

State of Maine

Board of Overseers of the Bar

GCF No. 05-340

BOARD OF OVERSEERS OF THE BAR )  
 )  
 ) Petitioner )  
 )  
 ) v. )  
 )  
 ) PAMELA J. AMES, ESQ. )  
 ) of Waterville, Maine )  
 ) Me. Bar No. 2229 )  
 ) Respondent )

**REPORT OF FINDINGS**  
**PANEL C OF THE**  
**GRIEVANCE COMMISSION**  
**M. Bar R. 7.1(e)(3)(C)**  
**M. Bar R. 7.1(e)(4)**

On July 9, 2007, with due notice, Panel C of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2), concerning misconduct by the Respondent, Pamela J. Ames, Esq. This disciplinary proceeding had been commenced by the filing of a stipulated Disciplinary Petition by the Board of Overseers of the Bar (the Board) on June 4, 2007.

At the July 9<sup>th</sup> proceeding, the Board was represented by Assistant Bar Counsel, Aria eee, and Attorney Ames was present, *pro se*. The complainant, Deputy District Attorney Megan L. Elam, had been provided with a copy of this Report (in its proposal form) but was not present.

Having reviewed the agreed proposed findings as presented by counsel, the Panel makes the following disposition:

**FINDINGS**

1. Respondent Pamela Ames (Ames) of Waterville, County of Kennebec, 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 Ames was admitted to the Maine bar in 1980 and is a member in good standing. She is a solo-practitioner and her private practice includes a variety of civil and criminal law cases.

2. On September 28, 2005 Attorney Elam filed a complaint with the Board against Attorney Ames alleging that Ames conveyed contraband to a Maine Correctional Center (MCC) inmate, "A.G.".

3. As a juvenile, A.G. had formerly been fostered by and a client of Attorney Ames. The two had remained close and Ames occasionally visited A.G. at the MCC. Following A.G.'s request, Ames agreed to send and then later bring specific items to A.G. at the MCC. Those items included photographs, magazines, stamps and a personalized watch.

4. Although the items by themselves may not have appeared to be illegal, Ames' giving them to A.G. while she was incarcerated resulted in violations of the MCC's rules.

5. On October 24, 2005, Attorney Ames filed her response to the complaint, providing background information on her relationship with A.G. and largely admitting her actions of violating correctional center policies.

6. Given her years of experience as an attorney, including many years as an Assistant District Attorney, Attorney Ames should have known that her gifts to A. G. would result in those violations.

7. On February 28, 2006 the complaint and responses were reviewed by a Panel of the Grievance Commission. The panel found that probable cause

existed that Attorney Ames had engaged in misconduct subject to sanction under the Bar Rules. The Panel directed Bar Counsel to prepare and file a formal Disciplinary Petition before another panel of the Grievance Commission.

8. Attorney Ames has conceded that it was wrong for her to send and/or convey the prohibited materials to A.G. She has acknowledged that by her actions she violated the MCC's policies and modeled inappropriate behavior for A.G.

9. After discussion between the parties, the Board filed a Stipulated Disciplinary Petition on June 4, 2007. The parties generally agreed to a finding of misconduct as referenced in the Petition.

10. To that end, Attorney Ames acknowledges that she violated the following provisions of the Code of Professional Responsibility:

**A. Violation of M. Bar Rule 3.1(a)**

Attorney Ames' conduct violated M. Bar Rule 3.1(a). A review of all of the circumstances suggests that Attorney Ames committed "conduct unworthy of an attorney" by failing to ascertain and adhere to the rules of the Maine Correctional Center. Although understandably sympathetic to A.G.'s requests, Attorney Ames' decision to comply with those requests rather than comply with the MCC's rules demonstrated poor judgment resulting in conduct unworthy of an attorney.

**B. Violation of M. Bar Rule 3.2(f)(3)**

Attorney Ames violated M. Bar R. 3.2(f)(3) when she engaged in dishonest behavior while visiting A.G. at the Maine Correctional Center. The MCC staff who investigated Ames' conduct determined that she violated the facility's rules. Likewise, a reviewing panel of the Grievance Commission determined that Ames acted in violation of those rules and of acceptable standards of attorney conduct. Despite Attorney Ames' earlier belief that her actions were reasonable and permitted, the result of her conduct is unchanged. The violation of the Bar Rules is clear.

### **CONCLUSION AND SANCTION**

The Attorney's Oath (4 M.R.S.A. § 806) mandates that all attorneys uphold their duties as officers of the court. Due to Attorney Ames' close relationship with A.G., she exercised unprofessional judgment and jeopardized her reputation within the bar. In the course of this proceeding, Attorney Ames has taken full responsibility for her actions and the subsequent consequences to both A.G. and herself. At the hearing, Attorney Ames was remorseful and apologized for her violations of the Code of Professional Responsibility.


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, or likely to be unable, to discharge properly their professional duties. Since the evidence supports a finding and Attorney Ames agrees that she did in fact violate the Code of Professional Responsibility, it appears that a public reprimand serves


those purposes. Attorney Ames has no history of discipline and the Panel finds that it is unlikely that she will repeat the same behavior in the future.

Therefore, the Panel accepts the agreement of the parties, including Attorney Ames' waiver of the right to file a petition for review, and concludes that the appropriate disposition of this case is a reprimand to Pamela J. Ames, Esq. as provided by M. Bar R. 7.1(e)(3)(C).

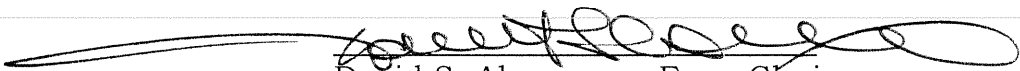
Dated: July 9, 2007

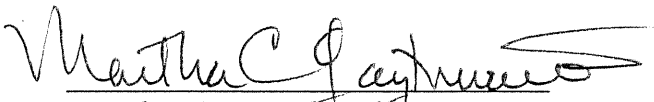
**For the Parties**


  
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Aria Lee, Assistant Bar Counsel

  
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Pamela J. Ames, Esq.

**Grievance Commission Panel**

  
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David S. Abramson, Esq., Chair

  
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Martha C. Gaythwaite, Esq.

  
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Michael K. Knowles

