

State of Maine

Maine Supreme Judicial Court

BAR 17-\_\_\_\_

IN RE: Daniel G. Lilley, 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:

1. As of this date, Attorneys John A. McArdle and Amber L. Tucker are appointed Co-  
Receivers in order to wind down and close the law practice of deceased attorney,  
Daniel G. Lilley. Attorneys McArdle and Tucker shall have the authority to:
  - a. contact clients, secure files, client property and client data of Attorney Lilley's office;
  - b. obtain access to Attorney Lilley's law office or legal mail, and access to any e-mail and social media accounts that are associated with Attorney Lilley's law practice;
  - c. obtain use of, at the Receivers' discretion, all computer hardware, software and digital files, user names and passwords;
  - d. obtain signatory authority over IOLTA and all other bank accounts the law practice maintained;
  - e. reconcile IOLTA and all other bank accounts, and then report the results of the reconciliations to Special Bar Counsel and if necessary, the Court;
  - f. obtain access to all safe deposit boxes and other facilities in which office or client property is stored;
  - g. inventory the open and closed client files;

- h. give priority attention to client matters that are open and time sensitive;
  - i. confer with Special Bar Counsel regarding publication of a notice to clients/former clients regarding closing of the law office and retrieval of files;
  - j. prudently utilize Attorney Lilley's operating and IOLTA accounts to effect the formal conclusion of the law practice, including the temporary retention of support staff or other personnel as necessary and appropriate;
  - k. address any conflicts of interest pursuant to M. R. Prof. Cond. 6.5. Any files identified by the Receiver as presenting a conflict of interest shall be transferred to Special Bar Counsel (at Board of Overseers of the Bar), or her designee;
  - l. preserve and protect confidential information of the clients of Attorney Lilley pursuant to M. R. Prof. Cond. 1.6. Attorneys McArdle and Tucker are authorized to allow limited disclosure of confidential information to detect and resolve conflicts of interest arising from their appointment as Receivers; and,
  - m. consistent with M. R. Prof. Conduct 5.5, the Receivers may be engaged by any former client of Attorney Lilley provided that they 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 Receiver's employment by the client. A client's retention of either Attorney McArdle or Tucker as successor counsel is not a per se conflict of interest solely by reason of this Appointment Order.
2. Attorneys McArdle and Tucker shall ensure that only persons authorized by them, the Board of Overseers or this Court have access to the law office and its client property, financial information and business accounts.
  3. Attorneys McArdle and Tucker shall act as Receivers until discharged by the Court in accordance with M. Bar R. 32(c).
  4. Attorneys McArdle and Tucker shall submit to the Court:

- a. a report of their actions and the status of the Receivership at six month intervals; and
- b. with their final report, a record of hours worked and disbursements made, in the event payment of legal fees is requested at a negotiated rate, or if no rate is negotiated, the State court appointment rate. The assets of the law office of Attorney Lilley shall be the first method of compensation to the Receiver and his agents, although ultimately, the Receiver(s) may be compensated from the estate of Attorney Lilley.

5. It is further Ordered that Attorneys McArdle and Tucker shall be protected from liability for professional services rendered in accordance with this Order pursuant to M. Bar R. 32(e).

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

Dated: March 15, 2017

  
Justice, Maine Supreme Judicial Court

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Clerk's Office  
Maine Supreme Judicial Court