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BOARD OF OVERSEERS OF THE BAR

STATE OF MAINE

MAINE SUPREME JUDICIAL COURT

Docket No. BAR-18-4

Board of Overseers of the Bar)	
Plaintiff)	
)	
v.)	ORDER of
)	IMMEDIATE INTERIM
)	SUSPENSION
Seth T. Carey, Esq.)	M. Bar R. 24
of Auburn, ME)	
Me. Bar #009970)	
Defendant)	

1. By filing dated April 10, 2017, the Board of Overseers of the Bar (the Board) petitioned this Court for an immediate Order of Interim Suspension of Seth T. Carey from the practice of law in the State of Maine. This was accompanied by an affidavit of Bar Counsel with related exhibits, including the March 30, 2018 Order for Protection from Abuse issued by the District Court in RUMDC-PA-2018-20.

2. Attorney Carey submitted an unsworn response to the petition, captioned as a motion to dismiss and attaching several exhibits including a motion for reconsideration that he filed in the Rumford PA action. Oral argument on the Board's petition for an immediate interim suspension was held on April 19, 2018.

3. Based upon the Board submissions and the Court's review of the audio recording of the March 30, 2018 PA hearing and copies of the exhibits admitted at that hearing, the Court concludes that the evidence supports a finding that Attorney Carey has committed violations of the Maine Rules of Professional Conduct. At this preliminary phase of the proceedings, the Court finds that the Board's evidence sufficiently demonstrates Attorney Carey's violations of M. R. Prof. Conduct 8.4(b) and (d) – prohibiting unlawful conduct and conduct prejudicial to the administration of justice – to warrant an immediate interim suspension under Me. Bar R. 24.

4. Specifically, the testimony at the PA hearing, found credible by the District Court, supports a finding that Attorney Carey subjected the complainant – a person whom he had formerly represented – to conduct that would constitute unlawful sexual contact under 17-A M.R.S. §§ 255-A(1)(A) and 251(1)(D). The testimony also supports the District Court's finding that on another occasion Attorney Carey grabbed the complainant's head and thrust it toward his crotch while demanding oral sex. This latter conduct would at a minimum constitute an assault under 17-A M.R.S. § 207(1)(A).

4. Attorney Carey's rebuttal to the Board's petition basically consists of the same arguments he presented to the District Court. In his testimony at the PA hearing Attorney Carey offered only a very general denial of the complainant's testimony with respect to the conduct referred to above. He emphasizes that there is evidence

that the filing of the protection from abuse complaint followed his threat to evict the complainant from his Rumford residence. However, various emails and texts in the record substantiate that Attorney Carey was seeking to have the complainant engage in sexual activity with him and that she had refused. *See* Plaintiff's Exhibit A and Defendant's Exhibits 18, 28, and 29 in the PA action; Exhibit A to the motion to reconsider filed by Attorney Carey in the PA action. By Attorney Carey's own admission in an email, his eviction threat was based in part on the complainant's refusal of his sexual advances. Defendant's Exhibit 18. This evidence supports the complainant's testimony.

5. Under the facts presented by the Board, including those previously found by the Maine District Court, the Court concludes that Attorney Carey's misconduct is sufficiently serious to constitute a threat to clients, to the public, and to the administration of justice. This is true based on the evidence submitted with the Board's petition and based on Attorney Carey's disciplinary record.

6. In a prior disciplinary proceeding, Docket No. BAR-16-15, Attorney Carey received a two year-suspension. That suspension was itself suspended to allow Attorney Carey to continue practicing law so long as he abided by certain conditions. The conduct for which the Board seeks an immediate interim suspension would constitute a violation of those conditions, and the Board is simultaneously seeking

to terminate the suspension of the prior discipline and impose the two-year suspension in Docket No. BAR-16-15.

7. Accordingly, pursuant to M. Bar R. 24, the Court ORDERS that Attorney Seth T. Carey shall now be suspended from the practice of law in Maine, effective this date until further order of this court. The Court further ORDERS that Attorney Carey shall immediately cease all operations of any and all of his websites, any Facebook account(s) relating or referring to his practice as a lawyer, and any other form of advertising of his legal services during the period of this suspension.

8. Under separate order the Court is prepared to appoint a Receiver to protect the interests of Attorney Carey's clients and understands that the Board will submit a proposed order.

9. A full hearing on the allegations in the petition shall promptly be scheduled and shall be consolidated with a hearing on the Board's petition in Docket No. BAR-16-15 to terminate the suspension of the discipline imposed on Attorney Carey in that proceeding.

Dated: April 30, 2018



Thomas D. Warren
Justice, Superior Court

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