



STATE OF MAINE

Board of Overseers of the Bar

File No. 07-200; 07-358

BOARD OF OVERSEERS OF THE BAR )  
 )  
 Petitioner )  
 )  
 v. )  
 )  
 TIMOTHY M. VOGEL, Esq. )  
 of Portland, Maine )  
 Me. Bar No. 2700 )  
 )  
 Respondent )

**STIPULATED REPORT OF  
 FINDINGS and SANCTION  
 ORDER  
 PANEL B OF THE  
 GRIEVANCE COMMISSION**

This disciplinary proceeding was commenced by the filing of a stipulated Disciplinary Petition by the Board of Overseers of the Bar (the Board) on April 25, 2008.

On June 19, 2008 after due notice, Panel B of the Grievance Commission pursuant to Maine Bar Rule 7.1(e)(2)(E) reviewed this Stipulated Report of Findings and proposed sanction order concerning misconduct by the Respondent, Timothy M. Vogel, Esq.

Timothy M. Vogel, Esq. was represented by Peter J. DeTroy, III, Esq. and the Board was represented by Assistant Bar Counsel, Aria eee. The complainants Diane Clay and Stephen Sneider have been provided with a copy of this Report (in its proposal form) and have advised Bar Counsel that they did not plan to attend the hearing before Panel B. The parties have stipulated to the findings and to the sanction order set forth herein and have submitted the

Report and Sanction Order for the review and consideration of the Grievance Commission Panel.

Having reviewed the Stipulated Disciplinary Petition and the Stipulated Report of Findings, the Panel makes the following disposition:

### **FINDINGS**

Respondent Timothy M. Vogel (Vogel) of Portland, County of Cumberland, State of Maine, has been 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 Vogel was admitted to the Maine bar in 1983 and he is a member in good standing.

On July 5, 2007, Ms. Diane M. Clay filed a complaint with the Board against Attorney Vogel. The complaint alleged that after their initial meeting in October 2006, Attorney Vogel failed to perform any work on her legal matter. Ms. Clay further alleged that Vogel inadequately communicated with her about the matter and failed to respond to her inquiries.

On October 29, 2007. Mr. Stephen Sneider complained about Attorney Vogel's work on a probate matter involving the estate of Mr. Sneider's father. From November 2005 until the present, Attorney Vogel has acted as Co-Personal Representative with Mr. Sneider. The complaint detailed Sneider's concerns that Vogel failed to administer the estate in a timely fashion and failed to sufficiently communicate the status of the estate to its beneficiaries.

Through counsel, Attorney Vogel properly responded to the complaints filed by Ms. Clay and Mr. Sneider. Thereafter, separate Panels of the Grievance Commission reviewed the matters and found probable cause for disciplinary action on both matters before a third Panel of the Grievance Commission.

As set forth in the stipulated Disciplinary Petition, Assistant Bar Counsel and Respondent by counsel, Attorney DeTroy agreed generally that Respondent engaged in misconduct in violation of specific portions of the Code of Professional Responsibility and that discipline by reprimand is appropriate.

Attorney Vogel acknowledges that he failed to perform any further work on Ms. Clay's estate planning matter, following their initial consultation. He also agrees that his lack of communication was unprofessional and unfair to his client, given her reasonable expectations. Attorney Vogel agrees that such lack of communication was a violation of Maine Bar Rules 3.1(a) (conduct unworthy of an attorney) and 3.6(a)(1)(3) (requiring a lawyer to keep the client informed and not neglect the client's legal matter). Attorney Vogel did refund Ms. Clay's retainer and apologized for his lapses.

Additionally, Attorney Vogel committed conduct unworthy of an attorney when he administered the Sneider estate in an untimely manner. Vogel agrees that his other commitments and at times, poor practice management procedures have negatively affected his clients. His failure to explain those circumstances to the Sneider family or to act more expeditiously caused unintended delays for the probating of the estate. As a result Attorney Vogel

engaged in conduct prejudicial to the administration of justice. See M. Bar R. 3.2(f)(4).

After the filing of the complaint by Stephen Sneider, Vogel acting as Co-Personal Representative completed administration of the estate including: sending a final estate accounting to the two heirs, Stephen Sneider and his brother Jay, which they accepted and filing a closing statement with the Probate Court. To reduce costs to the estate, Vogel completed administration of the estate at no charge.

### **CONCLUSION AND SANCTION**

The Code of Professional Responsibility specifically requires attorneys to uphold their responsibilities to clients and the courts. Due to Attorney Vogel's above-outlined misconduct, Mr. Sneider incurred additional expenses and frustration. Ms. Clay suffered similar frustration at Attorney Vogel's failure to perform the work or respond to her inquiries.

M. Bar. R. 2(a) provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties. The panel notes that Attorney Vogel is an elder law attorney of long practice in Maine. He has taken responsibility for his actions and the delays occasioned to Ms. Clay and Mr. Sneider. Attorney Vogel recognizes his violations of the Code of Professional Responsibility and asserts his intention to refrain from future transgressions.

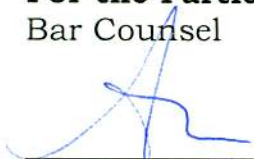
By signature of his counsel, Attorney Vogel hereby waives the right to a hearing under Maine Bar Rule 7.1(e) and further waives the right to file a petition for review under Maine Bar Rule 7.2(a).

Panel B of the Grievance Commission hereby accepts and approves Stipulated Report of Findings and Sanction Order and issues a public reprimand to Timothy M. Vogel, Esq. as provided by M. Bar R. 7.1(e)(3)(C).

Dated: June 19, 2008

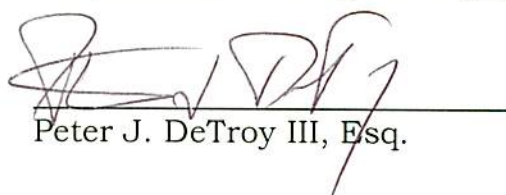
**For the Parties**

Bar Counsel



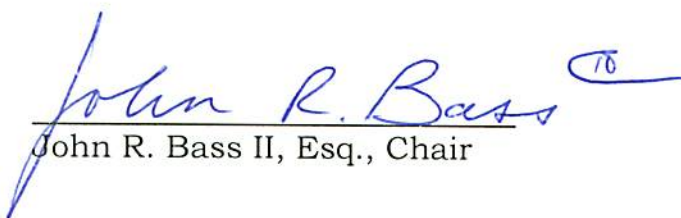
Aria eee, Assistant Bar Counsel

Respondent Timothy M. Vogel, Esq.



Peter J. DeTroy III, Esq.


**Grievance Commission Panel**



John R. Bass II, Esq., Chair



Susannah White



Maurice A. Libner, Esq.