

STATE OF MAINE

Board of Overseers of the Bar

GCF No. 18-075

BOARD OF OVERSEERS OF THE BAR)	STIPULATED REPORT OF FINDINGS AND ORDER OF PANEL B OF THE GRIEVANCE COMMISSION M. Bar R. 13(e)(7)(D)
Petitioner)	
v.)	
)	
CLIFFORD B. STRIKE, ESQ.)	
of Portland, ME)	
Me. Bar #008319)	
Respondent)	

On November 30, 2018, with due notice, Panel B of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e)(7)(D) concerning misconduct by the Respondent, Clifford B. Strike, Esq. The disciplinary proceeding had been commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on July 13, 2018.

At the stipulated hearing, the Board was represented by Acting Bar Counsel Aria Eee and Attorney Strike appeared *pro se*. Prior to the hearing, the parties had submitted a stipulated proposed sanction Report for the Grievance Commission Panel’s review and consideration.

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

FINDINGS

1. Attorney Strike was at all times relevant hereto an attorney duly admitted to and authorized to engage in the practice of law and in all

events and respects subject to the Maine Bar Rules and the Maine Rules of Professional Conduct.

2. Attorney Strike was admitted to the Maine bar in 1996 and he is currently in private practice in Portland, Maine.
3. Eric C. Olson retained Attorney Strike to represent him regarding outstanding warrants for violation of his Maine probation on January 23, 2017, then paying him a \$2,500.00 retainer.
4. Attorney Strike attempted to negotiate a resolution for the outstanding probation violations; however, Mr. Olson was residing and working in the Commonwealth of Massachusetts, and was unwilling to turn himself in on the outstanding Maine warrants for his arrest.
5. Mr. Olson was arrested on new criminal charges in the Commonwealth of Massachusetts. After serving a sentence for those charges, he was held on the outstanding Maine probation violation warrants.
6. Mr. Olson was returned to the State of Maine on the outstanding warrants and held in the York County Jail.
7. Attorney Strike arranged for Mr. Olson to have a court appearance on his probation violations on May 1, 2017; however, Mr. Olson was not transported to court for that appearance.
8. Due to time constraints on May 1, 2017, Attorney Strike was not able to meet with Mr. Olson at the York County Jail; however, his office subsequently notified Mr. Olson of a new court date.

9. Mr. Olson was upset by Attorney Strike's lack of immediate communication, and hired new counsel on May 8, 2017, demanding a return of his retainer.
10. Mr. Olson subsequently filed a fee arbitration petition and Attorney Strike failed to file a written reply, or to appear at the February 22, 2018 fee hearing. As a result, the Fee Arbitration Panel ruled in Mr. Olson's favor. Attorney Strike promptly returned Mr. Olson's entire retainer.
11. During the period of his incarceration, Mr. Olson, his fiancée, and other members of his family, made numerous contacts with Attorney Strike and his staff regarding the status of his case.
12. Due to the number of repeated contacts, Attorney Strike acknowledges that he became frustrated, and that he instructed his staff to interact with Mr. Olson and his family, advising them that Strike would let them know when there was a change in the status of the case.
13. Attorney Strike acknowledges that he failed to personally communicate with Mr. Olson during a period of time, or to further discuss his case, and that as a result, he failed to keep his client reasonably informed as to the status of his matter.

CONCLUSION AND SANCTION

Attorney Strike has acknowledged that due to the unique circumstances of the situation, he became frustrated with his client, and his client's family's, repeated demands for information, and that he delegated the responsibility for communicating with them to his staff. As a result, his client felt that he was not being kept informed of the status of his case, and ultimately discharged Attorney Strike for that reason. Attorney Strike has further acknowledged that he should have had more direct contact with his client in order to keep him reasonably informed as to the status of his case, and that as a result of his failure to do so, he violated MRPC Rule 1.4(a)(3).

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). See also M. Bar R. 21(c).

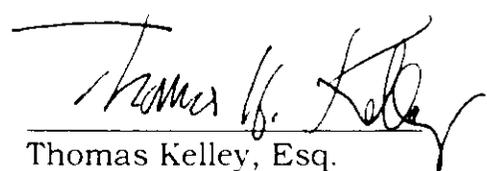
The first factor to be considered for sanctions under the ABA Standards is to determine what duty has been breached. The Maine Rules of professional conduct and the Maine Bar Rules require attorneys to uphold their responsibilities to clients and the courts. Attorney Strike failed to recognize his client's need for personal attention by him, and delegated responsibility for communication with the client to his staff. As a result, his client did not understand the status of his matter. However, Attorney Strike was diligent in all other aspects of his representation, and there was no actual adverse effect

upon the outcome of his client's case as a result of the failure of communication. Of note, the current complaint was brought *sua sponte* by Bar Counsel as the result of a fee arbitration decision, and was not the result of any grievance filed by a client. Therefore, it appears that there was little or no actual injury to any client, or the public resulting from Attorney Strike's conduct.

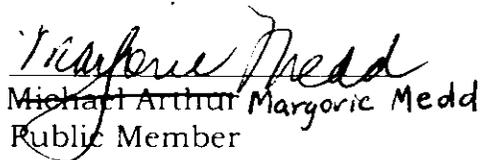
In sum, the evidence of misconduct supports the reviewing Panel's findings, and Attorney Strike agrees that he did in fact violate the Maine Rules of Professional Conduct. However, the Panel agrees that Attorney Strike's misconduct was minor; that there was little or no injury to a client, the public, the legal system, or the profession; and that there is little likelihood of repetition by Attorney Strike. Accordingly, the Panel concludes that an admonition is a proper sanction to impose upon Attorney Strike.

Therefore, the Panel accepts the agreement of the parties and concludes that the appropriate disposition of this case is the issuance of an admonition, which is now hereby issued and imposed upon Attorney Strike pursuant to M. Bar R. 13(e)(10)(B).

Date: November 30, 2018


Thomas Kelley, Esq.
Chair


Vendean Vafiades, Esq.


Michael Arthur Margoric Medd
Public Member