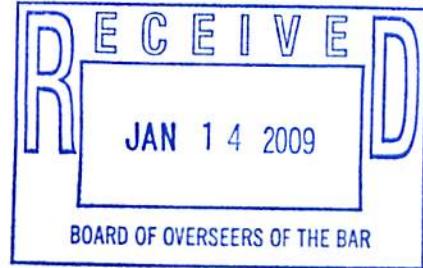


STATE OF MAINE

Board of Overseers of the Bar

GCF# 07-276



Board of Overseers of the Bar )  
 )  
 Petitioner )  
 v. )  
 )  
 C. Peter Bos, Esq. )  
 of Bangor, Maine )  
 Me. Bar No. 2951 )  
 )  
 Respondent )

**REPORT OF FINDINGS**  
**PANEL B OF THE**  
**GRIEVANCE COMMISSION**  
**M. Bar R. 7.1(e)(2)**  
**M. Bar R. 7.1(e)(3)(C)**

On December 18, 2008, with due notice, Panel B of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2), concerning misconduct by the Respondent, C. Peter Bos, Esq. The disciplinary proceeding was commenced by the filing of a Disciplinary Petition by the Board of Overseers of the Bar (the Board) on September 15, 2008.

At the hearing, the Board was represented by Assistant Bar Counsel, Aria eee and the Respondent appeared *pro se*. The complainant, Michelle Miller, was also present. The Respondent and Ms. Miller testified before the Panel. The parties submitted Stipulations dated September 23, 2008. Additionally, the Panel accepted into evidence Board Exhibits Nos. 1-9 with the consent of the Respondent. Having reviewed the evidence and the relevant Bar Rules, the Panel finds the following facts and issues the following disposition:

**FINDINGS**

Respondent C. Peter (Bos) of Bangor, County of Penobscot, State of Maine, has been at all times relevant hereto an attorney duly admitted to and engaging in the practice of law in the State of Maine and subject to the Maine Bar Rules. Attorney Bos was admitted to the Maine bar in 1984 and he is in private practice in a small law firm in Bangor.

On August 28, 2007 Michelle Miller filed a complaint against Attorney Bos arising out of her retention of Attorney Bos in connection with claims for personal injury due to an assault. She alleged that Attorney Bos failed to properly manage her civil case filed in the Penobscot County Superior Court in 2001, failed to notify her that the Superior Court dismissed the case in November 2002 and failed to advise her of the status of the second case filed in the District Court in 2006.

In both his response to the Board and his subsequent testimony at the hearing, Attorney Bos acknowledged his failure to properly monitor and manage Miller's cases. He agreed that he failed to ensure that Ms. Miller understood both his interest in and his ongoing concerns about prosecuting her case. Attorney Bos also accepted responsibility for his failure to appropriately calendar important deadlines in both of the Miller cases. Attorney Bos testified that until Ms. Miller notified him, he had been unaware that the Superior Court case had been dismissed. The second case in District Court was ultimately dismissed in September 2007 for failure to effect service. After receipt of Miller's complaint, Bos withdrew from his representation of her.

The Panel finds that Attorney Bos has violated the Code of Professional Responsibility and has therefore committed conduct "unworthy of an attorney" within the meaning of Rule 3.1 (a). The Panel finds and Attorney Bos acknowledges that he failed to appropriately prosecute Ms. Miller's original case and that his delayed and inaccurate responses to Miller's requests for information left her without adequate means to discern the status of her legal matter. Attorney Bos has therefore violated his duties to uphold proper standards of care and judgment as outlined in M. Bar R. 3.6 (a) (Standards of Care and Judgment).

### **CONCLUSION AND SANCTION**

The Code of Professional Responsibility establishes the duties owed by an attorney to his or her client. Attorney Bos substantially deviated from his duties in the course of his professional services to Ms. Miller.

Attorney Bos has, however, accepted responsibility for his lapses. Bos has sought help with maintaining an accurate calendar designed to monitor all pending client matters every sixty (60) days. At the hearing, he expressed his remorse about the negative effects of his actions on Ms. Miller. Attorney Bos has no history of prior discipline, although the Panel notes that in 1992 and 2004, Bos was informally sanctioned with warnings for similar lapses.

M. Bar. R. 2(a) provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable to properly discharge their professional duties. Since the evidence supports a finding and Attorney Bos agrees that he did in fact violate the Code of Professional Responsibility, a public reprimand serves those purposes.

Bar Counsel has proposed and Attorney Bos has accepted a condition that a monitor be appointed to review and assist Attorney Bos with managing his practice. The monitoring process shall be implemented for a one year period and the monitor shall evaluate all aspects of Attorney Bos' practice. Those aspects shall include but not be limited to client intake, client communications and disclosures between attorney and client and the monitoring of any personal issues, if they arise, that would affect Attorney Bos' ability to comply with his ethical duties.

Therefore, the Panel hereby issues a public reprimand to C. Peter Bos, Esq. as provided by M. Bar R. 7.1(e)(3)(C) with the additional condition that this matter shall remain pending for a period of one year during which period Attorney Bos shall submit his practice of law to monitoring by Marvin H. Glazier, Esq. of Bangor, Maine on the following terms:

1. Attorney Bos shall pay to the monitor reasonable compensation for his services, including reimbursement of all costs.

2. Attorney Bos will meet with Attorney Glazier at Attorney Glazier's calling and convenience, on a bi-weekly basis, unless Attorney Glazier determines that more or less frequent meetings are appropriate.
3. Attorney Glazier shall have the right to withdraw and terminate his services at any time for any reason he deems necessary. If he does so, he shall notify Bar Counsel and Attorney Bos of his withdrawal, whereupon this matter shall then be scheduled for further hearing as deemed appropriate by Bar Counsel.
4. If any aspect of the monitoring process creates a situation, which is, or might be interpreted to be a conflict of interest under the Maine Bar Rules, Attorney Glazier may adopt any one of the following courses with the proposed result:
  - a. Attorney Glazier ceases to act as monitor and a potential conflict is avoided.
  - b. Attorney Glazier continues as monitor, but totally excludes Attorney Bos' client's matter from the monitoring process, so that no conflict is deemed to exist.
  - c. Attorney Glazier continues as monitor, but withdraws from the conflicted matter.
  - d. Attorney Glazier continues as monitor, and obligates Attorney Bos not to participate in the matter and to promptly obtain replacement counsel for his client(s).
5. If in Attorney Glazier's judgment it is appropriate, he shall have the right to contact clerks of court, judges, or opposing counsel to determine the accuracy of Attorney Bos' reports to him.
6. Attorney Glazier shall have no contact with any of Attorney Bos' clients, Attorney Glazier's only contacts in the performance of his monitoring duties shall be with Attorney Bos or other persons contemplated by this decision.
7. Attorney Glazier's participation in the disposition of Attorney Bos' disciplinary case and monitoring of Attorney Bos' practice shall be

deemed not to create an attorney-client relationship between Attorney Bos and Attorney Glazier or between Attorney Glazier and Attorney Bos' clients. Specifically, Attorney Glazier shall be deemed not to represent Attorney Bos or any of Attorney Bos' clients or to be employed by them in any capacity and Attorney Glazier shall not have any responsibility of any nature to any of them. Moreover, the attorney-client privilege shall not apply to Attorney Glazier's monitoring of Attorney Bos' practice, and to the extent permitted by law, Attorney Glazier shall be immune from any civil liability (including without limitation, any liability for defamation) to Attorney Bos or any of Attorney Bos' clients.


8. Attorney Glazier will have the authority to review and examine any of Attorney Bos' files, except those in which Attorney Glazier might have adverse interests under paragraph 5.
9. Attorney Bos shall prepare and present to Attorney Glazier reasonably in advance of each meeting a list of all his current clients, showing each pending client's matter with a brief summary and calendar of the status thereof.
10. Attorney Glazier will, as soon as practicable, have Attorney Bos establish a method of objectively identifying delinquent client matters and have him institute internal checks and controls to make his practice appropriately responsible to the needs of his clients.
11. Attorney Glazier shall file a confidential report with Bar Counsel every three months or sooner if Attorney Glazier deems it necessary, with a copy to Attorney Bos and Bar Counsel concerning at least the following subjects:
  - a. measures Attorney Bos has taken to avoid delinquencies;
  - b. a description of any client matter identified as delinquent;
  - c. and any professional assistance Attorney Glazier has provided to Attorney Bos.
12. Attorney Glazier shall have the duty to report to Bar Counsel any apparent or actual professional misconduct by Attorney Bos of which

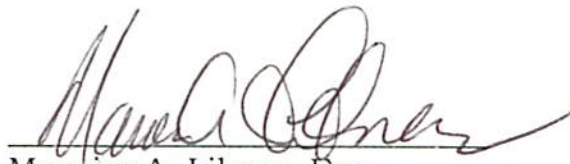
Attorney Glazier becomes aware of any lack of cooperation by Attorney Bos in the performance of this disposition.

13. In the event that Attorney Glazier reports any apparent or actual professional misconduct or lack of cooperation by Attorney Bos, this matter shall be scheduled for further hearing on request of Bar Counsel.

Dated: January 2, 2009

**Grievance Commission Panel**

  
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John R. Bass II, Esq.  
Chair of Panel B

  
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Maurice A. Libner, Esq.

  
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John R. Hutchins