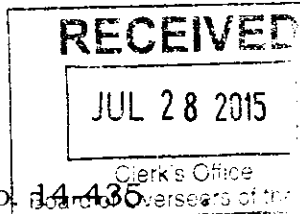


STATE OF MAINE



BOARD OF OVERSEERS OF THE BAR

GCF No. 14-435

BOARD OF OVERSEERS OF THE BAR)
 Petitioner)
 v.)
)
)
 CARLETTA M. BASSANO, ESQ.)
 of Ellsworth, ME)
 Me. Bar No. 002307)
 Respondent)

STIPULATED REPORT of FINDINGS AND ORDER of Panel A of the GRIEVANCE COMMISSION

M. Bar R. 13

On July 20, 2015, with due notice and pursuant to Maine Bar Rule 13, Panel A of the Grievance Commission conducted a public disciplinary hearing concerning misconduct by Respondent Carletta M. Bassano, Esq. The Board of Overseers of the Bar (the Board) commenced this disciplinary proceeding by filing a Stipulated Disciplinary Petition on April 22, 2015¹.

Attorney Bassano was represented by Assistant Attorney General William R. Fisher through preparation of the Stipulated Report of Findings. She was present and represented at the hearing by Assistant Attorney General Ronald W. Lupton. The Board was represented by Bar Counsel J. Scott Davis.

Complainant Brian C. Danielson did not attend the hearing. At least by April 27, 2015, the Board had been notified by the U.S. Postal Service that the last mailing address provided by Danielson was void, i.e. mailings were now "not deliverable" to him. In addition, although Board staff earlier had email correspondence with Danielson, on June 8, 2015 the email address provided by Danielson was no longer

¹ The parties agree that the reference in paragraph 8 of the Stipulated Disciplinary Petition should be amended to Rule 3.4(c) rather than Rule 3.4(a) and that the reference to Rule 3.8(d) should be deleted.

in service. Prior to the hearing, the parties submitted a Stipulated Report of Findings and Order for this Panel's review and consideration.

Having reviewed the Stipulated Report of Findings and Order as presented by counsel, the Panel makes the following disposition:

FINDINGS

Respondent Carletta M. Bassano, Esq. of Ellsworth, 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 was subject to the Maine Bar Rules and the Maine Rules of Professional Conduct. She was admitted to practice in Maine in 1980.

After serving as an Assistant District Attorney (ADA) for Prosecutorial District 7 (Hancock and Washington Counties), she was elected and served as the District Attorney (DA) therein from 2011 through 2014 when she retired.

On or about September 14, 2014, Brian C. Danielson filed a complaint with the Board alleging she had acted improperly while serving as District Attorney for Prosecutorial District 7. As stated in the Stipulated Disciplinary Petition of April 22, 2015 in this matter, Attorney Bassano admits she engaged in misconduct that violated Rules 3.4(c); 3.8(b); 5.1(b)(c)(1); and 8.4(a)(d) of the Maine Rules of Professional Conduct for which she should receive a reprimand.

The misconduct that resulted in those Rules violations is as follows:

During various time periods in 2013 through 2014, three different criminal defendants² in unrelated prosecutions were handled by DA Bassano's Office. In each of those three matters, a court Order was issued that included a finding of a

² *State of Maine vs. Daniel E. Brown Jr.* ELLDC-CR-2013-00626; *State of Maine vs. Robert L. Cousins* ELLDC-CR-13-485; *State of Maine vs. Jonathan A. Troth* HANCD-CR-2013-00405.

discovery violation having been committed by the DA's Office, with some form of resulting sanction being imposed against the State. DA Bassano had handled one of those prosecutions herself; the other two matters were handled by an ADA under her supervision.

Upon her election, DA Bassano created and imposed various discovery protocols and monitors in her office designed to improve upon discovery deficiencies she had either observed personally or been made aware of while working as an ADA in that office. Among those protocols was a system designed to ensure that defendants' discovery requests—both automatic and written requests—were properly received and handled in accordance with M. R. Crim. P. 16 by the responsible ADA.

Attorney Bassano agrees, however, that in all three of these discovery sanction cases—including the one she handled herself—those discovery protocols were not properly followed by the responsible ADA. She accepts responsibility—both directly and indirectly as supervisor of her office—for each of the three court-issued sanctions for discovery violations.

Accordingly, Attorney Bassano agrees that she violated M. R. Prof. Conduct 3.4(c) (disobeying the obligations or rules of a tribunal); 3.8(b) (failure to provide timely discovery to the accused); 5.1(b)(c)(1) (failure to properly supervise subordinate attorneys); and 8.4(a)(d)(conduct prejudicial to the administration of justice).

CONCLUSION AND SANCTION

The Maine Rules of Professional Conduct specifically require attorneys to uphold their responsibilities as officers of the court. Given Attorney Bassano's own

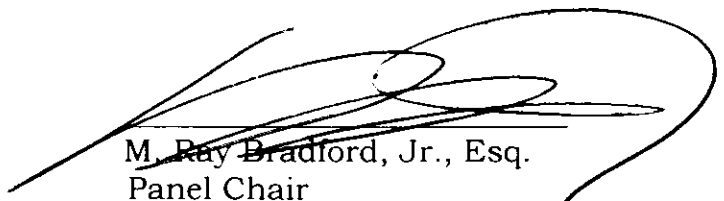
discovery violation and those of the ADA's she supervised, the Panel finds—as she agrees—that she violated M. R. Prof. Conduct 3.4(c); 3.8(b); 5.1(b)(c)(1); and 8.4(a)(d).

The Panel notes that Attorney Bassano accepted responsibility for the discovery violations and expressed remorse to the Panel for her violations of the Maine Rules of Professional Conduct. Bar Counsel has confirmed to the Panel that Bassano has no prior disciplinary or sanction record on file with the Board.

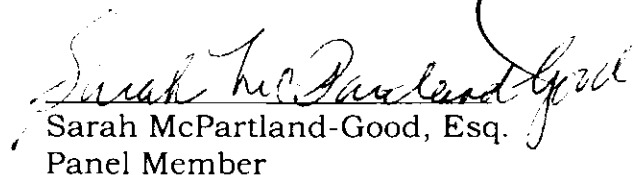
The Panel further notes that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from attorneys who have demonstrated they are unable to properly discharge their professional duties. Since the evidence supports a finding, and Attorney Bassano agrees, she violated the above-referenced portions of the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes.

Therefore, the Panel accepts the agreement of the parties, including Attorney Bassano's separately executed waiver of the right to file a Petition for Review, and concludes that the appropriate disposition of this case is a **Public Reprimand**. Pursuant to M. Bar R. 13, the Panel hereby issues that Reprimand to Carletta M. Bassano, Esq.

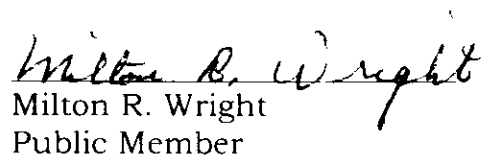
Date: July 20, 2015



M. Ray Bradford, Jr., Esq.
Panel Chair



Sarah McPartland-Good, Esq.
Panel Member



Milton R. Wright
Public Member