On November 20, 2013, with due notice, Panel B of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E), concerning misconduct by the Respondent, Kristen E. P. Kaleo. The disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on July 16, 2013.

At the November 20, 2013 hearing, the Board was represented by Assistant Bar Counsel Aria Eee and Ms. Kaleo, upon receiving proper notice, elected to not appear in person. With the approval of the Panel Chair, she did participate by telephone that was audible by everyone in attendance at that hearing.

Prior to that hearing, the parties had submitted the 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 Kristen E. P. Kaleo of Crofton, Maryland was at all times relevant hereto an attorney duly admitted to and engaging in the practice of law in the State of Maine. As such, Ms. Kaleo was subject to the Maine Bar Rules and the Maine Rules of Professional Conduct (MRPC). Ms. Kaleo was admitted to the Maine Bar in 2007 and is currently administratively suspended from the practice of law.

Effective October 22, 2012 Ms. Kaleo was administratively suspended by the Board of Overseers due to her failure to comply with the annual registration requirement of M. Bar R. 6(a), and the continuing legal education credit hours requirement of M. Bar R. 12(a).

A grievance complaint was docketed *sua sponte* on January 29, 2013 by Bar Counsel as a result of Ms. Kaleo’s subsequent failure to file the notice affidavit required by Maine Bar Rule 7.3(i)(2) following her summary administrative suspension.

Ms. Kaleo failed to submit any response to either of Bar Counsel’s letters of February 1 or March 6, 2013 requesting her comments and response to the grievance complaint. Ms. Kaleo’s failure to respond to the inquiries of Bar Counsel was in violation of M. R. Prof. Conduct 8.1(b).

Ms. Kaleo remains suspended from practice in Maine for having failed to file the Maine Bar Rule 7.3(i)(2) affidavit, or to ever address the administrative rule failures that had caused her suspension to be imposed.
Ms. Kaleo has moved from the State of Maine, and has not been in active practice for some time. She acknowledges that she has failed to comply with the Bar Rules, and explains that she was undergoing extreme personal distress at the time of the violations, and that it is her intention to withdraw from the practice of law in Maine at the completion of this grievance proceeding. Ms. Kaleo has now submitted the Affidavit required by Maine Bar Rule 7.3(i)(2), and has paid the necessary fees for her reinstatement.

Ms. Kaleo’s conduct resulted in her violations of Maine Bar Rule 7.3(i)(2)(A)(B) and Maine Rules of Professional Conduct Rule 8.1(b).

CONCLUSION AND SANCTION

The Maine Rules of Professional Conduct specifically require attorneys to uphold their duties to clients and the courts. Ms. Kaleo’s conduct was in direct violation of the Maine Rules of Professional Conduct.

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.

The first factor to be considered for sanctions under the ABA Standards for Imposing Lawyer Sanctions is to determine the duty that was breached. Ms.
Kaleo violated her duties as an officer of the court by failing to file the Affidavit required by Maine Bar Rule 7.3(i)(2) within 30 days of her suspension from the practice of law, or to respond to Bar Counsel’s inquiry as required by Maine Bar Rule 8.1(b). See ABA Standards for Imposing Lawyer Sanctions, 1991 (ABA Standards). See also M. Bar R. 7.1(e)(3)(B).

In mitigation, the Panel notes that Ms. Kaleo was going through a period of extreme personal distress at the time of her failure to file the required affidavit, and that she now recognizes her actions were improper under the Maine Bar Rules and the Maine Rules of Professional Conduct. The Panel also notes that the Board’s regulation history reflects that Ms. Kaleo has no prior disciplinary record.

In sum, the evidence of misconduct supports the Panel’s findings, and Ms. Kaleo agrees she did in fact violate the Maine Bar Rules. However, the Panel agrees that the misconduct is minor; that there is little or no injury to a client, the public, the legal system, or the profession; and that there is little likelihood of repetition by Ms. Kaleo. Accordingly, the Panel concludes that a dismissal with a warning is a proper sanction to impose upon Ms. Kaleo.

Therefore, the Panel accepts the agreement of the parties including Ms. Kaleo’s separately executed waiver of the right to object to the warning or its terms. The Panel concludes that the appropriate disposition of this case is the
issuance of a **Dismissal with a Warning** to Kristen E. P. Kaleo, which is now hereby issued and imposed upon her pursuant to M. Bar R. 7.1(c)(3)(B), (4).

Date: November 20, 2013

John R. Bass II, Esq.
Chair

Maurice A. Libner, Esq.

Kenneth L. Roberts