

relevant hereto an attorney duly admitted to and engaged in the practice of law in the State of Maine and subject to the Maine Bar Rules.

2. Attorney MacAdam was admitted to the Maine Bar in 1981. He is in private practice, having an office at 208 Fore Street, Portland, Maine.

3. Between 1999 and 2001, Attorney MacAdam represented complainant Theresa Mannette on a claim for workers compensation benefits. In February 2001, Ms. Mannette sought assistance from Attorney MacAdam to appeal a related denial of Social Security benefits. Ms. Mannette never had any direct contact with Attorney MacAdam about her desired appeal; she dealt exclusively with Attorney MacAdam's legal assistant.

4. No appeal was ever filed. However, Attorney MacAdam's legal assistant led Ms. Mannette to believe the opposite. That legal assistant also updated Ms. Mannette periodically about fabricated events related to the non-existent appeal.

5. Ms. Mannette was not able to protect herself from the misconduct and misrepresentations by Attorney MacAdam's legal assistant. Attorney MacAdam's legal assistant was under his direct supervision and accordingly he was in the best position of anyone in his office to detect any misconduct or misrepresentations made by the legal assistant to Ms. Mannette. His failure to do so meant that deceptive practices by his legal assistant went undetected.

6. Between 1995 and 2001, Attorney MacAdam represented complainant Kathy Ummah. After obtaining a favorable ruling for Ms. Ummah from the Social Security Administration in 1995, Attorney MacAdam undertook Ms. Ummah's claim for damages in a related civil case. Attorney MacAdam commenced Ms. Ummah's case with the filing of a complaint in the Cumberland Superior Court on March 15, 2000. On August 30, 2000, the Superior Court dismissed the case with prejudice. Attorney MacAdam sought to have that dismissal vacated by motion dated November 21, 2001; but that motion was denied on April 8, 2002.

7. Attorney MacAdam should have been aware he was under time constraints in Ms. Ummah's personal injury case because he filed the complaint on the last day before the expiration of the statute of limitations. Attorney MacAdam could not have had any personal recollection of having taken any further action on behalf of Ms. Ummah between filing her complaint and learning of its dismissal, because he took none. However, Attorney MacAdam accepted false and misleading information about Ms. Ummah's matter from his legal assistant and made no independent inquiry.

8. Ms. Ummah was not able to protect herself from the misconduct and misrepresentations by Attorney MacAdam's legal assistant. By virtue of his position in the firm, Attorney MacAdam was in the best position of any person in the firm to detect any

misrepresentations by his legal assistant. His failure to do so meant that the deception and misrepresentation by his legal assistant went undetected.

9. In August 1999, Ann Marie Rogers retained Attorney MacAdam to represent her in connection with her workers compensation claim against her former employer. Attorney MacAdam twice filed petitions on Ms. Roger's behalf with the Workers' Compensation Board, and twice (in March 2000 and July 2000) those petitions were dismissed due to Attorney MacAdam's failure timely to file scheduling memorandums. Ms. Rogers contacted Attorney MacAdam's law office in July 2000 out of concern regarding the status of her case. Attorney MacAdam's legal assistant handled the inquiries. The legal assistant provided untruthful and misleading information to Ms. Rogers, convincing her that a hearing was scheduled for September 2000, although such a hearing was never scheduled and never occurred.

10. In September and October 2000, Attorney MacAdam's legal assistant gave Ms. Rogers additional false and fabricated documents and information, leading her to believe that a consent decree had been entered and that she would be receiving monetary compensation from her former employer.

11. Attorney MacAdam accepted his legal assistant's false and fabricated information and documents pertaining to a forged consent

decree without making any independent critical examination of the information.

12. Ms. Rogers was not able to protect herself from the misconduct and misrepresentations by Attorney MacAdam's legal assistant. By virtue of his position in the firm, Attorney MacAdam was in the best position of any person in the firm to detect any misrepresentations by his legal assistant. His failure to do so meant that the deception and misrepresentation by his legal assistant went undetected.

CONCLUSION AND SANCTION

It can be beneficial to both attorneys and their clients for non-lawyer legal assistants to perform appropriate tasks during a lawyer's representation of a client. However, no attorney should delegate professional responsibilities to the extent that Attorney MacAdam did in the cases described above. When an attorney delegates appropriate tasks to a non-lawyer assistant, there must be corresponding oversight and supervision by the attorney of the non-lawyer assistant. However, in the cases described above, Attorney MacAdam failed to perform the appropriate level of oversight and supervision. The Panel acknowledges that when Attorney MacAdam became alert to his failures in oversight and supervision, and the probable harm caused to clients, he initiated a meeting with Bar Counsel in which he disclosed the circumstances and sought guidance.

Attorney MacAdam engaged in professional misconduct in violation of M. Bar R. 3.13(c)(1), (2) by failing to make reasonable efforts to ensure that the conduct of his legal assistant was compatible with Attorney MacAdam's professional obligations under the Maine Bar Rules.

Attorney MacAdam's violations of M. Bar R. 3.13(c)(1),(2) constitutes conduct unworthy of an attorney in violation of M. Bar R. 3.1(a).

The Panel concludes that the appropriate disposition of this case is a public reprimand to Attorney James J. MacAdam.

Dated: December 1, 2003

/s/
David R. Weiss, Esq., Chair

/s/
John H. Rich, III, Esq.

/s/
Caroline S. Macdonald