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State of Maine

Clerk's Office
Maine Supreme Judicial Court
Maine Supreme Judicial Court

BAR-16-_____

IN RE:

DOUGLAS B. CHAPMAN, Esq.

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Order Appointing Receiver
M. Bar R. 32

Upon Petition submitted by the Board of Overseers of the Bar, pursuant to M. Bar R. 32, the Court Orders:

As of this date, Thomas B. Wheatley, Esq., is appointed the Receiver of the law practice of Douglas B. Chapman of the firm Fenton Chapman & Kane, P.A. Attorney Wheatley shall:

1. secure the professional files, client property and client data of Attorney Chapman;
2. obtain access to Attorney Chapman's post office boxes, to secure any law office or legal mail, and access to any e-mail accounts which are associated with Attorney Chapman's law practice;
3. obtain and use, at the Receivers' discretion, all computer hardware, software and digital files, user names and passwords;
4. obtain signatory authority over IOLTA and all other bank accounts the law practice maintained;
5. reconcile IOLTA and all other bank accounts, and then report the results of the reconciliations to Special Bar Counsel;
6. obtain access to all safe deposit boxes and other facilities (including digital media storage facility) in which office or client information and property is stored;

7. inventory the open and closed client files;
8. give priority attention to client matters which are open and time sensitive;
9. confer with Special Bar Counsel regarding publication of a notice to former clients regarding closing of the law office, retrieval of files, or sale of the practice under Maine Rule of Professional Conduct 1.17A;
10. prudently access and utilize Attorney Chapman's operating and IOLTA accounts to effect the formal conclusion of the law practice, including the temporary retention of office staff or other personnel as necessary and appropriate;
11. address any conflicts of interest pursuant to M. R. Prof. Cond. 6.5. Any files identified by the Receivers as presenting a conflict of interest shall be transferred to Special Bar Counsel at the Overseers of the Bar, or his designee;
12. preserve and protect confidential information of the clients of Attorney Chapman pursuant to M. R. Prof. Cond. 1.6. Attorney Wheatley is authorized to allow limited disclosure of confidential information to detect and resolve conflicts of interest arising from his appointment as Receiver, or in conjunction with the sale of the practice pursuant to M. R. Prof. Resp. 1.17A, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client;
13. allow himself to be engaged by any former client of Attorney Chapman provided that he inform such client in writing that the client is free to choose to employ any attorney, and that this Order of Appointment does not mandate or recommend the Receivers' employment by the client. A client's retention of the Receiver as successor counsel is not a per se conflict of interest solely by reason of his appointment as a Receiver by this Order;
14. act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R 32; and

15. submit to the Court a semi-annual report of the status of the Receivership, with a record of hours worked and disbursements made. In the event payment of legal fees is requested by Attorney Wheatley, the request for payment shall be calculated at the State court appointment rate. The assets of the law office of Attorney Chapman shall be the first method of compensation to the Receiver, although ultimately, the Receiver may elect to serve in a pro bono capacity or be compensated from another source (e.g., the estate of Attorney Chapman).

It is further Ordered Attorney Wheatley shall be protected from liability for professional services rendered in accordance with this Order pursuant to M. Bar Rule 32(e).

The Clerk is directed to incorporate this Order on the docket by reference.

Dated: 8-10, 2016

/s/ Donald G. Alexander
Justice, Maine Supreme Judicial Court