

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-91-025

BOARD OF BAR OVERSEERS

v.

GEORGE FRANCIS WOOD

of Sanford, Maine

Maine Bar No. 1167

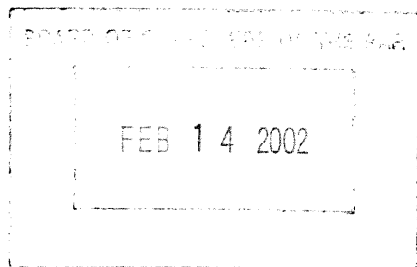
AMENDED
STIPULATION AND ORDER

This matter is before the Court on George F. Wood's Petition for Reinstatement filed pursuant to Maine Bar Rule 7.3(j). J. Scott Davis, Esq. represents the Board of Overseers of the Bar ("the Board") and Kenneth R. Clegg, Esq. represents the Petitioner, George F. Wood. The parties, by and through their counsel, have entered into the Stipulation set out below, and based on those Stipulations this Court grants Petitioner Wood's Petition on the conditions and terms set forth herein.

STIPULATION

The parties stipulate to the following:

1. By Order of January 3, 1992 Mr. Wood was suspended indefinitely from practice as a result of his November 14, 1991 convictions in the U.S. District Court for violations of 18 U.S.C. §1343 (fraud). As a result of the denial of his appeal of those convictions, on April 16, 1993 this Court entered an Order disbaring Mr. Wood from the practice of law in the State of Maine. That Order provided that Mr. Wood could Petition for his reinstatement four years from the date of his January 3, 1992 suspension.



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2. On January 16, 1996, more than four years after the date of his suspension, Mr. Wood filed his Petition for Reinstatement. That Petition is still pending before this Court.

3. As provided in Bar Rule 7.3(j)(5), Bar Counsel then informed Mr. Wood that he would not oppose the reinstatement, and on October 9, 1996 the Board voted to recommend Mr. Wood's reinstatement with conditions. Mr. Wood, however, did not ask the Court to act on his Petition, and after nearly five years, when Bar Counsel proposed that the Petition be dismissed, Mr. Wood renewed his request for reinstatement. Bar Counsel again agreed not to oppose Mr. Wood's renewed request, and on October 26, 2001 a majority of the Board (with one recusal) voted to again recommend that the Court reinstate Mr. Wood, subject to the conditions set out in the following Order.

ORDER

Based on the recommendation of the Board of Overseers of the Bar that Petitioner George F. Wood be reinstated to the Bar and be admitted to practice law in the State of Maine, this Court orders, adjudges and decrees as follows:

1. Subject to the terms and conditions set out below, George F. Wood is hereby reinstated to the Bar and is hereby permitted to practice law in the State of Maine.

2. As a condition to Mr. Wood's reinstatement, he shall continue to study and refamiliarize himself with the areas of law in which he intends to practice by spending at least 10 hours per week for 10 weeks reading and studying the Rules of Court, statutes, and cases. Four (4) weeks of study occurred from December 13 through December 27, 2001, and January 20 through February 1, 2002. The remaining six (6) weeks shall occur February 3 through March 17, 2002. Every two weeks Mr. Wood shall

sign and send to Bar Counsel for his review and approval an Affidavit attesting to the fact that he has studied the law for at least 10 hours during each of the previous two weeks. The Affidavit shall list the specific areas of law Mr. Wood has studied. At the end of the tenth week, once Mr. Wood has sent Bar Counsel his final Affidavit, Bar Counsel shall report to the Court whether Mr. Wood has satisfactorily fulfilled this condition.

3. For a period of one year from this date, Mr. Wood's practice of law shall be monitored by Charles W. Smith, Jr., Esq.

4. Within 20 days of this date Mr. Smith will meet with Mr. Wood to review whether Mr. Wood has opened an appropriate client's account, has in place a system to identify potential conflicts and to calendar various deadlines, including statutes of limitations, and otherwise is prepared to accept clients. Thereafter, Mr. Smith will meet with Mr. Wood at least once each month, and more often if circumstances require, to confirm that each of these office management systems remains in place and is properly functioning, and to offer such other suggestions or observations as may be helpful for Mr. Wood to meet the needs of his clients and comply with this Order and the Bar Rules.

5. In advance of each such monthly meeting, Mr. Wood shall prepare and send to Mr. Smith a written report setting out the current status of all pending matters in which he has been retained as counsel. For each matter the report shall briefly outline what activity has occurred in the preceding month and what activity is anticipated for the upcoming month.

6. Mr. Smith, who is a volunteer and will receive no compensation for his service, shall have the right to withdraw and terminate his service as a monitor at any time for any reason, including the reasons set forth in Paragraph 7 below. In the event

Mr. Smith terminates his services, he shall so notify Bar Counsel, and the Court, and Mr. Wood shall cooperate in obtaining the services of a replacement monitor who, once appointed by the Court, will serve on the same terms and conditions as Mr. Smith.

7. If any aspect of the monitoring procedure creates a situation which is, or might be interpreted to be a conflict of interest under the Maine Bar Rules (for example, if Mr. Wood is or becomes opposing counsel concerning a matter involving Mr. Smith), then Mr. Smith may adopt any one of the following courses with the proposed result:

- a. Mr. Smith shall cease to act as Monitor and a potential conflict is avoided;
- b. Mr. Smith shall continue as Monitor but totally exclude Mr. Wood's client and matter in question from the monitoring process, so that no conflict is deemed to exist;
- c. Mr. Smith shall continue as Monitor, and obligate his firm to withdraw from the conflicting matter; or
- d. Mr. Smith shall continue as Monitor, and obligate Mr. Wood not to participate in the matter and to obtain new counsel for his client(s).

8. If in Mr. Smith's judgment it is appropriate, he shall have the right to contact clerks of court, judges or opposing counsel to determine the accuracy of Mr. Wood's reports to him.

9. Mr. Smith shall have no contact with any of Mr. Wood's clients and his only contact in the performance of his duties shall be with Mr. Wood or other persons contemplated by this Order. Moreover, Mr. Smith's participation in the monitoring of Mr. Wood's practice shall be deemed not to create an attorney-client relationship between Mr. Smith and Mr. Wood or between Mr. Smith and any of Mr. Wood's clients.

However, all communications between Mr. Wood and Mr. Smith that pertain to any of Mr. Wood's clients shall be deemed communications between a lawyer and a lawyer's representative and, therefore, are subject to and protected by the attorney/client privilege as provided in Evidence Rule 502 and Maine Bar Rule 3.6(h).

10. Every three months Mr. Smith shall file a confidential report with the Court and provide copies of the report to Bar Counsel and Mr. Wood. The report shall describe the nature and extent of any professional assistance Mr. Smith has provided to Mr. Wood.

11. Mr. Smith will have a duty to report to Bar Counsel and the Court any apparent or actual professional misconduct by Mr. Wood which Mr. Smith becomes aware of or any lack of cooperation by Mr. Wood in the performance of this Order.

12. If at any time for a period of one year from this date Bar Counsel learns or has reason to believe or receives any complaint that Mr. Wood has or is failing to fulfill any of the conditions of this Order or has otherwise failed to comply with or abide by the Bar Rules, then Bar Counsel shall file directly with this Court and serve on Mr. Wood a Motion that sets forth the facts that Bar Counsel believes constitute a violation of this Order or the Bar Rules. This Court shall schedule and then conduct an appropriate evidentiary hearing to determine whether Mr. Wood has, in fact, violated the terms of this Order or failed to abide by the Bar Rules. If, after the hearing, the Court concludes that Mr. Wood has violated this Order or the Bar Rules, the Court may then enter, on such terms and conditions as it deems appropriate, an Order which may, among other things, include a provision that revokes Mr. Wood's privilege to practice law and restores his disbarment.

13. If Mr. Wood satisfactorily fulfills the terms and conditions of this Order and no new allegations of misconduct are brought to the Court's attention within one year of this date, then the services of the Monitor shall, without further Order of the Court, be discharged and Mr. Wood shall be allowed to practice law in the State of Maine without supervision or further monitoring.

Dated: February 12, 2002



Robert W. Clifford
Associate Justice, Supreme Judicial Court