

STATE OF MAINE

KENNEBEC, ss

Board of Overseers of the Bar  
Grievance Commission  
File No. 04-161

BOARD OF OVERSEERS OF THE BAR )  
PETITIONER )

v. )

ALLAN W. HANSON, ESQ. )  
of Caribou, Maine )  
Me. Bar No. 6814 )  
RESPONDENT )

**REPORT OF FINDINGS  
OF PANEL A OF THE  
GRIEVANCE COMMISSION**

On December 7, 2004, pursuant to due notice, Panel A <sup>1</sup> of the Grievance Commission conducted a disciplinary hearing open to the public according to Maine Bar Rule 7.1 (e)(2), to determine whether there were grounds for the issuance of a reprimand or whether probable cause existed for the filing of an information concerning alleged misconduct by Respondent, Allan W. Hanson, Esq., (Hanson), as described in the Petition dated October 7, 2004 filed by the Board of Overseers of the Bar (the Board).

Assistant Bar Counsel, Geoffrey S. Welsh, Esq., represented the Board, and James M. Bowie, Esq., represented Hanson, both counsel and Hanson being present at the hearing. Dana F. Strout, Esq., represented the complainant, Brenda M. Stubbs (Stubbs), and he had been provided notice and given an opportunity to be present, but did not attend the hearing. <sup>2</sup> He understood, however, that the parties had stipulated to the following facts, which the Panel now so finds and adopts:

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<sup>1</sup> John A. Mitchell, Esq., substituted for Harold L. Stewart II, Esq.

<sup>2</sup> Mr. Strout also represented Brenda Munn whose cases Mr. Hanson also mishandled. See paragraph No. 5 below. Ms. Munn, however, never complained to the Board about Hanson.

1. On or about 1992 Hanson began representing Stubbs on her claims against Aroostook Mental Health Center (Aroostook) concerning multiple incidents of sexual harassment and other issues. Stubbs' claims against Aroostook were serious and involved significant emotional and psychological trauma including post traumatic stress disorder and depression.

2. Hanson, however, neglected Stubbs' Aroostook claims thereby possibly allowing the statute of limitations to expire on all of them without ever having timely filed suit on her behalf or otherwise ever having properly preserved them. He also actively misrepresented to her his lack of progress and legal work, including failing to inform Stubbs that her Aroostook claims had become stale. In 2003, Hanson made a number of payments to Stubbs from his own personal funds totaling several thousand dollars because she had some medical issues.

3. Stubbs eventually filed a grievance complaint against Hanson, and in his responses to her complaint, he admitted that he had failed to appropriately prosecute her claims allowing the possibility of the statute of limitations defense to be raised concerning those claims. He also generally acknowledged his misrepresentations to her and sending her money, indicating that his payments originated not from his trust account, but from his office operating account.

4. In explaining matters, Hanson stated that he started representing Stubbs soon after opening his own solo practice and that the pressures of his practice, including court appointed criminal and child protective work, caused him to neglect her cases and to indulge in "avoidance" type behavior instead of timely and directly dealing with Stubbs and her legal matters.

5. Contemporaneously with Stubbs, Hanson also represented Brenda Munn (Munn) against Aroostook on similar issues, e.g., sexual harassment, etc. As with Stubbs, Hanson allowed Munn's Aroostook claims to become stale, and he also affirmatively misrepresented to Munn his case neglect, not informing her that her cases too had become stale. Munn, however, never formally complained to the Board about Hanson, and Hanson's explanations for his misconduct handling Munn's cases are the same as those involving Stubbs.

6. Hanson now acknowledges his deficiencies in managing his case load, his neglect of Stubbs' and Munn's legal matters and his inappropriate reliance on avoidant conduct to deal with his professional obligations. He also fully accepts responsibility for mishandling their cases.

### **CONCLUSIONS**

Considering the above facts stipulated to by the parties, the Panel finds that Hanson was not sufficiently diligent in handling Stubbs' and Munn's claims in violation of M. Bar R. 3.1(a) (conduct unworthy of an attorney), 3.2(f)(3),(4) (misrepresentation and conduct prejudicial to the administration of justice) and 3.6(a) (failure to use reasonable care and skill and neglect of legal matters).

In view of the foregoing misconduct, however, the Panel concludes, as Hanson so acknowledged at the hearing, that the appropriate disposition of this complaint is that Hanson be, and he hereby is, reprimanded for violating M. Bar R. 3.1(a), 3.2(f)(3),(4) and 3.6(a) as established in the findings of fact discussed in this report. The panel notes that Hanson has no disciplinary record.

Dated this 7th day of December, 2004

Panel A of the Grievance Commission

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Donald A. Fowler, Jr., Chair

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John A. Mitchell, Esq.

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Raymond J. Cota