STATE OF MAINE

Board of Overseers of the Bar

GCF No. 08-448

BOARD OF OVERSEEERS OF THE BAR

Petitioner

v.

DALE L. LAVI, ESQ.

of Camden, ME

Me. Bar # 8848

Respondent

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

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

On February 8, 2010 with due notice, Panel C of the Grievance Commission conducted a disciplinary hearing concerning misconduct by the Respondent, Dale L. Lavi, Esq. This proceeding had commenced on September 7, 2009 through the Board of Overseers of the Bar’s filing of a Disciplinary Petition. The February 8, 2010 hearing was open to the public pursuant to Maine Bar Rule 7.1(e)(2)(E).

At the hearing, the Board of Overseers of the Bar (the Board) was represented by Assistant Bar Counsel Aria Eee and Attorney Lavi appeared pro se. Prior to the hearing date, the parties had submitted a stipulated, proposed sanction Report for the Grievance Commission Panel’s review and consideration. The complainant, Sharon Miller, (Miller) was present at the disciplinary hearing. She was also provided with a copy of the proposed order in advance of the stipulated hearing.

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

Respondent Dale Lavi (Lavi) of Camden, 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 Lavi was admitted to the Maine Bar in April of 1999 and he remains an actively licensed attorney.

As explained in Ms. Miller’s complaint, Attorney Lavi began representing her in January of 2008 in a matter related to Miller’s credit card debt. During the representation, Attorney Lavi belatedly filed an answer to the creditor’s complaint, resulting in a default judgment against Ms. Miller. In hindsight, Attorney Lavi now appreciates the risk in relying on an unconfirmed date of service (as he did in Miller’s civil matter) in order to calculate a response deadline.

Subsequently, Attorney Lavi engaged in further representation of Ms. Miller on similar but unrelated consumer credit matters. Within his responses to this grievance matter, Attorney Lavi explained that he expended a fair amount of additional time in Ms. Miller’s case (pre-filing) than many other Chapter 7 cases he has handled. That work included Attorney Lavi’s attendance at a Disclosure Hearing in Rockland District Court where he discussed the matter with opposing counsel and the presiding judge. As a courtesy, Attorney Lavi apparently did not charge Ms. Miller for that work.

Thereafter, due to personal difficulties, Attorney Lavi became unable to perform legal services for a period of time. Coupled with the lack of a back-up
plan, Attorney Lavi's absence from practice created problems for Ms. Miller and his law office. Undoubtedly, his failure to timely communicate or meet with Ms. Miller in order to file her bankruptcy and to avoid the garnishment of her wages resulted in real harm to Ms. Miller and a violation of M. Bar R. 3.2(f)(4) and 3.6(a)(2)(3). Moreover, Attorney Lavi's failure to promptly return Ms. Miller's file constituted a violation of M. Bar R. 3.6(e)(2)(iv).

Since that time, Attorney Lavi has reported to the Board a synopsis of the changes instituted within his law practice which are designed to prevent any similar problems. In that regard, Attorney Lavi has apparently instructed his wife how to access all information within his law practice. He has also created a computer-based client file list, including important dates and status descriptions of each case. Within that client list are the names and phone numbers of three local attorneys to which Attorney Lavi's wife can make any necessary referrals.

**CONCLUSION AND SANCTION**

The Code of Professional Responsibility specifically requires attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Lavi's above-outlined failures, Ms. Miller's legal matters were not timely addressed thereby creating unnecessary harm. The panel notes that Attorney Lavi has taken responsibility for his transgressions. He has refunded the money Ms. Miller paid to him and he has apologized for his treatment of her. At the disciplinary hearing, Attorney Lavi expressed his remorse for his violations of the then applicable Code of Professional Responsibility.
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. Since the evidence supports a finding and Attorney Lavi agrees that he did in fact violate the Code of Professional Responsibility, the Panel finds that a public reprimand serves those purposes.

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

**For the Parties**

Dated:

Aria Eee, Assistant Bar Counsel

Dale Lavi, Esq.
Respondent

**Grievance Commission Panel**

Date: 2/8/10

David S. Abramson, Esq., Chair

Date: 2/8/10

Martha C. Gaythwaite, Esq.

Date: February 3, 2010

Christine Holden, Ph.D