

IN RE: ELIZABETH BERINGER

BBO # 554325

NO. BD-2023-023

Order (Term Suspension) entered by Justice Gaziano on June 20, 2024.¹

The respondent was suspended for six months for neglect of client matter, failure to adequately communicate with the client, failing to return the client's original documents, and for failing to cooperate with bar counsel's investigation.

SUMMARY²

A Single Justice of the Supreme Judicial Court adopted the recommendation of the Board of Bar Overseers, after a hearing, that the respondent be suspended for six months, with a reinstatement hearing required. The respondent's default constituted an admission of facts and rules violations charged in the petition for discipline. As charged in Count One, the respondent had from time to time represented the family of a high school friend on various matters. When the friend's father died, his only asset was a bank account held jointly with the father's children, so his estate was not initially probated. Later an IRS refund check was issued, payable to the father's estate. The friend asked the respondent for assistance; she agreed, but did not discuss the basis of any rate or fee she planned to charge. Despite receiving the original will and relevant information, the respondent failed to perform the agreed upon services and ultimately stopped replying to the client, including a failure to return the original will. By failing to act with reasonable diligence and promptness in representing the client, the respondent violated Mass. R. Prof. C. 1.3. By failing to adequately communicate with the client, the respondent violated Mass. R. Prof. C. 1.4(a). By failing to return the original will to the client, the respondent violated Mass. R. Prof. C. 1.15(c), and 1.15A(b) and (d).

As charged in Count Two, the respondent did not cooperate with bar counsel's investigation. She did not respond to the client's complaint and did not appear or otherwise respond to bar counsel's subpoena. The respondent was administratively suspended for failure to cooperate with bar counsel's investigation and thereafter failed to comply with the provisions of S.J.C. Rule 4:01, §17 and the order of administrative suspension. The respondent's knowing failure without good cause to respond to bar counsel's requests for information and to comply with the board's subpoena violated S.J.C. Rule 4:01, §3(1)(a) and (b), and Mass. R. Prof. C. 8.1(b), and 8.4(d), (g) and (h). The failure, without good cause, to comply with the order of administrative suspension, the respondent violated S.J.C. Rule 4:01 §17(5) and §17(6), and Mass. R. Prof. C. 3.4(c), and 8.4(d) and (h).

On May 13, 2024, the Board voted unanimously to recommend that the respondent be suspended for six months, with a reinstatement hearing required. After a hearing before a Single Justice (Gaziano, J.), at which the respondent failed to appear, the Court ordered on June 20, 2024, that the respondent be suspended for six months, with reinstatement only after a hearing and after compliance with the March 16, 2023 Order of Administrative Suspension.

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-2023-023

IN RE: Elizabeth Beringer

ORDER OF TERM SUSPENSION

This matter came before the Court, Gaziano, 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) filed by the Board on May 29, 2024.

On June 5, 2024, an order of notice issued and was served on the lawyer in the manner specified pursuant to S.J.C. Rule 4:01, § 21, directing her to appear before the Court on June 20, 2024. After a hearing was held attended by assistant bar counsel, but not the lawyer;

It is ORDERED that:

1. Elizabeth Beringer is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of six (6) months effective immediately upon the entry of this Order. The lawyer's reinstatement to the practice of law in the Commonwealth of Massachusetts shall be pursuant to S.J.C.

Rule 4:01, § 18 (4) and (5) and she shall comply fully with the March 16, 2023 Order of Administrative Suspension (Budd, C.J.).

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that she is disqualified from acting as a lawyer after the effective date of the suspension; and that, if

not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in her possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of

this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such

funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice;

f) the residence or other street address where communications to the lawyer may thereafter be directed; and

g) any and all bar registration cards issued to the lawyer by the Board of Bar Overseers.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, §17.

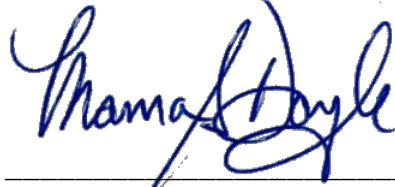
4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

By the Court, (Gaziano, J.)

A handwritten signature in blue ink that reads "Maura S. Doyle". The signature is written in a cursive style with a large, prominent "D" at the end.

Maura S. Doyle, Clerk

Dated: June 20, 2024