

Board of Overseers of the Bar

FEB 27 2006

Grievance Commission

File No. 04-332; 05-243;  
05-244; 05-256

BOARD OF OVERSEERS OF THE BAR	)	<b>REPORT OF FINDINGS OF PANEL D OF THE GRIEVANCE COMMISSION</b>
Petitioner	)	
Richard B. Romanow	)	
of Portland, Maine	)	
ME Bar #2287	)	
Respondent	)	

On February 27, 2006, pursuant to due notice, Panel D 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, Richard B. Romanow. This disciplinary proceeding was commenced by the filing of a Petition by the Board of Overseers of the Bar on January 12, 2006.

Present at the hearing were Assistant Bar Counsel Aria eee, representing the Board and Richard B. Romanow, appeared *pro se*. The complainants, Tara Jo Johnson, Timothy Lucero, Christina Bently and Patty Stenger do not reside in Maine and were not present for the hearing. However, Assistant Bar Counsel did speak with Ms. Johnson and sent her a copy of the Board's proposed Report in advance of hearing. Ms. Johnson then forwarded copies of the Report to her relatives, the remaining complainants, also in advance of hearing.

Mr. Romanow addressed the Panel and expressed his remorse for his role in the circumstances of these four cases. Having considered the

remarks of those present and having reviewed the agreed upon proposed findings presented by counsel, the Panel makes the following findings and disposition:

### **FINDINGS**

1. Respondent Richard B. Romanow of Portland, County of Cumberland, State of Maine, was at the time 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. Mr. Romanow was admitted to the Maine Bar in 1980, but was summarily suspended in 2003 for failure to complete his continuing legal education requirement, as he considered himself retired from practicing law since 2000. He is now employed as a high school history teacher and has no plans to return to practicing law.

2. The background on these cases is as follows: Mr. Romanow served his client, Annie Wright for many years, including acting as trustee during her last years and Personal Representative (PR) and trustee following her death in 1995. Mr. Romanow explained that Ms. Wright's previous direction to him was to take care of her sister (Josephine Anderson) and Ms. Anderson's extended family members, including financial assistance as resources allowed. In addition to the financial assistance, members of the family had been permitted to live in the decedent's former home. It was Mr. Romanow's belief that Ms. Wright would have wanted the trust money spent in the manner in which he allowed and or provided for, during the years following Wright's death.

3. Since 1995, Mr. Romanow provided for Josephine Anderson's financial needs along with some other financial needs of the family as approved by Ms. Anderson. However, Mr. Romanow did not keep formal records of his financial transactions as trustee, thereby violating Maine Bar Rule 3.6(e)(1). In addition to that problem, there were instances in which Mr. Romanow failed to pay the South Carolina real estate taxes in a timely manner, resulting in a violation of Maine Bar Rule 3.6(a). Finally, due to overspending, some of the family trusts and the charitable giving outlined by Ms. Wright's will were not established.

4. In October 2004 Tara Jo Johnson filed a complaint with the Board against Mr. Romanow. The complaint alleged *inter alia* that Romanow had promised Johnson that her son would receive money from the trust. In 2005, other devisees under Ms. Wright's will (Lucero, Bently, Stenger) complained to the Board against Mr. Romanow for his failure to produce the funds owed to those complainants or their relatives.

5. On July 5, 2005 and September 6, 2005, respectively, these four complaints were reviewed by a panel of the Grievance Commission. The panel found probable cause to believe that Mr. Romanow had engaged in misconduct subject to sanction under the Maine Bar Rules for which appropriate discipline should be imposed as provided for in those rules.

6. The Board's Disciplinary Petition was filed on January 12,

2006. The parties stipulated to the finding of misconduct outlined in the Petition.

7. Although there is a factual dispute as to how the money was spent, the end result is the same: there were not enough funds to fulfill the directives outlined in Ms. Wright's will.

Therefore the Panel concludes that the following Code violations occurred:

- a. Mr. Romanow violated M. Bar R. 3.6(a);
- b. Mr. Romanow violated M. Bar R. 3.6(e)(1);

### **CONCLUSION AND SANCTION**

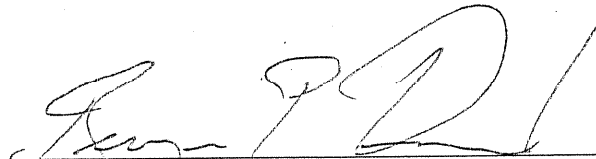
It is a clear violation of the minimum standards established in Maine's Code of Professional Responsibility, for an attorney to fail to keep financial records during the course of their service as a trustee or a personal representative. During this proceeding, Mr. Romanow has taken full responsibility for his actions and the subsequent distress it caused the complainants.

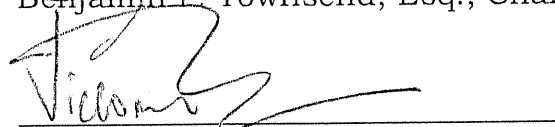
As Maine Bar Rule 2 outlines, the purpose of disciplinary proceedings is not punishment but rather protection of the public and the courts from attorneys who by their conduct have demonstrated that they are unable to discharge properly their professional duties. Given


the facts of this case, a reprimand serves those purposes.

**Therefore, the Panel concludes that the appropriate disposition of this case is a public reprimand as provided by M Bar R.7.1(e)(3)(C).**

Dated: February 27, 2006

  
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Benjamin P. Townsend, Esq., Chair

  
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Victoria Powers, Esq.

  
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David Nyberg, Ph.D.