

## SUPREME JUDICIAL COURT OF MAINE

# Petition of Edwin R. Jonas III for Reinstatement to the Bar of the State of Maine

2017 ME 48 · No. Cum-15-345 · Decided March 16, 2017

### SUMMARY

The Maine Supreme Judicial Court affirmed the denial of Edwin R. Jonas III's petition for reinstatement to the Maine Bar following his administrative suspension for failing to register. The court held that the reinstatement proceedings properly used the reasonable-person evidentiary standard, that the Board could appoint a special panel, and that Jonas received due process. The court also upheld consideration of judgments and orders from prior litigation in evaluating his eligibility for reinstatement.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                 |
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| COURT                 | Supreme Judicial Court of Maine                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.; Hjelm, J.; Humphrey, J.                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | Maine                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | March 16, 2017                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | Cum-15-345                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Jonas appealed the denial of his petition for reinstatement by a single justice of the Supreme Judicial Court. The Law Court treated the single justice's decision as the judgment of a trial court and reviewed it as an appellate body.                                                                                                                                       |
| STANDARD OF REVIEW    | The court interpreted the Maine Bar Rules de novo; reviewed alleged procedural due process violations de novo; reviewed evidentiary rulings for clear error or abuse of discretion; and reviewed the single justice's factual findings for clear error. Because Jonas bore the burden of proof, he could prevail only if the single justice was compelled to find in his favor. |
| PRECEDENTIAL VALUE    | Published precedential opinion, with portions interpreting superseded Maine Bar Rules.                                                                                                                                                                                                                                                                                          |
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## PARTIES

Edwin R. Jonas III v. Board of Overseers of the Bar

## TOPICS

appellate procedure

administrative law

evidence

procedural due process

standard of review

## PRACTICE AREAS

professional responsibility

bar admission and reinstatement

administrative law

appellate procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether the Board of Overseers of the Bar violated the Maine Bar Rules or Jonas's due process rights by creating a Special Panel to review the Grievance Commission's recommendation.
2. Whether the reinstatement factors in Maine Bar Rule 7.3(j)(5) applied to a petition following an administrative suspension.
3. Whether the reinstatement procedures violated Jonas's procedural due process rights.
4. Whether the single justice properly admitted and considered judgments and orders from prior litigation involving Jonas under the reasonable-person evidentiary standard.
5. Whether Jonas met his burden to prove by clear and convincing evidence that he was eligible for reinstatement.

## HOLDINGS

1. The Board's creation of a Special Panel was authorized by the applicable Bar Rules and Board regulations and did not violate Jonas's due process rights.
2. The factors listed in Maine Bar Rule 7.3(j)(5) applied to all petitions for reinstatement covered by Rule 7.3(j), including petitions following an administrative suspension.
3. The procedures did not violate due process because Jonas received notice and meaningful opportunities to be heard, including the opportunity to present evidence, argument, witnesses, and cross-examination.
4. The Rules of Evidence did not apply to Jonas's de novo reinstatement hearing; instead, evidence was admissible under the reasonable-person standard. Under that standard, the single justice properly considered judgments and orders concerning Jonas's prior conduct.
5. Jonas failed to prove by clear and convincing evidence that he possessed the moral qualifications, honesty, integrity, competency, and learning required for reinstatement or that reinstatement would not be detrimental to the bar, the administration of justice, or the public interest.

## KEY QUOTATIONS

*“Thus, the admission of evidence in that proceeding was governed by the same reasonable person standard that applied before the Commission and the Board, and that applies to administrative proceedings and to attorney admission proceedings before a single justice. The Rules of Evidence did not apply.” (¶ 28)*

*“We have previously held that due process in the context of bar proceedings “consists of notice of the proceedings and an opportunity to be heard, including the right to confront and cross-examine witnesses.””*  
(¶ 37)

*“The single justice was not compelled to find that Jonas had demonstrated his eligibility for readmission to the Maine Bar.”* (¶ 47)

## FACTUAL BACKGROUND

Jonas was admitted to the Maine Bar in 1987 and was administratively suspended in 1995 for failing to complete annual registration. During prolonged post-divorce litigation, he violated New Jersey court orders, concealed substantial funds in the Cayman Islands, removed his children from the jurisdiction, and was held in contempt. He was later suspended by the New Jersey, Pennsylvania, and Florida bars, declared a vexatious litigant in Montana, and admonished by a federal court for frivolous arguments. The single justice found that Jonas failed to establish the moral qualifications, honesty, integrity, and recognition of misconduct required for reinstatement.

## PROCEDURAL HISTORY

Jonas, who had been administratively suspended from the Maine Bar in 1995 for failing to register, petitioned for reinstatement in 2013. The Grievance Commission recommended conditional reinstatement, but the Board of Overseers ultimately recommended denial after a Special Panel reviewed the matter. Following a de novo hearing, the single justice found that Jonas failed to prove by clear and convincing evidence that he was eligible for reinstatement and denied the petition. The Supreme Judicial Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- In re Williams, 2010 ME 121, ¶¶ 1, 5-10, 8 A.3d 666
- In re Application of Feingold, 296 A.2d 492, 496 (Me. 1972)
- Bailey v. Bd. of Bar Exam'rs, 2014 ME 58, ¶¶ 16-21, 57, 90 A.3d 1137
- Bd. of Overseers of the Bar v. Warren, 2011 ME 124, ¶ 25, 34 A.3d 1103
- State v. Jones, 2012 ME 126, ¶ 35, 55 A.3d 432
- State v. Dolloff, 2012 ME 130, ¶ 24, 58 A.3d 1032
- In re Application of Spurling, 595 A.2d 1062, 1065 (Me. 1991)
- United States v. Jones, 29 F.3d 1549, 1553 (11th Cir. 1994)
- Int'l Star Class Yacht Racing Ass'n v. Tommy Hilfiger U.S.A., Inc., 146 F.3d 66, 70-71 (2d Cir. 1998)
- United States v. Garland, 991 F.2d 328, 332 (6th Cir. 1993)
- Colonial Leasing Co. v. Logistics Control Group Int'l, 762 F.2d 454, 459 (5th Cir. 1985)
- Kurtz & Perry, P.A. v. Emerson, 2010 ME 107, ¶ 16, 8 A.3d 677
- Conary v. Perkins, 464 A.2d 972, 975-76 (Me. 1983)

- Reed v. Tracy, 435 A.2d 745, 746 (Me. 1981)

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