



STATE OF MAINE

Board of Overseers of the Bar

File No. 08-085

BOARD OF OVERSEERS OF THE)
BAR)
) Petitioner)
))
) v.)
))
DANIEL L. LACASSE, ESQ.)
of Calais, Maine)
Me. Bar #2433)
) Respondent)

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

On April 27, 2009, with due notice, Panel D of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E), concerning misconduct by the Respondent, Daniel L. Lacasse, Esq. This disciplinary proceeding had been commenced by the filing of a stipulated Disciplinary Petition by the Board of Overseers of the Bar (the Board) on February 25, 2009.

At the hearing, Attorney Lacasse was *pro se* and the Board was represented by Assistant Bar Counsel Aria Eee. Although the complainant, Phillip Hunt, Esq. did not attend, his client, Ann Dyer, was present and she participated in the disciplinary hearing. Prior to the hearing, the parties had submitted a proposed, stipulated Report of Findings and Order for this Grievance Commission Panel's review and consideration.

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

FINDINGS

Respondent Daniel L. Lacasse of Calais, Maine (“Attorney Lacasse”) 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 Lacasse was admitted to the Maine bar in 1981 and he is a currently registered with the Board of Overseers of the Bar as an active Maine Attorney.

On March 12, 2008, Attorney Hunt, on behalf of Ms. Dyer, filed a grievance complaint against Attorney Lacasse. The complaint alleged violations of the Code of Professional Responsibility by Attorney Lacasse during his representation of the Personal Representatives in a Washington County Probate Court action.

On or about April 28, 2008 Attorney Lacasse filed a response with the Board, providing background information regarding his involvement in the Beckett estate matter. Of note, the former Personal Representatives are now deceased and Attorney Lacasse appeared to have adopted a “hands off” approach during his representation of them.

Ms. Dyer is the granddaughter of Clarence B. Beckett. Mr. Beckett died in 2001 and his sizeable estate was informally administered in the Washington County Probate Court. Prior to her service as successor Personal Representative, Ms. Dyer occasionally checked on the estate’s administration through the original Personal Representatives, her cousin and Attorney Lacasse’s then secretary. Regrettably, Attorney Lacasse delegated most, if not all, of his responsibilities related to the estate to his secretary. According to

Attorney Lacasse, once his secretary became ill, she performed much of her duties as Co-Personal Representative from her home. The firm's file on the Beckett estate was also maintained at her home. Attorney Lacasse acknowledges that due to his secretary's involvement, he failed to remain informed and properly monitor the administration of the Beckett estate, despite his obligation to do so. Likewise, Attorney Lacasse delayed the preparation of the estate accounting. In that regard, due to his eventual inability to locate the estate files, Attorney Lacasse ultimately failed to prepare such an accounting or to finalize the closing of the estate.

Moreover, according to the Beckett Will, Mr. Beckett intended that the estate would create a Trust designed to benefit the Calais school system. During the early estate administration, Attorney Lacasse petitioned the Court which subsequently appointed Trustees for that purpose. However, the evidence confirms and Attorney Lacasse agrees that he never concluded the necessary work to establish the Trust. From the parties' submissions it appears as though much of the estate administration was completed in 2003. Nonetheless, by summer 2007 the estate remained open and there was no concentrated effort to finalize the work and close the estate. The same was true for the funds designed to benefit the Calais school system as those funds remained in savings accounts with three (3) local banks. Finally, Attorney Lacasse failed to file the estate's income tax returns, which has caused additional work and expense to the estate.

As a consequence, Ms. Dyer repeatedly contacted Attorney Lacasse to urge him to wind down and close the estate. Perhaps unrealistically, Attorney Lacasse anticipated that he could finalize the closure and on August 27, 2007 he filed a signed, sworn statement by the surviving Personal Representative, Mr. Haley. Attorney Lacasse has stated that he witnessed Mr. Haley's signature on the document. However, Attorney Lacasse has stated that Mr. Haley's sworn statement was lost sometime after he signed it, and that it was Attorney Lacasse who actually signed the statement that was ultimately filed with the Court, not Mr. Haley who was by then deceased. That statement was filed by Attorney Lacasse with the Probate Court. Attorney Lacasse has acknowledged the gravity of such a dishonest action. He agrees that having done so demonstrates a severe lapse in judgment which reflects poorly on the profession. Attorney Lacasse has assured this Panel of the Grievance Commission that he will never repeat such a serious transgression. His actions in total constitute violations of M. Bar R. 3.1(a) and 3.2(f)(3), (4).

As noted above, Ms. Dyer attended the disciplinary hearing. She explained to this Panel her distress about the impact Attorney Lacasse's actions have had upon the family and the Beckett estate as a whole. Ms. Dyer ultimately sought the appointment as successor Trustee based upon her concerns regarding Attorney Lacasse's failure to properly discharge his professional duties. It is clear that Mr. Beckett's family relied on Attorney Lacasse and because of the above-mentioned lapses, have endured unnecessary delays and expenses to wind down the estate.

CONCLUSION AND SANCTION

The Code of Professional Responsibility specifically requires attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Lacasse's above-outlined failures, his client's estate was not timely administered, the family and charitable beneficiaries endured losses and the process has proved exceedingly frustrating.

The Panel notes that Attorney Lacasse has taken responsibility for his failures in representing the interests of the Beckett estate. During this hearing, Attorney Lacasse expressed remorse for his serious violations of the Code of Professional Responsibility.

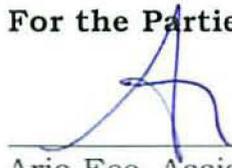
M. Bar. R. 2(a) provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties. Attorney Lacasse has no history of prior discipline although the Panel notes that in 1999 and 2001, Lacasse was informally sanctioned for similar lapses. Attorney Lacasse has agreed to submit for Bar Counsel's approval a suitable plan to improve his office management practices.

Since the evidence supports a finding and Attorney Lacasse agrees that he did in fact violate the Code of Professional Responsibility, the Panel finds that a public reprimand serves the purpose of protection of the public. Therefore, the Panel accepts the agreement of the parties, including Attorney

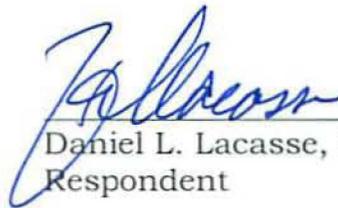
Lacasse's waiver of the right to file a Petition for Review, and concludes that the appropriate disposition of this case is a Public Reprimand to Daniel L. Lacasse, Esq. which is now hereby issued and imposed pursuant to M. Bar R. 7.1(e)(3)(C), (4).

Dated: April 30, 2009

For the Parties



Aria Ee, Assistant Bar Counsel

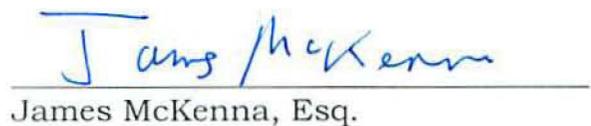


Daniel L. Lacasse, Esq.
Respondent

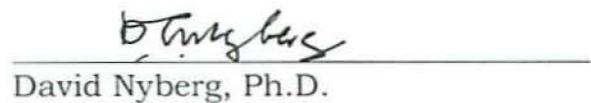
Grievance Commission Panel



Benjamin P. Townsend, Esq., Chair



James McKenna, Esq.



David Nyberg, Ph.D.