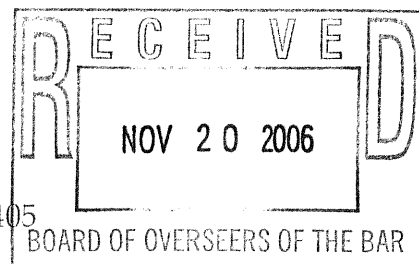


Board of Overseers of the Bar

Grievance Commission

File No. 05-405



BOARD OF OVERSEERS OF THE BAR	)	
	)	
Petitioner	)	
	)	REPORT OF FINDINGS
v.	)	OF GRIEVANCE
	)	COMMISSION PANEL B
CHARLES R. BEAN, ESQ.	)	
of South Portland, Maine,	)	
ME Bar #2805	)	
Respondent	)	

On November 16, 2006, pursuant to due notice, Panel B of the Grievance Commission conducted a disciplinary hearing open to the public according to Maine Bar Rule 7.1(e)(2), concerning misconduct by the Respondent, Charles R. Bean. This disciplinary proceeding was commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar through Bar Counsel on August 29, 2006.

At the proceeding, the Board was represented by Geoffrey S. Lewis, Esq., on behalf of Assistant Bar Counsel Aria eee, and Attorney Bean (Bean) was present and represented by Karen Kingsley, Esq. The complainant, Susan McDonald (McDonald) was present, pro se.

**AGREED FACTS**

The parties stipulated to the following facts:

On November 16, 2005 Susan McDonald filed a complaint regarding the conduct of her former attorney, Charles R. Bean. In her complaint Ms. McDonald alleged neglect and dishonesty by Attorney Bean during Bean's 2003 representation of McDonald in a proposed probate action requested by Ms. McDonald. She alleged that Bean provided no accounting of his work and that he refused to return her full retainer. By the time she filed her November 2005 complaint, Ms. McDonald still did not have her final \$500.00 refunded.

In his answer to the complaint, Attorney Bean acknowledged his failure to pursue Ms. McDonald's legal matter, yet he also partially blamed his client for what he characterized as ongoing changes to the proposed objectives. With that initial answer, Attorney Bean remitted Ms. McDonald's \$500.00.

Upon further reflection, Attorney Bean realized that it was ultimately his responsibility to pursue Ms. McDonald's probate matter and to clarify the scope of his representation, given his uncertainty about McDonald's objectives. Specifically, Attorney Bean has acknowledged that his failure to pursue Ms. McDonald's conservatorship action forced her to seek new counsel to pursue such an action. Attorney Bean's neglect occurred during a time which was stressful and frustrating for Ms. McDonald as her mother's health was deteriorating and was complicated by a lack of movement on the probate action. Attorney Bean also agrees that he failed to communicate with Ms. McDonald about his inability to perform the requested services and about his failure to return her retainer. See Maine Bar Rule 3.6 (a) (1)(2)(3). Finally, Attorney Bean

acknowledges that he failed to ensure the proper and timely delivery of his client's retainer, as is required by Maine Bar Rule 3.5 (a)(2).

Attorney Bean further agrees that he wholly failed to communicate with his client and though he did not intend to cause harm to her, he acknowledges that his failures caused distress to Ms. McDonald. As a result of these events, Attorney Bean has now apologized to Ms. McDonald. Attorney Bean assures the Grievance Commission that he has sought assistance from the MAP program to address his apparent avoidance behaviors so that he is able to properly respond, should a similar situation arise in his law practice.

#### **FINDINGS**

Based upon the facts as stipulated by the parties, the Grievance Commission Panel finds that Attorney Bean violated provisions of the Maine Bar Rules. His failure to exercise due diligence delayed Ms. Donald's probate action and required her to hire successor counsel to pursue the action.

#### **PRIOR HISTORY**

Attorney Bean has the following prior disciplinary record history on file with the Board of Overseers of the Bar:

1. GCF #05-405 Public Reprimand dated May 19, 2004.

#### **SANCTION**

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 Bean agrees that he did in fact, violate the Code of Professional Responsibility, and given the assistance Attorney Bean has sought out from the MAP program, the Grievance Commission agrees that a reprimand is sufficient to ensure further compliance with the Maine Bar Rules.

It is therefore ORDERED that Charles R. Bean, Esq. is hereby reprimanded for his violations of Maine Bar Rules 3.1(a); 3.5(a)(2), and 3.6(a)(1), (2),(3).

Dated: November 16, 2006



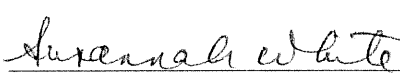
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John H. Rich III, Esq., Chair



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John R. Bass II, Esq.



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Susannah White