

IN RE: PABLO CASAS

BBO # 687102

NO. BD-2023-001

Order (Term Suspension/Stayed) entered by Justice Georges on January 27, 2023.¹

The Court ordered a three-month suspension, stayed for one year on conditions, for the respondent's misconduct in a commercial lease dispute.

SUMMARY²

The respondent stipulated to misconduct, as follows. The respondent represented a corporation in a commercial lease dispute. The corporation operated a restaurant in the leased space, but was not itself a party to the lease in dispute. The corporation had one officer at the time, an individual called Homero. Homero, in his individual capacity, was the actual party to the lease. However, there was no fee agreement between Homero and the respondent. The petition reflects that the respondent did not properly notify the client before withdrawing funds from the IOLTA account to pay his fee. He intentionally misrepresented to the landlord that he represented both the corporation and Homero individually, and sent a c. 93A demand letter to the landlord on behalf of both. He never explained to Homero that he did not represent his individual interests, that Homero's interests might differ from the corporation's, and that Homero should have his own counsel. After the landlord proposed a new lease, providing that Homero pay certain charges, the respondent did not communicate this offer to Homero. A Notice of Default and Notice to Quit followed, as did a Summary Process summons and Complaint served on Homero. At that point, the respondent directed Homero to retain new counsel. Ultimately, Homero paid a settlement and the restaurant vacated the premises.

The respondent's misconduct violated Rules 1.1 (competence); 1.15(b) (requirements before taking fee from IOLTA); 4.3 (dealing with unrepresented persons; duty to clarify role); 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation) and 8.4(h) (any other conduct that adversely reflects on fitness to practice). There was no ultimate harm, and the respondent's misconduct was largely caused by his unfamiliarity with lease negotiations and inexperience in landlord-tenant matters.

By vote dated December 12, 2022, the Board of Bar Overseers recommended a three-month suspension, stayed for one year on conditions. On January 7, 2023, Justice Georges ordered the respondent suspended for three months, stayed for a year on the following conditions: the lawyer shall be required to attend "How to Make Money and Stay Out of Trouble" offered through MCLE; and the lawyer shall be required to complete an MPRE prep course prior to the end of the one (1) year probationary period, with proof of the course completion.

¹ The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record filed with the Supreme Judicial Court.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2023-001

IN RE: Pablo Casas

ORDER OF TERM SUSPENSION/STAYED

This matter came before the Court, Georges J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01 § 8(6), with the Recommendation and Vote of the Board of Bar Overseers (Board) and the stipulation of the parties filed by the Board on January 5, 2023. Upon consideration thereof, it is ORDERED that:

1. Pablo Casas is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of three (3) months, the effective date of which is hereby stayed for a period of one (1) year subject to the following conditions.

- a. The lawyer shall be required to attend "How to Make Money and Stay Out of Trouble" offered through MCLE.
- b. The lawyer shall be required to complete a MPRE prep course prior to the end of the one (1) year

probationary period and will be responsible for providing proof of his MPRE prep course completion.

If the lawyer fails to comply with any of the terms and conditions of this Order, the Office of Bar Counsel may petition this Court for immediate imposition of the three (3) month suspension.

After one (1) year from the entry of this Order, the lawyer may file an affidavit of compliance with the Office of Bar Counsel and the Clerk of the Supreme Judicial Court for the County of Suffolk, together with proof of his successful completion of the conditions of this order. Upon receipt, and with the assent of the Office of Bar Counsel, the lawyer may then request of this Court to issue an order that he is no longer subject to the three (3) month suspension that gave rise to the petition for discipline.

By the Court, (Georges J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: January 27, 2023