

New Hampshire Supreme Court
Professional Conduct Committee

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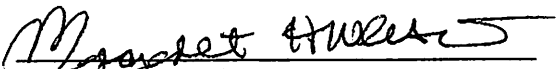
LD 2009-0004 *In the Matter of Stephen C. Jordan*

REPRIMAND

In accordance with NH Sup Ct. Rule 37(12) and the New Hampshire Supreme Court's Order of September 21, 2009, the Professional Conduct Committee hereby issues a Reprimand to Stephen C. Jordan as reciprocal discipline regarding the facts and rules violations set forth in an order dated April 10, 2009, from the Maine Board of Overseers(" the Maine Order ").

As set forth in the Maine Order, a copy of which is attached hereto and made a part hereof as Exhibit 1, Stephen C. Jordan stipulated with the Maine Grievance Commission that his conduct both before and during his April 2008 contested divorce proceeding against his wife was in violation of M. Bar R.7.1(C)(3)(C),(4). Mrs. Darcy Jordan was awarded exclusive possession of the marital home on December 4, 2007. Mr. Jordan remotely accessed his wife's private personal e-mail from her computer at the marital home. The communications included communications between Ms. Jordan and her counsel, including trial preparation material. Mr. Jordan had not been given permission to access his wife's personal private e-mail. Mr. Jordan actively sought to use this information in the presentation of his case, and agreed under oath that he had reviewed that e-mail account and had copied private e-mails. As a result of Mr. Jordan's conduct in violation of M. Bar R.7.1(C) (3) (C) (4) , the Maine Board of Overseers issued a reprimand to Mr. Jordan.

September 24, 2009


Margaret H. Nelson
Chair

Distribution:

Landya B. McCafferty, Disciplinary Counsel
Stephen C. Jordan
File

STATE OF MAINE

Board of Overseers of the Bar

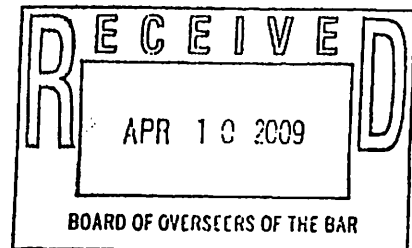
GCF Nos. 08-185 and 08-201

BOARD OF OVERSEERS OF THE)
 BAR,)
)
 Petitioner,)
)
 v.)
)
 STEPHEN C. JORDAN, ESQ.,)
 of North Berwick, Maine)
 Me. Bar #8745,)
 Respondent.)

**STIPULATED REPORT OF
 FINDINGS AND ORDER**
 of
**PANEL B OF THE GRIEVANCE
 COMMISSION**
 M. Bar R. 7.1(e)(2).
 M. Bar R. 7.1(e)(4)

On April 10, 2009 after due notice, Panel B of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(e)(2)(E) concerning misconduct by the Respondent, Stephen C. Jordan, Esq. The disciplinary proceeding was commenced by the filing of a stipulated Disciplinary Petition by the Board of Overseers of the Bar (the Board) on February 10, 2009.

Prior to the disciplinary hearing, the parties submitted a Stipulated Report of Findings and Order for the Grievance Commission Panel's review and consideration. The Board provided the complainants, District Court Judge Peter Goranites and Attorney Elizabeth Stout with a draft copy of the Report. Present at the hearing were Attorney Jordan, his counsel James M. Bowie, Esq. and Bar Counsel J. Scott Davis, Esq. for the Board.



Having reviewed the Stipulated Report of Findings and Order and heard comments of counsel, the Panel makes the following disposition:

FINDINGS

Respondent Stephen C. Jordan, currently of North Berwick, County of York, State of Maine, has been at all times 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. Attorney Jordan was admitted to the Maine bar in 1998 and is currently registered as an active practitioner, although he is not now practicing law or associated with any law firm.

On May 20, 2008 Judge Goranites filed a complaint against Attorney Jordan. Attorney Stout did the same on June 3, 2008. Both complaints referenced being filed pursuant to the reporting requirements of M. Bar R. 3.2(e)(1). That Bar Rule mandates the reporting by written complaint of an attorney's unprivileged knowledge of misconduct "...that raises a substantial question as to another lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects..." Each complaint involved Attorney Jordan's conduct both before and during his April 2008 contested divorce proceeding between his wife, Plaintiff Darcy Jordan and himself as the *pro se* Defendant. Judge Goranites presided at that hearing, and Attorney Stout served as the court's Guardian *ad litem*. By its Divorce Judgment dated May 20, 2008, the court made specific "Supplemental Findings" describing Attorney Jordan's misconduct. Those findings included the following descriptive facts:

1. Attorney Jordan, the Defendant, represented himself in that divorce;
2. On December 4, 2007 an agreed Interim Order of Court had been issued giving Plaintiff Darcy Jordan exclusive possession of the marital home;
3. After the date of that Order, Attorney Jordan remotely accessed his wife's private personal e-mail from her computer at the marital home;
4. That e-mail account contained many private e-mail communications between Plaintiff Darcy Jordan and her attorney, including trial preparation material;
5. Attorney Jordan knew he had not been given permission to access his wife's personal private e-mail ; and
6. At the contested divorce proceeding, Attorney Jordan actively sought to use Darcy Jordan's e-mail information in the presentation of his case to Judge Goranites, agreed under oath that he had reviewed that e-mail account including communications between Darcy Jordan and her attorney, and had copied private e-mails .

Based on those "Supplemental Findings", Judge Goranites reported Attorney Jordan to Bar Counsel. The court also imposed immediate sanctions that directly affected and limited Attorney Jordan's trial conduct and abilities, i.e. by specifically suspending his ability to cross-examine Plaintiff Darcy

Jordan, limiting his right to present evidence and requiring him to pay the remaining fees of the Guardian *ad litem*.

CONCLUSION AND SANCTION

The Code of Professional Responsibility specifically requires attorneys to uphold their responsibilities to our legal system and to the courts. Attorney Jordan agrees that his emotional upset from the divorce process and hearing was no excuse for his complete disregard for the sanctity of the confidential communications between his wife and her attorney concerning that contested divorce matter. Attorney Bowie has informed the Panel that he has personally received and reviewed written confirmation that Attorney Jordan undertook and received psychological counseling to deal with the pressures and stresses of his divorce and the litigation associated with the divorce. This counseling included the analysis of how these pressures and stresses were affecting his judgment and actions and the consequences of those actions, as well as how to better deal with those stresses. We also understand that Attorney Jordan is currently in the process of relocating outside of the State of Maine for the purpose of seeking employment unrelated to law practice. He has not practiced law since March of 2008 and has not sought, nor has he any current intention of returning to the active practice of law in the immediate future.

The panel notes that Attorney Jordan has taken responsibility for his offensive behavior and the upset it caused to his entire family, his wife's attorney, the court and the Guardian *ad litem*, among others. At this disciplinary proceeding, Attorney Jordan expressed his remorse for his

inexcusable violations of the Code of Professional Responsibility. Specifically, he agreed that his conduct was in violation of the following portions of the Code of Professional Responsibility:

- Bar Rule 3.2(f)(2)(illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- Bar Rule 3.2(f)(3)(conduct involving dishonesty, fraud, deceit or misrepresentation);
- Bar Rule 3.2(f)(4)(conduct that is prejudicial to the administration of justice); and
- Bar Rule 3.6(h)(conduct that violates the confidentiality of information)

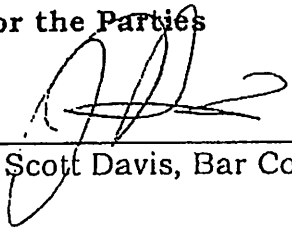
Maine Bar Rule 2(a) provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties. Bar Counsel confirmed that Attorney Jordan has no prior professional sanction record on file with the Board. The Panel has considered the facts that Attorney Jordan agrees that he did in fact violate the above-referenced sections of the Code of Professional Responsibility, that the violations appear to be isolated instances of improper conduct related to his divorce and that Attorney Jordan is not longer in active practice of law in the State of Maine.

The Panel accepts the proposed disposition and the waiver by Attorney Jordan of his right to file a Petition for Review as evidenced by his signature below.


Panel B hereby issues a **Public Reprimand** to Attorney Stephen C. Jordan pursuant to M. Bar R. 7.1(e)(3)(C),(4).

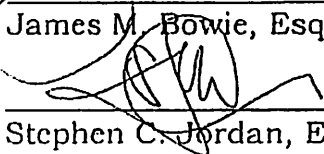
Dated: April 10, 2009

For the Parties



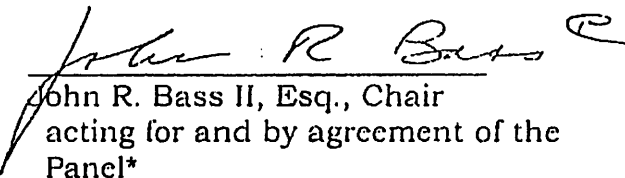
J. Scott Davis, Bar Counsel

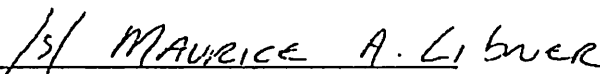


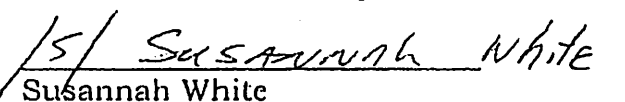
James M. Bowie, Esq.


Stephen C. Jordan, Esq.

Grievance Commission Panel



John R. Bass II, Esq., Chair
acting for and by agreement of the
Panel*


Maurice A. Libner, Esq.


Susannah White

*Prior to this hearing, all three (3) members of the Panel reviewed and approved this Report. By agreement of the parties, Panel Chair John R. Bass, II appeared alone at the hearing and issued this disciplinary sanction for the Panel.

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MEMORANDUM

TO: Clerk of the Law Court, Clerks of the Maine Superior and District Courts, Registers of Probate, Clerk of the Administrative Court and Clerk of the U.S. District Court

FROM: J. Scott Davis, Bar Counsel 

RE: Stephen C. Jordan, Esq. / Public Reprimand

DATE: April 14, 2009

Pursuant to the Board of Overseers of the Bar's Regulation No. 56 (Protocol for Publication of Disciplinary Matters), please be notified as follows concerning the enclosed Stipulated Report of Findings and Order of a Panel of the Grievance Commission dated April 10, 2009:

Stephen C. Jordan, Esq. (Bar# 8745) has received a public reprimand for violation of **Maine Bar Rules 3.2(f)(2),(3),(4) and 3.6(h).**

Thank you.

Enclosure

c: James M. Bowie, Esq.
Maine State Bar Association
New Hampshire Atty. Disciplinary Counsel ✓
Attorney Registration File
(all with enclosure)