

JUN 17 2019

BOARD OF OVERSEERS OF THE BAR

State of Maine

MAINE SUPREME JUDICIAL COURT

Docket No. BAR-18-009

IN RE: )  
 ) Order to Discharge Receiver  
 ) Appointed to Protect Clients' Interests  
 James M. Whittemore, Esq. ) M. Bar R. 32.  
 )

This matter having been heard by the undersigned Justice of the Court, upon the motion of the Receiver herein for an order discharging her as Receiver of the law practice of James Whittemore, the Court makes the following finds of facts and conclusions of law:

1. On August 7, 2018, the Court appointed Judy A.S. Metcalf, Attorney at Law, as Receiver of the law practice of James Whittemore for the purpose of obtaining possession of files belonging to James Whittemore's clients, securing funds held in James Whittemore's operating and trust accounts, obtaining James Whittemore's trust account records, and protecting the interests of the clients and/or former clients of James Whittemore.

2. Judy A.S. Metcalf, Receiver of the law practice of James Whittemore, acting in good faith, has taken all reasonable steps to fulfill her obligations as Receiver of the law practice of James Whittemore. She has returned or attempted to return all client files to their rightful owners. She has secured funds held in James Whittemore's operating and trust accounts and has identified or attempted to identify the persons to whom those funds belong.

3. Judy A.S. Metcalf has reviewed James Whittemore's clients' files.

4. Judy A.S. Metcalf has distributed files to a significant number of clients and/or former clients of James Whittemore. Judy A.S. Metcalf has returned, where possible, all active client files to the respective clients.

5. A number of James Whittemore's clients have not picked up their files, despite Judy A.S. Metcalf's good faith effort to provide them notice that they should do so. The Board

of Overseers of the Bar now has in its possession the unclaimed client files other than original estate planning materials which are secured in the vault room of Eaton Peabody, 167 Park Row, Brunswick, Maine.

6. The Receiver has disbursed all funds from any trust accounts held by James Whittemore in accordance of the Order dated January 10, 2019.

7. Judy A. S. Metcalf has submitted a summary of her time and expenses incurred in serving as Receiver of the law practice of James Whittemore to the Board of Overseers of the Bar by way of monthly invoices.

Based upon the foregoing FINDINGS OF FACT, the Court makes the following conclusions of law:

1. Judy A.S. Metcalf, Receiver of the law practice of James Whittemore, has taken all reasonable steps to discharge her obligations as Receiver of the law practice of James Whittemore, to return all client files, and to disburse all funds in James Whittemore's operating and trust accounts.

2. Pursuant to the directions provided to Board of Overseers of the Bar, they should be authorized to maintain in storage at their records management storage facility those client files that have not yet been retrieved by the clients of James Whittemore.

THEREFORE it is hereby ORDERED as follows:

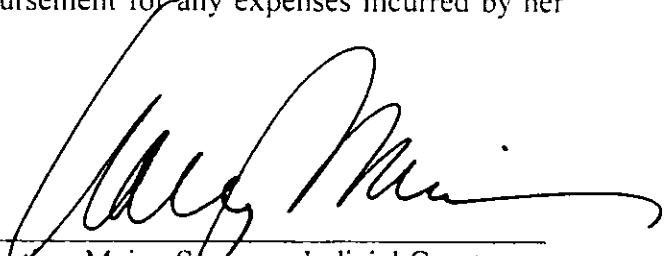
1. Judy A.S. Metcalf is discharged as Receiver of the law practice of James Whittemore.

2. The Board of Overseers of the Bar is hereby authorized to maintain in storage at their records management storage facility those client files that have not been retrieved by the clients of James Whittemore.

*All original estate planning documents will remain secured at Eaton Peabody.*

3. Judy A.S. Metcalf is entitled to reimbursement for any expenses incurred by her while serving as Receiver not yet reimbursed.

Dated: June 13, 2019

  
\_\_\_\_\_  
Justice, Maine Supreme Judicial Court  
*Superior*

RECD ME SUPREME JUD CT  
JUN 13 19 4:43