

STATE OF MAINE

BOARD OF OVERSEERS OF THE BAR

GCF# 15-050

BOARD OF OVERSEERS OF THE BAR)
 Petitioner)
 v.)
)
)
 RAYMOND L. WILLIAMS, Esq.)
 of Ellsworth, ME)
 Me. Bar #000992)
 Respondent)

STIPULATED REPORT of FINDINGS AND ORDER of PANEL D of the GRIEVANCE COMMISSION

M. Bar R. 13(e) & 25

On December 7, 2015 with due notice and pursuant to Maine Bar Rule (13)(e), Panel D of the Grievance Commission conducted a public disciplinary hearing concerning misconduct by Respondent Raymond L. Williams, Esq. The Board of Overseers of the Bar (the Board) commenced this disciplinary proceeding by filing a Disciplinary Petition on June 2, 2015.

At the hearing, Attorney Williams appeared and was represented by Attorney Marvin H. Glazier, and the Board was represented by Bar Counsel J. Scott Davis. Attorney Williams' former client, Kenneth Ulrich, appeared telephonically at that hearing and confirmed his agreement with the parties' proposed Report in this matter.

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

FINDINGS

Respondent Raymond L. Williams, Esq. of Ellsworth, County of Hancock, State of Maine is and was 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.

On or about February 13, 2015 Attorney Williams' filed a self-report to the Board. As a result, the Board and Bar Counsel initiated this grievance matter pursuant to applicable M. Bar R. 7.1(b)(d). Bar Counsel so notified Attorney Williams by letter dated February 18, 2015.

During the course of Bar Counsel's investigation and in response to Bar Counsel's request(s), Attorney Williams properly responded and provided Bar Counsel with additional information and documents that supported Attorney Williams' self-report claim that he had engaged in professional misconduct in violation of the Maine Rules of Professional Conduct.

Bar Counsel also contacted and interviewed the affected clients and opposing counsel involved in the underlying litigation matter.

As a result, this complaint matter was properly investigated pursuant to applicable M. Bar R. 7.1(b).

The substance of that underlying representation matter involves Attorney Williams' mishandling of a real estate (right of way/easement) matter for his two clients, Kenneth and Coleen Ulrich from Kentucky.

Attorney Williams was hired by the Ulrichs in February 2013 for a fairly direct and succinct purpose: to preserve their property rights regarding real estate in Penobscot, Maine so as to prevent an apparent trespasser – Kathleen Henderson – from acquiring a right of way or easement across their property. In fact, however, as reported by Williams, he failed to properly do so.

Instead, when the Ulrichs became defendants in an action brought by Henderson against them in the Hancock County Superior Court, *Kathleen Henderson v. Kenneth Ulrich, Jr. et al*, Docket No. RE-13-46, Williams failed to properly so notify and inform the Ulrichs.

In fact, Williams failed to have little, if any, appropriate contact with the Ulrichs concerning that litigation against them.

In addition, Williams engaged in settlement discussions and reached a purported settlement agreement with Henderson's attorney, without first properly communicating with and obtaining the Ulrichs' actual approval and agreement thereto.

Furthermore, even after having reached that supposed litigation settlement with Henderson's attorney, Williams was non-responsive to that attorney. Williams' inaction in that regard resulted in that opposing counsel's filing various pleadings with the court to effectuate and enforce that settlement, e.g. a Motion to Enforce Settlement Agreement with supporting thorough Affidavit that were so filed in August of 2014.

On or about February 11, 2015 Henderson's attorney brought Attorney Williams' misconduct to the attention of a law firm partner of Williams, from which Attorney Williams' self-report filing letter of February 13, 2015 soon followed. That law firm partner then took over responsibility for handling the Ulrichs' litigation.

As a result, on June 22, 2015 a fully executed Settlement Agreement and Release was properly filed with the court in the *Henderson v. Ulrich* matter. In

addition, the Ulrichs have been made whole financially by the efforts of Attorney Williams and that law firm partner.

On or about June 23, 2015 a panel of the Grievance Commission reviewed Attorney Williams' actions in this matter. Based upon that review, that panel found probable cause to believe that Williams 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.

Based on the facts set forth above, the Board alleges and Attorney Williams admits that he engaged in conduct that violated the applicable Maine Rules of Professional Conduct, specifically Rules 1.1 (competence); 1.2(a) (scope of representation of client); 1.3 (diligence); 1.4(a) (communication with client); 4.1(a) (truthfulness in statements to others) ; and 8.4(a)(c)(d) (conduct involving misrepresentations and being prejudicial to the administration of justice).

CONCLUSION AND SANCTION

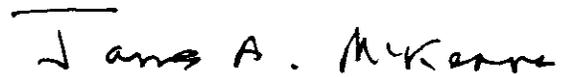
The Maine Rules of Professional Conduct specifically require attorneys to uphold their responsibilities as officers of the court. Accordingly, based upon Attorney William's improper actions and lack of appropriate professional judgment, the Panel finds that he violated the above-referenced Maine Rules of Professional Conduct. The Panel notes that Attorney Williams has taken responsibility for his behavior. He has acknowledged the wrongfulness of his actions and expressed remorse or his violations of those particular portions of the Maine Rules of Professional Conduct. Bar Counsel has confirmed to the Panel

that Attorney Williams has no prior disciplinary record on file with the Board, although he did receive a private reprimand in 1984.

The Panel further notes that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who have demonstrated that they are unable to properly discharge their professional duties. Since the evidence supports a finding and Attorney Williams agrees that he did in fact violate the above-referenced portions of the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes.

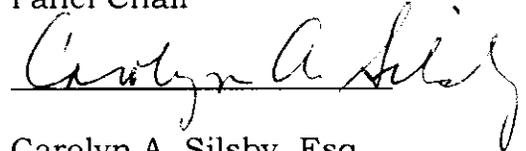
Therefore, the Panel accepts the agreement of the parties, including Attorney Williams' separately executed waiver of the right to file a Petition for Review, and concludes that the appropriate disposition of this case is a **Public Reprimand**. Pursuant to M. Bar R. 13(e) & 25, the Panel hereby issues that Reprimand upon Raymond L. Williams, Esq.

Date: December 7, 2015



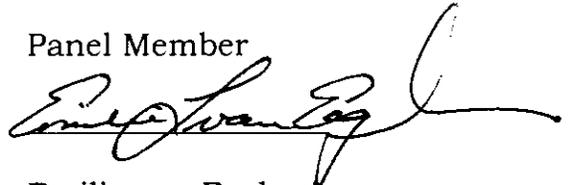
James A. McKenna, III, Esq.

Panel Chair



Carolyn A. Silsby, Esq.

Panel Member



Emilie van Eeghen

Public Member