

Cumberland, ss.

Board of Overseers of the Bar  
Grievance Commission  
File No. 04-079

BOARD OF OVERSEERS OF THE BAR	)	
	)	
Petitioner	)	
v.	)	Report of Findings
	)	of Panel E of the
VANESSA A. BARTLETT, ESQ.	)	Grievance Commission
of Brunswick, Maine	)	
Me. Bar # 8873	)	
Respondent	)	

On December 10, 2004, pursuant to due notice, Panel E of the Grievance Commission conducted a disciplinary hearing open to the public according to Maine Bar Rule 7.1(e)(2), concerning misconduct by the Respondent, Vanessa A. Bartlett, Esq. This disciplinary proceeding was commenced by the filing of a Petition by the Board of Overseers of the Bar on August 19, 2004.

Present at the hearing were Assistant Bar Counsel Nora Sosnoff, representing the Board; and Attorney Karen G. Kingsley representing Attorney Vanessa A. Bartlett, who was also present. The complainant, Alan J. Wells, was unable to be present, but communicated to Assistant Bar Counsel Sosnoff that he agreed with the proposed Report of Findings.

The Panel heard testimony from the respondent, Vanessa A. Bartlett, pursuant to questioning by Assistant Bar Counsel Sosnoff and Attorney Kingsley. Having heard that testimony and having reviewed the proposed findings presented by the parties, the Panel makes the following disposition:

## **FINDINGS**

1. Respondent Vanessa A. Bartlett (Attorney Bartlett] of Brunswick, County of Cumberland, State of Maine, is and was 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 Bartlett was admitted to the Maine bar in 1999. She is in private practice, having an office at 173 Park Row in Brunswick, Maine.
2. On April 21, 2003, Alan J. Wells (Mr. Wells) retained Attorney Bartlett to handle two family matters in District Court. One matter was a divorce; the other matter was a post-judgment motion for modification of child support obligations.
3. On March 12, 2004, Mr. Wells complained to the Board of Overseers concerning Attorney Bartlett's performance as his counsel.
4. Upon its review of Bar Counsel's investigation of that complaint, on July 1, 2004, Panel C of the Grievance Commission found probable cause that misconduct by Attorney Bartlett subject to sanction under the Bar Rules had occurred and directed Bar Counsel to prepare and present a formal petition for disciplinary action.
5. Attorney Bartlett's conduct violated the Maine Bar Rules in two ways:

**A. Neglect:** Attorney Bartlett neglected one of the two matters she was handling for Mr. Wells, in violation of M. Bar R. 3.6(a)(3) (neglect of a legal matter entrusted to the lawyer). Specifically, on August 6, 2003 Attorney Bartlett filed a post- judgment motion for modification of child support, but she failed ever to have that motion served upon the opposing party.

**B. Obligations concerning the client file:** Attorney Bartlett mishandled the transfer of Mr. Wells' legal matter to successor counsel. When Mr. Wells retained successor counsel to handle the post-judgment motion for modification of child support, Mr. Wells asked Attorney Bartlett to provide him with a copy of his client file. Mr. Wells made his first request for his file in January 2004. After Attorney Bartlett discovered that she had misplaced the file and was unable thereafter to locate it, Attorney Bartlett avoided explaining these circumstances until March 2004, despite interim follow up requests from Mr. Wells and successor counsel. This conduct violated M. Bar R. 3.6(a) (a lawyer must employ reasonable care and skill; apply best judgment; be punctual in professional commitments; keep the client informed) and M. Bar R. 3.6(e)(2)(iv)(as requested by a client, a lawyer shall promptly deliver the property in the lawyer's possession that the client is entitled to receive).

6. Attorney Bartlett's misconduct as described above occurred during a time period when she had no support staff, was moving her office and was changing the plan of management of her law practice.

Since opening her new office on Park Row in Brunswick in May 2004, Attorney Bartlett has effectively and significantly improved her law practice management, as described below.

7. Since May 2004, Attorney Bartlett has employed full-time, experienced clerical staff; her files are maintained on location; client financial records are updated on a reliable computer data base designed to support a law practice; internal law office communications are regular; client communications are regular; and continuing legal education is planned in advance through membership in the Maine State Bar Association's CLE Club.

### **CONCLUSION AND SANCTION**

Attorney Bartlett's above cited violations of the Maine Bar Rules resulted from inexperience in law practice management and lack of mentoring by an experienced practitioner. These issues were aggravated by a change of law office location and file storage sites. Attorney Bartlett has corrected the former flawed systems of law practice management. Her new protocols are time tested and are being strictly followed, as a result of which it is unlikely that there will be any recurrence of the misconduct that understandably led to Mr. Wells' grievance complaint.

The Panel concludes that the following violations occurred:

**(I) Attorney Bartlett engaged in professional misconduct during her representation of Mr. Wells in 2003. On August 6, 2003 Attorney**

**Bartlett filed a post- judgment motion for modification of child support, but she failed ever to have that motion served upon the opposing party. This conduct violated M. Bar R. 3.6(a)(3) (neglect of a legal matter entrusted to the lawyer).**

**(II) Attorney Bartlett engaged in professional misconduct during her representation of Mr. Wells in 2004. When Mr. Wells obtained successor counsel to handle the post-judgment motion for modification of child support, Mr. Wells asked Attorney Bartlett to provide him with a copy of his client file. Mr. Wells made his first request for his file in January 2004. After Attorney Bartlett discovered that she had misplaced the file and was unable to locate it, Attorney Bartlett avoided explaining these circumstances until March 2004, despite interim follow up requests from Mr. Wells and successor counsel. This conduct violated M. Bar R. 3.6(a)(a lawyer must employ reasonable care and skill; apply best judgment; be punctual in professional commitments; keep the client informed) and 3.6(e)(2)(iv) (as requested by a client, a lawyer shall promptly deliver the property in the lawyer's possession that the client is entitled to receive).**

**The Panel concludes that the appropriate disposition of this case is a public reprimand to Attorney Vanessa A. Bartlett and the Panel does hereby impose same, effective this date.**

Dated: December 10, 2004

**/s/** \_\_\_\_\_  
5

Stephen G. Morrell, Esq., Chair

/s/  
Charles W. Smith,, Esq.

/s/  
Harriet R. Tobin