

SEP 29 2015

State of Maine

Board of Overseers of the Bar

GCF# 14-567

BOARD OF OVERSEERS OF THE BAR)
Petitioner)
v.)
Julie Osinski)
of Coral Springs, Florida)
Me. Bar #4669)
Respondent)

**REPORT OF FINDINGS
GRIEVANCE COMMISSION
PANEL D
M. BAR R. 13**

INTRODUCTION

On September 29, 2015, with due notice, panel D of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e)(7) concerning misconduct by Respondent Julie Osinski. On July 9, 2015 Assistant Bar Counsel Alan P. Kelley filed with the Board of Overseers of the Bar [Board] a Disciplinary Petition. On that same date, Assistant Bar Counsel served that Disciplinary Petition on Ms. Osinski [Osinski] along with a Summons requiring her to answer the Petition within twenty days.

The Summons specifically warned Osinski that failure to file an answer to the Disciplinary Petition within 20 days from the date of service would mean that the misconduct alleged in the Petition “shall be taken as admitted, but you may be heard on the question of sanctions.” Osinski did not answer the Board’s Petition. Likewise, Osinski did not appear at, nor participate in, the September 29, 2015 public disciplinary hearing.

FINDINGS

Respondent Julie Osinski of Coral Springs, Florida, was, until the imposition of an administrative suspension, 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.

Osinski was admitted to the Maine bar in 2010 and is currently subject to an administrative non-disciplinary suspension. The Board filed a grievance complaint against Osinski on March 3, 2015. The complaint alleged that Osinski had violated M. R. Prof. Conduct 8.4(a) and M. Bar R. 7.3(i)(2)(B) based upon her failure to file the required "notification affidavit" attesting her compliance with M. Bar R. 7.3(i)(2)(A) in light of her administrative suspension from practice in Maine effective October 31, 2014.

On May 29, 2015, a panel of the Grievance Commission reviewed Osinski's actions in this matter and found probable cause to believe that she had engaged in misconduct subject to sanction under the Maine Bar Rules. Therefore, the Grievance Commission panel authorized Bar Counsel to prepare and present a formal disciplinary petition before a different panel of the Grievance Commission.

Effective October 31, 2014 Osinski was administratively suspended by the Board due to her failure to comply with the annual registration requirement of M. Bar R. 6(a), and the continuing legal education credit hours requirement of M. Bar R. 12(a). Osinski failed to file the required notice affidavit following her administrative suspension that is required by M. Bar R. 7.3(i)(2)(B). Additionally, Osinski failed to respond to any of Bar Counsel's letters of December 29, 2014, January 13, 2015, March 3, 2015 or March 25, 2015 notifying her of her obligation to file the required notice affidavit and requesting her comments and response to the grievance complaint. Osinski's failure to respond to Bar Counsel violated M. R. Prof. Conduct 8.1(b).

Conclusions

Osinski violated Maine Bar Rule 7.3(i)(2)(A)(B) and Maine Rules of Professional Conduct 8.1(b) and 8.4(a)(d). As a consequence of her administrative suspension, she is not currently a licensed member of the Maine Bar, nor has she completed a change of status to inactive or withdrawn. The

Maine Bar Rules provide 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 *ABA Standards for Imposing Lawyer Sanctions*, 1991 (ABA Standards).

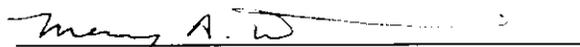
The first factor to be considered for sanctions under the ABA Standards is to determine what duty has been breached. The Maine Rules of professional conduct and the Maine Bar Rules require attorneys to uphold their responsibilities to clients and the courts. Osinski violated her duties to the legal system by failing to complete the annual registration requirements in 2014 and by failing to file the required notification affidavit once she was administratively suspended. Osinski's neglect caused minor injury to the legal system. The Maine Supreme Judicial Court promulgated the Maine Bar Rules and the Maine Rules of Professional conduct to govern the practice of law by Maine attorneys. The information collected by the annual registration of lawyers facilitates the protection of the public and courts.

Osinski's continuing failure to file an affidavit complying with M. Bar R. 7.3(i)(2)(B), is an aggravating circumstance.

Because the evidence supports a finding that Osinski did, in fact, violate the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes. Therefore, the Panel concludes that the appropriate disposition of this case is a **Public Reprimand** to Respondent Julie Osinski which is now hereby issued and imposed upon her pursuant to M. Bar R. 13(e)(10)(C).

Dated: 10/08/2015

James A. McKenna
James A. McKenna III, Esq.,
Panel Chair


Mary A. Denison, Esq.


Emilie van Eeghen, Public Member