On November 27, 2018, with due notice, Panel C of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e) concerning alleged misconduct by the Respondent, April M. Luna. This disciplinary proceeding had been commenced by the filing of a formal disciplinary petition by the Board of Overseers of the Bar (the Board) on August 20, 2018. At the hearing, the Board was represented by Assistant Bar Counsel Alan P. Kelley (Bar Counsel). Ms. Luna did not appear.

**FINDINGS**

Respondent April Luna was at all times prior to her administrative suspension and relevant hereto an attorney duly admitted to practice law in the State of Maine.

Effective October 17, 2017, Ms. Luna was administratively suspended by the Board pursuant to M. Bar R. 4(g)(2) due to her failure to comply with the annual registration requirement of M. Bar R. 4(a) and the continuing legal education credit hours requirement of M. Bar R. 5(a). On or about February 16,
2018, Bar Counsel filed a sua sponte grievance complaint alleging that Ms. Luna had violated M.R. Prof. Conduct 8.4(a) and M. Bar R. 4(k)(8) based on her failure to file the required “notification affidavit” attesting to her compliance with M. Bar R. 4(k) following her October 17, 2017 administrative suspension.

On or about February 21, 2018, Bar Counsel mailed to Ms. Luna a letter notifying her of her obligation to file an affidavit pursuant to M. Bar R. 4(k)(8). Ms. Luna did not respond. On or about April 26, 2018, Bar Counsel mailed Ms. Luna a letter requesting her comments and response to the February 16, 2018 grievance complaint. Ms. Luna did not respond.

On July 19, 2018, a three-member panel of the Grievance Commission reviewed the grievance complaint and the results of Bar Counsel’s investigation pursuant to M. Bar R. 13(d). Following such review, that panel found probable cause to believe that Ms. Luna had engaged in misconduct subject to sanction under the Maine Bar Rules and authorized Bar Counsel to prepare and file a formal disciplinary petition pursuant to M. Bar R. 13(e).

Accordingly, on August 20, 2018, Bar Counsel filed a formal disciplinary petition alleging that Ms. Luna had violated M. Bar R. 4(k)(8) and M.R. Prof. Conduct 8.1(b) and 8.4(a)(d). Ms. Luna did not respond to the petition.

Ms. Luna did not appear at or otherwise participate in the November 27, 2018 hearing in this matter, nor was good cause for such failure to appear alleged.

As of the date of the hearing, Ms. Luna remains suspended from the practice of law in Maine and has not addressed the administrative failures that caused her suspension to be imposed.
Ms. Luna's failure to respond to the formal disciplinary petition in this matter constitutes her admission of the factual allegations and misconduct alleged therein. M. Bar R. 13(e)(3), 20(a). Furthermore, Ms. Luna's failure to appear at the disciplinary hearing without good cause constitutes an admission of the factual and misconduct allegations that were the subject of the hearing. M. Bar R. 20(b). For these reasons, the panel accepts the facts and misconduct alleged in the disciplinary petition and at hearing. Specifically, the panel finds that Ms. Luna violated M. Bar R. 4(k)(8) and M.R. Prof. Conduct 8.1(b) and 8.4(a)(d).

CONCLUSION AND SANCTION

Having concluded that Ms. Luna violated M. Bar R. 4(k)(8) and M.R. Prof. Conduct 8.1(b) and 8.4(a)(d), the panel must issue an appropriate sanction. 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. The Grievance Commission relies on Maine Bar Rule 21(c) for guidance as to the proper factors to consider and apply in the issuance of an appropriate disciplinary sanction. Maine Bar Rule 21 states as follows:

(c) Factors to be Considered in Imposing Sanctions. In imposing a sanction after a finding of lawyer misconduct, the Single Justice, the Court, or the Grievance Commission panel shall consider the following factors, as enumerated in the ABA Standards for Imposing Lawyer Sanctions:

1. whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;

2. whether the lawyer acted intentionally, knowingly, or negligently;
3. the amount of the actual or potential injury caused by the lawyer's misconduct; and

4. the existence of any aggravating or mitigating factors.

In this matter, Ms. Luna violated her duties to the legal system by failing to complete the annual registration requirements, by failing to file the required notification affidavit once she was administratively suspended, by failing to comply with the continuing legal education requirements applicable to her, and by failing to respond to Bar Counsel's inquiries in this matter. Ms. Luna's neglect caused minor injury to the legal system. The Maine Supreme Judicial Court promulgated the Maine Bar Rules and the Maine Rules of Professional Conduct to govern the practice of law by Maine attorneys. The information collected by the annual registration of lawyers facilitates the protection of the public and courts. Respondent's continuing failure to file an affidavit complying with Maine Bar Rule 4(k)(8) is an aggravating circumstance.

For the above-stated reasons, the panel concludes that the appropriate disposition of this case is a **public reprimand** to Ms. Luna, which is now hereby issued and imposed upon her pursuant to Maine Bar Rule 21(b)(5).

Date: 12/4/18

Date: 12/12/18

Date: 12/6/18

Robert S. Hark, Esq.
Chair

Justin D. LeBlanc, Esq.

Marjorie M. Medd
Public Member