

STATE OF MAINE

PENOBSCOT, ss

SUPREME JUDICIAL COURT
DOCKET NO.: Bar-97-10

BOARD OF OVERSEERS OF THE BAR,)

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v.)

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ORDER OF REINSTATEMENT

M. Bar R. 7.3(j)(5)

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SUE A. BUSHEY)

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This matter came before the Court pursuant to a Petition for Reinstatement filed by Sue A. Bushey pursuant to Rule 7.3(j)(5) of the Maine Bar Rules. Ms. Bushey had been suspended from the practice of law for a period of 90 days effective October 15, 1997, pursuant to order of this Court dated September 17, 1997. She has remained under that suspension since that effective date.

At the request of Bar Counsel J. Scott Davis, a testimonial hearing was heard by this Court on January 26, 2002. Ms. Bushey was represented by Philip P. Mancini, Esquire and the Board was represented by Bar Counsel Davis. At that hearing, the Court heard testimony from Ms. Bushey, along with S. Leigh Haskell, Ph. D. (clinical psychologist), C. Donald Briggs, III, Esquire, and Rebecca A. Cayford, Esquire. Based upon the testimony of the witnesses, along with the documents attached to the Petition for Reinstatement with completed Petitioner's Questionnaire, the Court finds that the following facts have been proven by clear and convincing evidence:

1. Ms. Bushey has fully complied with the terms of all prior disciplinary orders.

2. Ms. Bushey has neither engaged nor attempted to engage in the unauthorized practice of law.
3. Ms. Bushey recognizes the wrongfulness and seriousness of the misconduct for which suspension was originally imposed.
4. Ms. Bushey has not participated in any further professional misconduct since suspension.
5. Ms. Bushey has the requisite honesty and integrity to practice law.
6. Ms. Bushey has kept informed of recent developments in the law and is competent to practice law, subject to the continuing legal education (CLE) requirements as set forth as reinstatement condition #13.
7. Ms. Bushey has submitted reliable and credible proof that she has obtained appropriate and competent counseling and treatment for her avoidance problem, so as not to affect her capacity to engage in the practice of law upon reinstatement.
8. The Court has heard testimony from Rebecca A. Cayford, Esquire which includes her agreement for the establishment of a mentor relationship with Ms. Bushey, wherein they will consult with each other for a period of three (3) years in accordance with the schedule specifically set forth in this order.

Accordingly, the Court HEREBY ORDERS that Sue A. Bushey be and hereby is reinstated to the practice of law in Maine subject to the following terms and conditions:

1. The Court appoints Rebecca A. Cayford, Esquire as a mentor for Ms. Bushey for a period of three (3) years commencing on March 1, 2003, unless terminated earlier as herein provided or by other order of this Court;
2. During the period of supervision, Ms. Cayford will initially meet at least monthly for six (6) months with Ms. Bushey concerning the current status of matters in which she has been retained to act as counsel. Thereafter, Ms. Cayford and Ms. Bushey will meet at least every three (3) months for at least 10 meetings.
3. Ms. Cayford will be a volunteer who shall receive no compensation and who shall be expected to incur no expenses;
4. Ms. Bushey will meet with Ms. Cayford within ten (10) days of the date of this order and thereafter at the call and convenience of Ms. Cayford on a regular basis, unless Ms. Cayford should determine that more frequent meetings are appropriate;
5. Ms. Cayford shall have the right to withdraw and terminate her service at any time for any reason she deems sufficient, including for the reasons set forth in paragraph six below. In the event of withdrawal, she shall notify the Court and Bar Counsel and Ms. Bushey shall then immediately cooperate with Ms. Cayford to obtain the services of an alternate mentor subject to the prior approval of the Court and Bar Counsel to complete the remainder of the original mentor's term.

6. If any aspect of the mentoring procedures creates a situation, which is, or might be interpreted to be a conflict of interest under the Maine Bar Rules, then Ms. Bushey may adopt any one of the following courses with the proposed result:
 - a. Ms. Cayford shall cease to act as mentor and a potential conflict is avoided,
 - b. Ms. Cayford shall continue as mentor, but totally exclude Ms. Bushey's client's matter from the monitoring process, so that no conflict is deemed to exist,
 - c. Ms. Cayford shall continue to mentor but shall herself withdraw from the conflicting matter,
 - d. Ms. Cayford shall continue to mentor, and obligate Ms. Bushey not to participate in the matter but to instead properly obtain replacement counsel for her client(s).
7. If in Ms. Cayford's judgment, it is appropriate, she shall have the right to contact clerks of court, judges, or opposing counsel to determine the accuracy of Ms. Bushey's reports to her.
8. Ms. Cayford shall have no contact with any of Ms. Bushey's clients and the only contact(s) in the performance of her mentor duties shall be with Ms. Bushey or other persons contemplated by this order.
9. Ms. Cayford's participation in the mentoring of Ms. Bushey's practice shall be deemed not to create an attorney/client relationship between Ms.

Bushey and Ms. Cayford, or between Ms. Cayford and Ms. Bushey's clients.

10. Ms. Cayford shall file a confidential report with the Court on or before April 1, 2003 and quarterly thereafter or sooner if Ms. Cayford deems it necessary, with copies to Ms. Bushey and Bar Counsel concerning any professional assistance Ms. Cayford has provided to Ms. Bushey.
11. Ms. Cayford has the duty to report to Bar Counsel and the Court any apparent or actual professional misconduct by Ms. Bushey of which Ms. Cayford becomes aware or lack of cooperation by Ms. Bushey in the performance of this Order.
12. In the event a grievance complaint is received by Bar Counsel alleging misconduct by Ms. Bushey, such complaint shall be processed under Bar Rule 7.1(c) or 7.1(d) as appropriate, but in the event a preliminary review panel finds probable cause of misconduct under Bar Rule 7.1(d)(5), the matter shall then be filed by Bar Counsel by information for hearing before the Court under Bar Rule 7.2(b);
13. The Court finds and is pleased that Ms. Bushey has already completed nine credit hours of approved CLE, including one hour of ethics, for calendar year 2001. Ms. Bushey's reinstatement is now specifically conditioned on her complying with her remaining CLE obligations for calendar year 2002 as follows: On or before June 30, 2003 Ms. Bushey shall certify to the Board her completion of at least 13 credit hours of approved CLE, including at least one hour of ethics. In addition to

completing those approved CLE credit hours, upon being reinstated Ms. Bushey shall also comply with her current CLE obligations under Bar Rule 12(a) for calendar year 2003; and

14. Any apparent violation of the conditions of this order shall be directly filed by Bar Counsel with the Court.

Dated: February 28, 2003



Paul L. Rudman
Associate Justice