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State of Maine

BOARD OF OVERSEERS OF THE BAR

SUPREME JUDICIAL COURT

Docket No. BAR-16-17

BOARD OF OVERSEERS OF THE BAR)
Plaintiff)
)
v.)
)
PAUL L. LETOURNEAU)
of South Portland, ME)
Me. Bar #009544)
Defendant)

**AMENDED ORDER and DECISION
M. Bar R. 13(g)**

Plaintiff is the Board of Overseers of the Bar in this disciplinary matter. Defendant Paul L. Letourneau of South Portland, County of Cumberland, Maine for all time periods relevant herein was then an attorney admitted to practice law in the State of Maine and subject to the Maine Bar Rules and the Maine Rules of Professional Conduct.

Letourneau was admitted to the Maine bar in 2003 and until the Court's Interim Suspension Order of July 27, 2016 was a solo practitioner with an office in South Portland, Maine.

The Board asserts and Letourneau now agrees that he engaged in conduct that violated specific portions of the Maine Rules of Professional Conduct (MRPC).

FINDINGS

On or about June 15, 2016 Attorney Richard Berne filed a grievance complaint with the Board against Letourneau. According to that complaint, Attorney Berne submitted his filing on behalf of Letourneau's former court-

appointed client, "L.K." ¹ Attorney Berne became successor counsel following L.K.'s discharge of Letourneau as her attorney on or about April 4, 2016.

The basis for Attorney Berne's complaint was Letourneau's graphically sexualized behavior toward L.K. during his representation of her concerning three serious criminal matters then pending in Cumberland and York County courts, respectively. Letourneau had been appointed to L.K.'s three criminal matters in January 2016.

According to the complaint, Letourneau's disturbing behavior began very early in his representation(s) of L.K. and continued up until her termination of him.

Letourneau's behavior included recurrent sexualized texting, i.e. "sexting" to L.K and repeated suggestions by him that they meet to engage in sexual acts. Such unsolicited behavior by Letourneau, who was also then her attorney, was extremely embarrassing to, unwelcomed by, and intimidating to L.K., a vulnerable client. L.K. never reciprocated such sexting and she refused Letourneau's proposal to have sexual contact.

As a consequence of Letourneau's conduct, L.K. reported that she became anxious, apprehensive and even more worried about how her declination of her attorney's unwelcome behavior would affect the outcome(s) of her legal interests which he was professionally obliged to protect.

L.K. also reported feeling very distressed and felt forced to remain polite to her attorney, given the power he held over her representation. Such a "balancing

¹ Initials are used throughout this document to protect the client's privacy.

act” by L.K. was all the more difficult as she was then newly in recovery from her opiate addiction, a fact known by Letourneau from his legal representation in all of her matters.

Additional facts involved in Letourneau’s misconduct toward L.K. are specifically described as follows:

- a) Some of Letourneau’s texts to L.K. included pictures of his genitalia.
- b) Letourneau had commenced sending the texts almost immediately after meeting L.K. and continued throughout his representation(s) of her.
- c) On three occasions, Letourneau had sent L.K. videos of himself masturbating.
- d) Within the text messages, Letourneau remarked to her that he “had a lot to lose” related to those texts.
- e) Letourneau’s repeated behavior adversely affected their attorney-client relationship.
- f) Additionally, after L.K. personally informed Letourneau that his texts were unwanted and made her uncomfortable, he persisted in sending them to her.
- g) L.K. reported that during the representation by Letourneau, she was then hesitant to report him because he was court-appointed and she could not afford to hire replacement counsel.
- h) L.K. reported that she did not then cease all contact and communications with Letourneau, in order to avoid him adversely affecting her criminal cases.

- i) However, on April 4, 2016, L.K. discharged Letourneau and directed him to have no further contact with her.
- j) On or about April 20, 2016 Letourneau filed Motions to Withdraw from L.K.'s two separate Cumberland County criminal matters.
- k) On April 25, 2016, the Cumberland County Superior Court (Fritzsche, J.) granted each Motion to Withdraw.
- l) Despite that client discharge referenced above, Letourneau failed to immediately move to withdraw from the combined York County matters (Theft Class D and Violating Condition of Release) he was representing and handling for L.K.
- m) Apparently, due to the posture of L.K.'s two York County cases, each of which was on deferred disposition, Letourneau remained as court-appointed counsel for those matters in York County until July 26, 2016, well after L.K.'s April 4th discharge of him.
- n) Letourneau's professional obligation was to protect, rather than negatively affect L.K.'s legal interests.

RULE VIOLATIONS

By his conduct in this matter, the Court finds and Letourneau agrees that he violated the following Rules within the Maine Rules of Professional Conduct:

- a) 1.7(a)(2) (conflict of personal interest);
- b) 1.16(a)(1)(2) (declining or terminating representation); and
- c) 8.4(a)(d) (conduct prejudicial to the administration of justice).

SANCTION

After opportunity for a contested hearing on December 6, 2017, the parties informed the Court that they had reached agreement on all previously disputed issues. Following recitation of the parties' proposal on the record, Mr. Letourneau's affirmation that he agrees with the proposed sanction and attendant conditions, it is now hereby ORDERED as follows:

1. Paul L. Letourneau is suspended from the practice of law for a term of 20 months, sixteen of which he has already served. The date for Mr. Letourneau's reinstatement to active practice, conditioned upon his full compliance with the requirements enumerated herein, is April 1, 2018.
2. Thereafter, Mr. Letourneau will be subject to one year of a suspended suspension ending on April 1, 2019, with a Monitoring of his law practice and required compliance with his reinstatement conditions. Any established violations of these reinstatement conditions will result in an automatic imposition of the additional year of suspension upon Mr. Letourneau.
3. On or before December 21, 2017, Mr. Letourneau shall execute an updated contract with the Maine Assistance Program for Lawyers and Judges (MAP). By Court rule, that contract is confidential and shall include an initial restriction on Mr. Letourneau's return to practice and provisions for assistance with law office management concerns.
4. The Monitoring of Mr. Letourneau and his practice shall be performed by a Maine lawyer mutually agreed upon by the parties. The Monitoring

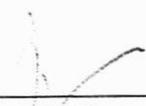
Order shall issue separately, but is incorporated by reference into this Order.

5. Mr. Letourneau shall remain in treatment with Dr. Elyse Mangusson (or other agreed-upon psychologist/psychiatrist) and comply with all current (from the date of this order) and future treatment recommendations of that psychologist until such time as a modality of treatment is no longer necessary as determined by his treatment providers.
6. On or before December 22, 2017, Mr. Letourneau shall execute releases for Dr. Mangusson and any other treatment providers to provide records and information to Bar Counsel and to MAP.
7. Within one year from the date of this Order, Bar Counsel may seek to have Mr. Letourneau undergo an updated, comprehensive Psychosexual Assessment by a psychologist who specializes in such evaluations. If Mr. Letourneau objects to participating in an updated evaluation, the parties may elect to have the Court resolve the disputed issue.
8. Mr. Letourneau shall never have any contact, direct or indirect, with LK;
9. Through counsel, Mr. Letourneau is ordered to advise the Board of his current business and home addresses and notify it of any change in address within thirty days of such change;
10. Through counsel, Mr. Letourneau is ordered to inform the Board of his employment status and where he is employed.

11. If Mr. Letourneau works as a paralegal prior to his return to active practice, he shall have no direct client contact without the agreement of Bar Counsel or Order of the Court.
12. If L.K. or her family files a claim with the Lawyers' Fund for Client Protection, Mr. Letourneau agrees not to oppose such requested relief by his former client.
13. Mr. Letourneau shall not violate the Maine Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension. If he engages in such violations, the Board may elect to bring the new complaint matter(s) directly to the Court for future disciplinary proceedings.
14. Mr. Letourneau's performance of the conditions of his MAP contract is a necessary requirement of this Order. Failure to so comply shall constitute a violation of the Order and may result in the automatic imposition of the additional term of suspension referenced in paragraph #2 of this Order.

The clerk shall incorporate this order into the docket by reference pursuant to M.R. Civ. P. 79(a).

Date: 1/25/18



Justice Jeffrey L. Hjelm
Associate Justice
Maine Supreme Judicial Court