separate from Attorney Miller's own law firm. Attorney Miller had no management role in the LHDR partnership, but he now agrees that his participation as a partner contributed to a systematic and continuous presence of LHDR in Maine through advertising that raised concerns under M.R. Prof. Conduct 5.5(b)(1). Attorney Miller also recognized that he had neglected some litigation cases, including the "Parker" cases as referenced above. Attorney Miller had assigned those cases to an associate attorney, but failed to adequately supervise the associate in violation of MRPC 5.1(b). While prospective clients did not physically meet with any LHDR employees, in October of 2010 Attorney Miller began making himself personally available to clients who requested him to do so.

As a result of the events contributed to by his inadequate supervision of associates, Attorney Miller instituted new office policies and procedures to ensure that all clients would be competently represented. Attorney Miller has acknowledged that his lack of direct involvement with clients and his admitted neglect and failure to supervise an associate attorney resulted in violations of the Maine Rules of Professional Conduct.

The Panel notes that much of the misconduct that occurred in this grievance matter was the result of the case management practices adopted by the managing
attorneys of LHDR. Furthermore, it appears that LDHR did not generally inform Attorney Miller of important events occurring in Maine concerning LDHR clients. Attorney Miller did receive a related "warning" letter from the Maine Bureau of Consumer Credit Protection, but he failed to appreciate the import of that letter as it regarded the consumers assigned to his caseload.

Additionally, Attorney Miller was unaware and LHDR did not inform him that the State of Illinois had issued a Cease and Desist Order against LHDR in Illinois. Subsequently, a June 2011 Cease and Desist Order was issued in Maine, and upon being advised of it, Attorney Miller declined to represent any new clients of LHDR. Attorney Miller has continued to represent or has completed his representation of existing clients from the LHDR partnership, but he has not accepted any new cases. Attorney Miller also declined to participate in new cases involving any other debt management law firm. While not accepting new cases from such firms, Attorney Miller continues to fulfill obligations to those individuals with whom he already has an attorney-client relationship.

The Panel finds that Attorney Miller's detachment from clients was a direct result of LHDR's practice model, but that his conduct violated M. R. Prof. Conduct 1.3 (diligence) and 1.4 (communication). In his capacity as a partner of LHDR, Attorney Miller had an additional duty under M. R. Prof. Conduct 5.1 and 5.3 to ensure that subordinate lawyers and the non-lawyer assistants associated with LHDR as subcontractors were adequately supervised so that their conduct did not violate any provisions of the Maine Rules of Professional Conduct.

Since then, LHDR has voluntarily settled the issues raised by the State of Maine concerning LHDR's representation of Maine residents. That agreement, the
"Assurance of Discontinuance," was executed on December 6, 2012. The Panel received a copy of that agreement into evidence at the stipulated hearing.

The Panel notes that no bar grievance complaint against Attorney Miller has been filed by any clients of Attorney Miller or LHDR. Further, Attorney Miller understands that LHDR has paid some restitution to some aggrieved clients as a result of the advocacy of the Maine Bureau of Consumer Credit Protection.

Attorney Miller had no involvement in the design of LHDR's business model or LHDR's practices and procedures. However, he was a partner in the LHDR firm and was responsible for taking reasonable steps to ensure that the firm had in place measures giving reasonable assurance that, with respect to Maine clients, the conduct of firm lawyers, staff and independent contractors conformed to the Maine Rules of Professional Conduct. Attorney Miller had the same obligations with respect to the lawyers and staff of his own law firm. Miller failed to fulfill those obligations and, accordingly, some clients were harmed. As a result, the Panel issues a reprimand to Attorney Miller and cautions him to carefully assess potential associations with any other law firms, particularly so with regard to the use of non-lawyer assistants and subcontractors. Attorney Miller is also reprimanded for his failure to engage in appropriate supervision of client matters. He is directed to do so in the future.

**CONCLUSION AND SANCTION**

The Maine Rules of Professional Conduct specifically require attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Miller's above-outlined failures, some of his clients were not properly served by the representation. The Panel notes that Attorney Miller has taken responsibility for his
transgressions. At the disciplinary hearing, Attorney Miller expressed his remorse for his 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 properly discharge their professional duties. See M. Bar. R. 2(a). Since the evidence supports a finding and Attorney Miller agrees that he did in fact violate the Maine Rules of Professional Conduct, the Panel finds that a Reprimand in GCF No. 11-130 serves those purposes.

Therefore, the Panel accepts the agreement of the parties, including Attorney Miller's separately executed waivers of any objection to this Report and waiver of appeals. The Panel concludes that the appropriate disposition of this case is a Public Reprimand to Jeremey A. Miller, Esq., which is now hereby issued and imposed upon him pursuant to M. Bar R. 7.1(e)(3)(C), (4).

Date: 10/25/13

William E. Baghdoyan, Esq.
Chair
James A. McKenna III, Esq.
Emilie van Eeghen