

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-14-12

BOARD OF OVERSEERS OF THE BAR,

Plaintiff

v.

**ORDER FOR APPOINTMENT  
OF RECEIVER  
M. BAR R. 32**

GARY M. PROLMAN  
Maine Bar #007253,

Defendant

Pursuant to M. Bar R. 32, and with agreement of the parties, the Court  
Orders the following:

Effective October 1, 2019, Neal Weinstein, Esq., is appointed as the  
Receiver of Gary M. Prolman's law practice. As such, Attorney Weinstein, with  
any necessary assistance from the Board of Overseers, shall have the sole  
authority to:

1. Assume responsibility for the Prolman law office and secure the  
professional files, client funds, and file property of that office;
2. Obtain signatory authority over all Prolman law office bank accounts  
(IOLTA operating/office accounts; fiduciary accounts);

3. Obtain access to Prolman's computer hardware and software; including any mobile devices (together with required passwords), and any post office boxes to secure all law office or legal mail;
4. Inventory the open and, if necessary, the closed client files;
5. Give priority attention to client matters which are open and time sensitive;
6. Notify all courts that Attorney Weinstein is serving as Prolman's Receiver until further order of this Court;
7. Notify clients or former clients that Attorney Weinstein is serving as Receiver for the Prolman law practice and provide opportunity for clients to consult with the Receiver or retrieve their property; and
8. The Receiver shall access Prolman's operating and IOLTA accounts to prudently and appropriately administer the practice. The Receiver may pay expenses, as he deems appropriate, given available funds or anticipated receivables to the firm. The Receiver may also hire temporary office staff and take other action as necessary and appropriate to administer the Prolman law practice.

As a service to the bar, Attorney Weinstein acknowledges that he shall serve as Receiver on a *pro bono* basis, although if there are sufficient assets (including receivables) at three-month intervals, from Prolman's law practice,

Attorney Weinstein may be reimbursed from those assets. Ninety days after October 1, 2019, the Receiver shall submit a written report to the Court, copied to the Board of Overseers, containing a record of time worked.

Also within that Report, the Receiver shall submit an itemized list of any disbursements made to comply with the terms of this Order. Prolman and his law practice shall be the first choice for source of payment for those disbursements. If insufficient assets are available from Attorney Prolman, the Court will determine an alternative payment source for those disbursements.

Attorney Weinstein shall act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R. 32.

Attorney Weinstein, so appointed, shall not disclose any information contained in any file listed in the inventory without the consent of the client to whom such file relates except as may be necessary to carry out an order of court including any order under M. Bar R. 32(a).

Furthermore, Attorney Weinstein may be engaged by any former client of Prolman's provided that the Receiver informs such client in writing that the client is free to choose to employ any attorney, and that the Court's appointment order does not mandate or recommend the Receiver's employment by the client.

The Receiver is subject to all Maine Rules of Professional Conduct, including M. R. Prof. Conduct 1.7; 1.8; and 1.9 regarding conflicts of interest. A client's retention of the Receiver as successor counsel is not a per se conflict of interest solely by reason of appointment by this Order.

Attorney Weinstein shall be protected from liability for professional services rendered in accordance with this Order.

Finally, by February 1, 2020, the Receiver shall file a status report with the Court, with a copy to the Board of Overseers, c/o Special Bar Counsel Angela Morse, Esq.

Dated: September 18, 2019

\_\_\_\_\_/s/\_\_\_\_\_  
Donald G. Alexander  
Associate Justice  
Maine Supreme Judicial Court