

Board of Overseers of the Bar

Docket No. GCF #18-460

BOARD OF OVERSEERS OF THE BAR)

Petitioner)

v.)

THOMAS J. POULIN)

of Chesterville, ME)

Me. Bar #003896)

Respondent)

**STIPULATED REPORT OF
FINDINGS AND ORDER OF
PANEL D OF THE
GRIEVANCE COMMISSION
M. Bar R. 13(e)(7)(D)**

On November 25, 2019, with due notice, Panel D of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e)(7)(D) concerning misconduct by the Respondent, Thomas J. Poulin. The disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar on August 1, 2019.

At the November 25, 2019 stipulated hearing, the Board was represented by Assistant Bar Counsel Alan P. Kelley and Thomas J. Poulin, Jr. appeared *pro se* without counsel. Prior to the hearing, the parties had submitted a proposed Stipulated Report of Findings for the Panel’s review and consideration.

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

FINDINGS

1. Respondent Thomas J. Poulin, Jr., currently of Chesterville, Maine, was at all times relevant hereto an attorney duly admitted to and authorized to engage in the practice of law in the State of Maine and/or a suspended

Maine Attorney, in all events and respects subject to the Maine Bar Rules and the Maine Rules of Professional Conduct.

2. Mr. Poulin was admitted to the Maine bar in 1988 and he is currently subject to an administrative non-disciplinary suspension.
3. October 16, 2018 Mr. Poulin was administratively suspended by the Board for his failure to register and pay the fees required by the Maine Bar Rules.
4. Mr. Poulin did not file the affidavit certifying his compliance with Maine Bar Rule 4(k) as required within 30 days after that suspension date.
5. On December 14, 2018, Bar Counsel docketed a *sua sponte* grievance complaint against Mr. Poulin based upon his failure to comply with the affidavit requirements.
6. Bar Counsel sent letters to Mr. Poulin on January 3, 2019 and March 1, 2019 notifying him of his obligations and requesting his response; however, Mr. Poulin failed to respond to the investigation of this grievance matter in violation of M. R. Prof. Conduct 8.1(b).
7. On July 2, 2019 a panel of the Grievance Commission reviewed Mr. Poulin's actions and, based upon that review, found probable cause to believe that he had engaged in misconduct subject to sanction under the Maine Bar Rules.
8. On August 1, 2019, Bar Counsel filed a formal charges disciplinary petition and served that petition on Mr. Poulin pursuant to M. Bar R. 15.

9. On September 20, 2019, Mr. Poulin executed and filed an affidavit indicating that he had not been practicing law, and that he had no actual clients at the time of his administrative suspension in October of 2018.

CONCLUSION AND SANCTION

Mr. Poulin violated Maine Bar Rule 4(k)(8) and Maine Rules of Professional Conduct 8.1(b) and 8.4(a). As a consequence of his administrative suspension, he is not currently a licensed member of the Maine Bar.

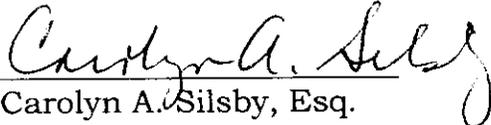
Pursuant to M. Bar R. 21(c), among the factors to be considered in imposing sanctions are: the duty violated, the lawyer's mental state, the actual or potential injury caused by the lawyer's misconduct and the existence of any aggravating or mitigating circumstances. See ABA Standards for Imposing Lawyer Sanctions, 1991 (ABA Standards). See also M. Bar R. 21(c).

The first factor to be considered for sanctions under the ABA Standards is to determine what duty has been breached. The Maine Rules of Professional conduct and the Maine Bar Rules require attorneys to uphold their responsibilities to clients and the courts. Mr. Poulin violated his duties to the legal system by failing to complete the 2018 annual registration requirements in 2018 and by failing to file the required notification affidavit once he was administratively suspended. Ultimately, Mr. Poulin did file the affidavit as contemplated by M. Bar R. 4(K), indicating that he had not been practicing law, and that he had no clients at the time of his administrative suspension. As a result, it appears that there was no actual injury to any client, or the public resulting from Mr. Poulin's delay in filing his affidavit.

In sum, the evidence of misconduct supports the reviewing Panel's findings, and Thomas J. Poulin, Jr. agrees that he did in fact violate the Maine Bar Rules and the Maine Rules of Professional Conduct. However, the Panel agrees that Mr. Poulin's misconduct was minor; that there was little or no injury to a client, the public, the legal system, or the profession; and that there is little likelihood of repetition by Mr. Poulin. Accordingly, the Panel concludes that an admonition is a proper sanction to impose upon Mr. Poulin.

Therefore, the Panel accepts the agreement of the parties and concludes that the appropriate disposition of this case is the issuance of an admonition, which is now hereby issued and imposed upon Thomas J. Poulin, Jr. pursuant to M. Bar R. 13(e)(10)(B).

Date: November 25, 2019


Carolyn A. Silsby, Esq.
Chair


L. Dennis Carrillo, Esq.


Tim Marks
Public Member