

STATE OF MAINE



Board of Overseers of the Bar

GCF# 06-371; 07-066; 08-070

BOARD OF OVERSEERS OF THE BAR)
)
 Petitioner)
 v.)
)
 SEAN M. FARRIS, ESQ.)
 of Gardiner, Maine)
 Me. Bar No. 8168)
)
 Respondent)

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

On June 24, 2008, 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, Sean M. Farris, Esq. The disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseer's of the Bar (the Board) on October 26, 2007. Additionally, on March 25, 2008 the Board filed a second Disciplinary Petition which was stipulated to by the parties as it derived from a self-report through counsel for Attorney Farris. By agreement, the two Petitions were consolidated for this public disciplinary hearing before Panel E of the Commission. Prior to the disciplinary proceeding today, the parties submitted a stipulated, proposed sanction order for the Grievance Commission Panel's review and consideration.

At the hearing, Attorney Russell Pierce substituted for Attorney Peter DeTroy, Esq. on behalf of his client, Sean Farris, Esq. The Board was represented by Assistant Bar Counsel, Aria eee. The complainants, David Clark and Rhonda Hamilton, were each provided with a copy of this Report (in

its proposal form) but neither appeared for the hearing. Mr. Clark did file a response to the proposed Report and the same has been distributed to the parties.

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

FINDINGS

Respondent Sean M. Farris (Farris) of Gardiner, County of Kennebec, State of 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 and subject to the Maine Bar Rules. Attorney Farris was admitted to the Maine bar in 1995 and he is a member in good standing.

On November 1, 2006 David Clark filed a complaint against Attorney Farris. The complaint detailed the representation provided by Attorney Farris during a civil suit involving Clarks' family-owned real estate in Maine. In his filing, Mr. Clark alleged that Attorney Farris neglected the case, failed to adequately communicate and failed to notify Clark that in January 2005 the Kennebec County Superior Court dismissed the case.

Subsequently, in January 18, 2007 another client, Rhonda S. Hamilton also filed a complaint against Attorney Farris. Ms. Hamilton alleged that Farris accepted representation of her in an area of law in which he was not competent. Ms. Hamilton further alleged that Attorney Farris failed to communicate with her about the case and inadequately responded to her inquiries.

Initially and then through counsel, Attorney Farris responded to the complaints filed by Ms. Hamilton and Mr. Clark. The Board conducted

investigations and afterward, separate Panels of the Grievance Commission preliminarily reviewed the matters. The Panels found probable cause for disciplinary action against Attorney Farris based upon the investigated allegations of misconduct. Therefore, pursuant to M. Bar R. 7.1(d)(5) the Grievance Commission Panels directed Assistant Bar Counsel to prepare and present a formal disciplinary petition before a different Panel of the Grievance Commission.

After the filing of the Board's Disciplinary Petition, Attorney Farris engaged counsel who subsequently disclosed an additional incident of self-reported misconduct. Based upon that self-report, the Board opened a third complaint against Farris, *sua sponte*. That complaint became the subject of a stipulated Disciplinary Petition filed on March 25, 2008. The two Petitions were then consolidated for hearing before this Panel of the Grievance Commission.

Since that time, Attorney Farris has generally agreed that he engaged in misconduct, having violated specific portions of the Code of Professional Responsibility for which he should receive a Reprimand.

To that end, Attorney Farris acknowledges that he failed to appropriately prosecute Mr. Clark's case, often struggling to meet deadlines and pre-trial obligations. He agrees that his delayed and/or inaccurate responses to Clark's requests for information left his client without sufficient information to discern the status of his legal matter. Attorney Farris also acknowledges his failure to adequately prepare for Ms. Hamilton's litigation and to regularly inform her of

the status of that matter while he served as her attorney. Farris agrees that in his handling of both Mr. Clark's and Ms. Hamilton's civil cases, he violated Maine Bar Rule 3.6(a)(1)(3) (requiring a lawyer to keep the client informed and not neglect the client's legal matter.)

In the matter in which Attorney Farris self-reported, he acknowledges he failed to timely respond to court deadlines and adequately advise his client of developments. He agrees his failure to do so was a violation of M. Bar R. 3.6(a)(1)(3).

As a mitigating factor, Attorney Farris acknowledges that his stressful practice, file management deficiencies, and significant personal stressors negatively impacted these former clients. Without meaning to do so, Attorney Farris violated M. Bar R. 3.1(a) (conduct unworthy of an attorney).

CONCLUSION AND SANCTION

The Code of Professional Responsibility specifically requires attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Farris' above-outlined misconduct, Mr. Clark's case was unknowingly dismissed with prejudice; Ms. Hamilton incurred additional costs and legal exposure within the course of her litigation; and in the self-report matter the case was also dismissed without a decision on the merits. Both Mr. Clark and Ms. Hamilton endured Attorney Farris' lack of response to their inquiries.

However, since that time, Attorney Farris has accepted responsibility for his lapses and has sought help with his personal stressors. At the hearing, he

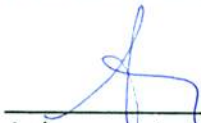
expressed his remorse to the complainants and his decision to voluntarily engage in mentoring with Kennebec County Attorney Michael J. Levey.

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, or likely to be unable, to discharge properly their professional duties. Since the evidence supports a finding and Attorney Farris agrees that he did in fact violate the Code of Professional Responsibility, it appears that a public reprimand serves those purposes.


Therefore, the Panel accepts the agreement of the parties, including Attorney Farris' waiver of the right to file a Petition for Review, and concludes that the appropriate disposition of these cases is a public reprimand to Sean M. Farris, Esq. as provided by M. Bar R. 7.1(e)(3)(C).

Dated: 6/24/08

For the Parties



Aria eee, Assistant Bar Counsel




Russell B. Pierce, Esq.

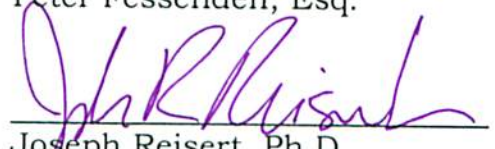
Grievance Commission Panel



John Hunt, Esq. Chair



Peter Fessenden, Esq.



Joseph Reisert, Ph.D