

New Hampshire Supreme Court  
**Professional Conduct Committee**

*a committee of the attorney discipline system*

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**LD-2014-0001, In the Matter of Jeremy A. Miller**

**REISSUED PUBLIC CENSURE**

In accordance with Supreme Court Rule 37(12), on March 11, 2014, the New Hampshire Supreme Court ruled that the above captioned reciprocal discipline matter from the Grievance Commission of the Maine Board of Overseers of the Bar warrants the issuance of a public censure. The Court remanded the matter to the Professional Conduct Committee for the issuance of a public censure.

**I. FACTS**

Jeremy A. Miller 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 and the Maine Rules of Professional Conduct. Mr. Miller was admitted to the Maine Bar in November of 2008 and primarily practices law in New Hampshire. Mr. Miller has his own law firm, J. Miller & Associates, PLLC located in Concord, New Hampshire.

On April 14, 2011, Attorney Stev Parker filed a grievance complaint against Mr. Miller. At the time of the filing, Mr. Miller was also a partner in Legal Helpers Debt Resolution (LHDR), a national debt resolution law firm. During the time period in question, Mr. Miller was the only Maine lawyer affiliated with LHDR. Among other things, Mr. Parker's complaint alleged that he had experienced difficulty determining the extent of LHDR/Mr. Miller's representation in various Maine collection matters.

In that regard, Mr. Parker identified five cases he had been handling in which Mr.

Miller/LHDR represented the opposing parties. Mr. Parker reported that he was unable to engage in any discourse with Mr. Miller concerning settlement offers, proposed motions, court scheduling orders or responses to discovery. Mr. Parker explained that he repeatedly tried to contact Mr. Miller after Mr. Miller filed answers in some litigation matters, but that Mr. Miller did not respond to Mr. Parker's communications.

Mr. Parker also referenced that in certain cases in which Mr. Miller either did not appear at scheduled hearings and/or failed to respond to discovery, orders unfavorable to Mr. Miller's clients were issued by the respective courts.

Mr. Miller filed a response to the grievance complaint. In that response, Mr. Miller acknowledged the complex issues presented by his partnership in LHDR and the resultant problems it caused. While Mr. Miller largely denied any professional misconduct he did explain how his work with LHDR evolved and acknowledged some of the resultant lapses in client representation.

In 2009, Mr. Miller entered into a partnership with LHDR that was separate from Mr. Miller's own law firm. Mr. Miller had no management role in the LHDR partnership, but he now agrees that his participation as a partner contributed to a systematic and continuous presence of LHDR in Maine through advertising that raised concerns under M. R. Prof. Conduct 5.5(b)(1). Mr. Miller also recognized that he had neglected some litigation cases, including the "Parker" cases as referenced above. Mr. Miller had assigned those cases to an associate attorney, but failed to adequately supervise the associate in violation of M. R. Prof. Conduct 5.1(b). While prospective clients did not physically meet with any LHDR employees, in October of 2010, Mr. Miller began making himself personally available to clients who requested him to do so.

As a result of the events contributed to by his inadequate supervision of associates, Mr. Miller instituted new office policies and procedures to ensure that all clients would be competently represented. Mr. Miller has acknowledged that his lack of direct involvement with clients and his admitted neglect and failure to supervise an associate attorney resulted in violations of the Maine Rules of Professional Conduct.

Panel D of the Grievance Commission ("The Panel") noted that much of the misconduct occurred in this grievance matter was the result of the case management practices adopted by the managing attorneys of LHDR. Furthermore, it appears that LHDR did not generally inform Mr.

Miller of important events occurring in Maine concerning LHDR clients. Mr. Miller did receive a related "warning" letter from the Maine Bureau of Consumer Credit Protection, but he failed to appreciate the import of that letter as it regarded the consumers assigned to his caseload.

Additionally, Mr. Miller was unaware and LHDR did not inform him that the State of Illinois had issued a Cease and Desist Order against LHDR in Illinois. Subsequently, a June 2011 Cease and Desist Order was issued in Maine, and upon being advised of it, Mr. Miller declined to represent any *new* clients of LHDR. Mr. Miller has continued to represent or has completed his representation of existing clients from the LHDR partnership, but he has not accepted any new cases. Mr. Miller also declined to participate in *new* cases involving any other debt management law firm. While not accepting new cases from such firms, Mr. Miller continues to fulfill obligations to those individuals with whom he already has an attorney-client relationship.

The Panel found that Mr. Miller's detachment from clients was a direct result of LHDR's practice model, but that his conduct violated M. R. Prof. Conduct 1.3 (diligence) and 1.4 (communication). In his capacity as a partner of LHDR, Mr. Miller had an additional duty under M. R. Prof. Conduct 5.1 and 5.3 to ensure that subordinate lawyers and the non-lawyer assistants associated with LHDR as subcontractors were adequately supervised so that their conduct did not violate any provisions of the Maine Rules of Professional Conduct.

Since then, LHDR has voluntarily settled the issues raised by the State of Maine concerning LHDR's representation of Maine residents. That agreement, the "Assurance of Discontinuance," was executed on December 6, 2012. The Panel received a copy of that agreement into evidence at the stipulated hearing.

The Panel noted that no bar grievance complaint against Mr. Miller has been filed by any clients of Mr. Miller or LHDR. Further, Mr. Miller understands that LHDR has paid some restitution to some aggrieved clients as a result of the advocacy of the Maine Bureau of Consumer Credit Protection.

Mr. Miller had no involvement in the design of LHDR's business model or LHDR's practices and procedures. However, he was a partner in the LHDR firm and was responsible for taking reasonable steps to ensure that the firm had in place measures giving reasonable assurance that, with respect to Maine clients, the conduct of firm lawyers, staff and independent contractors

conformed to the Maine Rules of Professional Conduct. Mr. Miller had the same obligations with respect to the lawyers and staff of his own law firm. Mr. Miller failed to fulfill those obligations and, accordingly, some clients were harmed. As a result, the Panel issued a reprimand to Mr. Miller and cautioned him to carefully assess potential associations with other law firms, particularly so with regard to the use of non-lawyer assistants and subcontractors. Mr. Miller is also reprimanded for his failure to engage in appropriate supervision of client matters. He is directed to do so in the future.

## **II. RULINGS OF LAW**

The Maine Rules of Professional Conduct specifically require attorneys to uphold their responsibilities to clients and the courts. Due to Mr. Miller's above-outlined failures, some of his clients were not properly served by the representation. The Panel noted that Mr. Miller has taken responsibility for his transgressions. At the disciplinary hearing, Mr. Miller expressed his remorse for his violations of the Maine Rules of Professional Conduct.

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 to properly discharge their professional duties. *See* M. Bar R. 2(a). Since the evidence supports a finding and Mr. Miller agreed that he did in fact violate the Maine Rules of Professional Conduct, the Panel found that a Reprimand in GCF No. 11-130 serves those purposes.

The Panel accepted the agreement of the parties, including Mr. Miller's separately executed waivers of any objection to this Report and waiver of appeals. The Panel concluded that the appropriate disposition of this case was a Public Reprimand to Jeremy A. Miller, Esq., which was issued and imposed upon him pursuant to M. Bar R. 7.1(e)(3)(C), (4).

Mr. Miller's failures violated Maine Bar Rule 1.3, 1.4, 5.1 and 5.3.

## **III. ANALYSIS**

The panel found that a Public Reprimand is the appropriate sanction, which was issued on June 14, 2013.

#### IV. SANCTION

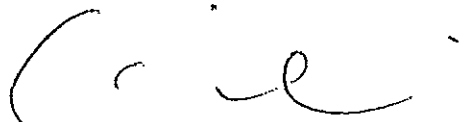
The Professional Conduct Committee deliberated the matter on February 18, 2014, and recommended to the Court that for purposes of reciprocal discipline, a sanction of public censure is the equivalent to a public reprimand imposed by the State of Maine Grievance Commission, Board of Overseers. The Court concluded that a public censure is warranted, and the Committee hereby issues a Public Censure.

#### V. COSTS

Mr. Miller shall be responsible for the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. *See* Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to: copying and costs associated with the publication of the censure. The assessment of costs shall become final unless Mr. Miller responds in writing, within thirty (30) days of receipt of the Committee's statement of expenses, listing each disputed expense and explaining the reasons for disagreement. Sup. Ct. R. 37(19)(b). The Committee may resolve the disagreement, or enforce the assessment of costs by petition to the superior court in any county in the state. Sup. Ct. R. 37(19)(b).

The Committee may file a copy of the final assessment of costs with the superior court in any county in the state, where it shall be docketed as a final judgment and shall be subject to all legally-available post-judgment enforcement remedies and procedures. *See* Sup. Ct. R. 37(19)(c). Mr. Miller shall be responsible for any costs incurred as a result of the Attorney Discipline Office's collection efforts.

March 25, 2014



David M. Rothstein, Chair

#### Distribution:

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