

STATE OF MAINE

Board of Overseers of the Bar

GCF No. 12-018

BOARD OF OVERSEERS OF THE BAR)
 Petitioner)
 v.)
 MICHAEL G. KEEFE, ESQ.)
 of Portland, ME)
 Me. Bar No. 8736)
 Respondent)

**STIPULATED REPORT OF
 FINDINGS AND ORDER OF
 PANEL E OF THE GRIEVANCE
 COMMISSION
 M. Bar R. 7.1(e)(2)(4)**

On August 28, 2012, with due notice, Panel E of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E), concerning misconduct by the Respondent, Michael G. Keefe, Esq. The disciplinary proceeding was commenced by the Board of Overseers of the Bar's (the Board) June 11, 2012 filing of a Stipulated Disciplinary Petition.

During the hearing, the Board was represented by Assistant Bar Counsel Aria Ee and Attorney Keefe appeared *pro se*. The complainant, Nadine L. Tingley, attended the hearing and briefly addressed the Panel. Prior to that hearing, Assistant Bar Counsel Ee and Attorney Keefe submitted a stipulated, proposed sanction Report for the Grievance Commission Panel's review and consideration.

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

FINDINGS

Respondent Michael G. Keefe of Portland, Maine, has been at all times relevant hereto an attorney duly admitted to and engaging in the practice of law in the State of Maine, subject to the Maine Bar Rules and the Maine Rules of Professional Conduct. Attorney Keefe was admitted to the Maine Bar in 1998 and he works as a solo practitioner in Portland, Maine.

In July 2011 Ms. Tingley retained Attorney Keefe for two distinct family law matters. Upon her retention of Attorney Keefe, Ms. Tingley paid him "non-refundable" fees totaling \$3500. By the time of Ms. Tingley's January 2012 complaint filing with the Board, however, Attorney Keefe had performed insufficient work on her legal matters. In addition, Attorney Keefe had failed to respond to Ms. Tingley's repeated inquiries about the status of each matter.

Attorney Keefe acknowledges that Ms. Tingley hired and paid him for two concerns, one of which he considered to be a novel legal issue. In that regard, Attorney Keefe conducted necessary research and initiated contact with one of the other litigants. Attorney Keefe did not make any filings in the first legal matter and while he drafted the required paperwork for Ms. Tingley's legal separation, he likewise failed to file it in court.

Attorney Keefe has candidly accepted responsibility for his delays in finalizing Ms. Tingley's legal matters. While he intended to try to accomplish his client's goals of pursuing these actions within an expedient time frame, Attorney Keefe realizes that he failed to appreciate the limits of his availability to work within those time periods. Attorney Keefe has also admitted his failure

to timely respond to Ms. Tingley's inquiries about her legal matters. He acknowledges the fact that his lack of contact and response proved stressful and frustrating to his client. Ultimately, Attorney Keefe withdrew from the representation and returned Ms. Tingley's files and retainer fees.

Based upon the above-outlined findings and the parties' agreement, the Panel finds that Attorney Keefe's actions during the representation constituted violations of Maine Rules of Professional Conduct 1.3 [diligence]; 1.4 [communication] and 3.2 [expediting litigation].

CONCLUSION AND SANCTION

The Maine Rules of Professional Conduct specifically require attorneys to uphold their duties to clients and the courts. Due to Attorney Keefe's actions, Ms. Tingley suffered unnecessary distress and delays in pursuing her legal matters.

Attorney Keefe has readily accepted responsibility for his poor handling of Ms. Tingley's legal matters, and he has refunded all of her retainer monies.

M. Bar. R. 2(a) provides that 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. 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 M. Bar R. 7.1(e)(3)(C); See also *ABA Standards for Imposing Lawyer Sanctions*, 1991 (ABA Standards)..

Attorney Keefe violated his duties to Ms. Tingley by failing to timely perform legal services and adequately communicate with her. During the stipulated hearing, he straightforwardly agreed that his conduct was unprofessional and unfair to Ms. Tingley and he apologized to her for his professional failures.

There are some mitigating circumstances present. Attorney Keefe has never received professional discipline and he readily accepted responsibility for his failure to uphold their attorney/client relationship.

Since the evidence of misconduct supports a finding and Attorney Keefe agrees he did in fact violate the Maine Rules of Professional Conduct, the Panel finds that its issuance of a Public Reprimand is an appropriate sanction.

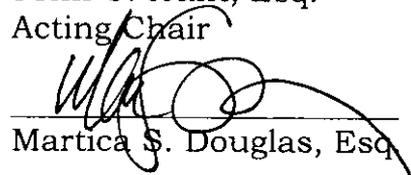
Therefore, the Panel accepts the agreement of the parties including Attorney Keefe's separately executed waiver of the right to file a Petition for Review. The Panel concludes that the appropriate disposition of this case is the issuance of a **Public Reprimand** to Michael G. Keefe, Esq., which is now hereby issued and imposed upon him pursuant to M. Bar R. 7.1(e)(3)(C), (4).

Date: 8/28/12



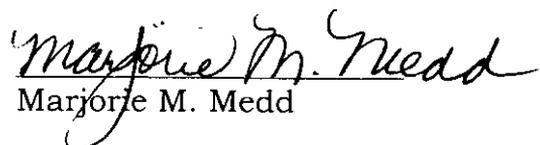
John C. Hunt, Esq.
Acting Chair

Date: 8/28/12



Martica S. Douglas, Esq.

Date: 8/29/12



Marjorie M. Medd