

Board of Overseers of the Bar

Grievance Commission

File No. 05-386

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| BOARD OF OVERSEERS OF THE BAR |) | REPORT OF FINDINGS OF PANEL B OF THE GRIEVANCE COMMISSION |
| Petitioner |) | |
| |) | |
| v. |] | |
| |] | |
| Patricia V. Shadis, Esq. of Newcastle, ME Me. Bar # 6811 |) | |
| Respondent |) | |

On January 18, 2007, pursuant to due notice, Panel B 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, Patricia V. Shadis, Esq. This disciplinary proceeding was commenced by the filing of a Petition by the Board of Overseers of the Bar on September 22, 2006. Attorney Shadis, through counsel, filed an Answer to the Disciplinary Petition on October 25, 2006.

Present at the hearing were Assistant Bar Counsel Aria eee, representing the Board, and Attorney Karen Kingsley, with her client, respondent, Patricia V. Shadis. The complainant, Lori S. Hall, though not present addressed the proposed, stipulated Report via correspondence to the Grievance Commission.

The Panel accepted Ms. Hall's letter and reviewed counsels'

proposed stipulated findings. The Panel then issued the following disposition:

FINDINGS

1. Attorney Shadis of Newcastle, County of Lincoln, State of Maine, 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 Shadis was admitted to the Maine Bar in 1989 and has been practicing law in Newcastle, Maine since 1989 .

2. On November 1, 2005 Lori S. Hall filed a grievance complaint against Attorney Shadis. On November 28, 2005 Attorney Shadis filed her response to the grievance.

3. The specifics of Attorney Shadis' conduct are outlined below.

a) Attorney Shadis, on behalf of her client, filed a post-divorce motion in the Wiscasset District Court. The post-divorce custody case began in January 2005 and ended in August 2005.

b) During the pendency of that civil case, Attorney Shadis pursued a closed criminal investigation involving Mrs. Hall's then domestic partner, now husband, Mr. Hall. To that end, Attorney Shadis arranged contact between the witnesses and provided information to the Maine State Police with the intent to obtain information for the custody case and to reopen the criminal investigation against Mr. Hall. Prior to her involving the State Police, Attorney Shadis had been in contact with

the former wife of Mr. Hall who expressed concern and provided information about the allegations.

c) In her answer to the grievance, Attorney Shadis asserted that she was vigorously representing her client, rather than violating the Code of Professional Responsibility. She maintained that the information was relevant to her custody case. However, Respondent now acknowledges that her initiation of contact with the Maine State Police and the alleged victim transcended acceptable standards of an attorney's proper representation of a client. See Maine Bar Rules 3.6(a) and 3.7(a).

d) Attorney Shadis also now agrees that her previous criticism of a District Court Judge demonstrated poor judgment and was discourteous to a tribunal in violation of Maine Bar Rule 3.7(e)(2)(vi).

4. Ultimately, the principal parties involved in the Hall custody case resolved their differences, and law enforcement never charged Mr. Hall with any criminal conduct.

A. Violation of M. Bar R. 3.1(a)

By reviewing her actions in total, it is clear that Attorney Shadis committed "conduct unworthy of an attorney". After further reflection Attorney Shadis recognizes and regrets her failures in judgment.

B. Violation of M. Bar R. 3.2(f)(4)

Attorney Shadis knew or should have known that pursuing a

closed criminal case during her representation of an unrelated civil client would be unwarranted. While competent advocacy is expected of lawyers, overzealous representation can lead, as it did here, to a violation of the Code of Professional Responsibility. Attorney Shadis went too far in advancing her client's interests.

C. Violation of M. Bar R. 3.6(a); 3.6(c)

Attorney Shadis should always employ reasonable care and apply her best judgment in the performance of professional services. Furthermore, Attorney Shadis should never again threaten to present criminal charges in order to obtain an advantage in a civil matter.

D. Violation of M. Bar R. 3.7(e)(2)(vi)

3.7 Conduct During Litigation

(e) Adversary Conduct.

(2) In appearing in a professional capacity before a tribunal, a lawyer shall not:

(vi) Engage in undignified or discourteous conduct that is degrading to a tribunal.

While advocating on behalf of her client, Attorney Shadis violated the above referenced provision of Maine Bar Rule 3.7. At the disciplinary hearing, Attorney Shadis, apologized for her behavior, accepted responsibility for those violations and acknowledged that her actions were the result of a desire to zealously represent her client.

CONCLUSION AND SANCTION

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. It appears that a reprimand here serves those purposes.

Therefore the Panel concludes that the following violations occurred:

- a. Attorney Shadis violated M. Bar R. 3.2(f)(4);**
- b. Attorney Shadis violated M. Bar R. 3.6(a) and (c);**
- c. Attorney Shadis violated M. Bar R. 3.7(e)(2)(vi).**
- d. Attorney Shadis' foregoing violations also constitute conduct unworthy of an attorney in violation of M. Bar R. 3.1(a).**

Having made findings of misconduct subject to sanction under the Bar Rules, M. Bar Rule 7.1 (e)(3)(C) directs this Grievance Commission Panel to consider certain factors in determining the appropriate sanction.

These factors are:

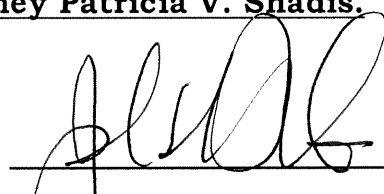
- (i) whether the attorney has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (ii) whether the attorney acted intentionally, knowingly, or negligently;

- (iii) the amount of actual or potential injury caused by the attorney's misconduct; and
- (iv) the existence of any aggravating or mitigating factors.

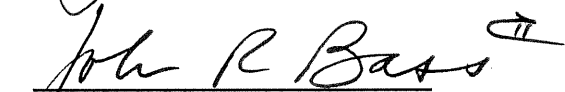
The Panel has accordingly considered the foregoing factors and finds that Attorney Shadis has violated duties owed to the public and the legal system. She acted knowingly and purposefully, causing actual injury to the complainant's family who retained counsel in order to address the renewed criminal allegations. As a mitigating factor, Attorney Shadis has no prior disciplinary record with the Board. She is remorseful and acknowledges that her overzealous representation of her client prevented her from complying with her obligations to the attorney oath and to the Code of Professional Responsibility.

The Panel concludes that the appropriate disposition of this case is a public reprimand to Attorney Patricia V. Shadis.

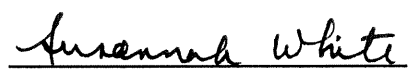
Dated: January 18, 2007



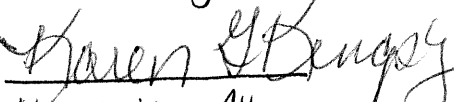
 John H. Rich III, Esq., Chair




 John Bass, Esq.



 Susannah White

Seen and agreed to :

 Karen Kingsley, Attorney Bar No. 2083
 for Respondent



 Aria eee, Assistant
 Bar Counsel
 7986