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## **Witness Retracts Charges Against Judge**

By Joshua Bodwell

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KENNEBUNK — In a surprising 180-degree turn, [Maryann], the complainant in the disciplinary proceedings against attorney and York County Probate Judge Robert Nadeau, now says she wants to retract her claims.

In a letter to the Maine Board of Overseers of the Bar, [Maryann], whose divorce was allegedly mishandled by Nadeau, writes that she “filed that complaint based on hurt, not necessarily because [Nadeau] is unethical.”

Questions remain as to whether or not [Maryann’s] retraction will signal the end of this case, or whether the Bar Counsel—the prosecutor in attorney discipline proceedings—will proceed.

At a hearing in May, [Maryann] testified that she had hired Nadeau to represent her in her divorce, but that he began to mishandle her case three months into the representation.

[Maryann] said that when Nadeau professed his love for her and the two commenced a consensual sexual relationship the day he filed her divorce papers, it caused him to take steps to withdraw from her case. [Maryann] was forced to seek other representation, causing her case to drag, eventually costing her upward of \$13,000 for an uncontested divorce.

Based on [Maryann’s] complaint, the Board of Overseers’ Grievance Commission began disciplinary proceedings against Judge Nadeau.

After the May hearing, the commission ruled that ‘probable cause exists for [his] suspension or disbarment,’ citing a number of improprieties related to his handling of and withdrawal from [Maryann’s] divorce. The commission then directed bar counsel to bring an action seeking Judge Nadeau’s suspension or disbarment before the Maine Supreme Judicial Court.

Now, in her letter of retraction, [Maryann] writes, ‘In retrospect, [Nadeau] was completely ethical in being honest with me about his feelings.’

[Maryann's] change of heart came after she and Nadeau spoke on the phone at the end of June. The two had not spoken to each other in almost two years, not since [Maryann] had filed the complaint against Nadeau.

Nadeau said that through some research, he and his attorney, Stephen Wade, discovered that even though [Maryann] was a witness against Nadeau, there was no reason the two couldn't communicate.

The conversation went so well and so many misunderstandings were reconciled that [Maryann] said she'd retract her testimony to the commission. Within days, Nadeau moved out of his house and initiated proceedings to obtain a divorce from his wife of 20-plus years.

[Maryann] returned to Maine to spend time with Nadeau over the Fourth of July holiday weekend; she had moved to [Pennsylvania] in early 2004.

[Maryann] and Nadeau spoke with the Coast Star on Saturday morning. The couple sat close to one another, holding hands throughout the interview. [Maryann] sported a diamond engagement ring from Nadeau.

"Personally, I've never stopped loving Bob," [Maryann] said. "I've been devastated to read the papers and see all these inaccuracies."

"I've never been happier in all my life," Nadeau said, "as I have been since that phone call from [Maryann]."

[Maryann's] letter also asserts that attorney's Amy McGarry and Pam Holmes (former associates of Nadeau's who currently have a civil case pending against him) pressured her into filing a complaint against Nadeau. [Maryann] claims that McGarry and Holmes attached their claims against Nadeau to hers, "all at the sake of their own issues with Bob Nadeau."

"I'm upset that it seems like I've helped them," [Maryann] said.

Both said that they felt "pressured" and ill-advised by many people around them during that stressful period.

"We finally realized that we knew better than everyone," Nadeau said this past weekend, smiling and clutching [Maryann] tight to him.

Today, Nadeau said he is still angry with those who have, in his words, "sensationalized" this case. He said that McGarry and Holmes and their attorney, Jack Hunt, fought to have the case remain "unsealed," opening the proceedings to the scrutiny of the press.

“Leaving the case unsealed was potentially harmful to [Maryann’s] divorce case,” Nadeau said. “During this whole thing, I had to stick my head in the sand and take barbs from every lawyer that didn’t like me.”

“I’ve never had an ethical problem in my life,” Nadeau continued, “not in my practice or on the bench.”

It is unclear what effect, if any, [Maryann’s] letter—or the change in the circumstances of their relationship—will have on the case against Nadeau.

Nora Sosnoff, deputy bar counsel for the Board of Overseers of the Bar, said that neither she nor Bar Counsel J. Scott Davis would comment on how things will proceed from here as the case is ongoing.

Dana Prescott, a Saco attorney and the former Maine State Bar Association president, would not comment directly about this case, but addressed procedures in cases such as this.

“When a witness seeks to retract testimony previously offered under oath,” said Prescott, “the Bar Counsel has three options: They can choose to try and compel a witness to testify (via a subpoena); they can attempt to use the testimony they have already gathered under oath; or, if they feel their case is strong enough, they can simply proceed without that particular witness.

“There are hundreds of thousands of cases around the country where witnesses, for one reason or another, decide to not testify.”