COMMONWEALTH OF
MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL
COURT FOR SUFFOLK
COUNTY NO:
BD-2022-027

IN RE: Brian B. Kydd

CORRECTED[1]

ORDER OF TERM SUSPENSION

This matter comes before the court, Wendlandt, J., on an information filed by the Board of Bar Overseers (board) in March 2022 under S.J.C. Rule 4:01, § 8(6), as appearing in 453 Mass. 1310 (2009). The respondent, Brian B. Kydd, was charged with two counts of violating disciplinary rules, each related to his representation of a single client. On April 13, 2022 an Order of Notice was issued directing the respondent to appear before the court on June 3, 2022. After a hearing was held, attended by assistant bar counsel and the respondent, and upon consideration thereof and for the reasons set forth below, it is ordered that the respondent is suspended from the practice of law in the Commonwealth for a

[1] This Corrected Order of Term Suspension is issued for the single purpose of correcting the inadvertent misspelling of Brian B. Kydd's first name from Bryan to Brian.

period of one (1) year and one (1) day, and must petition for reinstatement.

1. Background. The following facts are undisputed.[2] The respondent was admitted to the Bar of the Commonwealth on July 2, 1990. The respondent has been a solo practitioner since 2002, and since approximately 2013 has practiced primarily in the area of landlord-tenant law.

In April 2017, the respondent entered into a written fee agreement with Waldron Contracting Services ("Waldron") to file a lawsuit against Waldron's former client to collect $57,000 in unpaid invoices. The agreement described the fee as a "retainer guaranteed payment of $2000 to [the respondent's firm] payable immediately" with "[w]ork to be credited against the retainer at [$]200.00 per hour." Waldron paid the $2,000 retainer by check, and the respondent deposited the check into his law firm operating account, not his IOLTA account. At the time the of the deposit, the respondent had earned a maximum of $550 of the $2,000 retainer. The respondent thereafter failed to keep the unearned retainer funds separate from his own funds in his operating account and failed to provide Waldron with written notice of his fee withdrawals, itemized bills of services

[2] The respondent and bar counsel filed a Joint Stipulation of Facts. Additionally, the respondent admitted nearly all of the facts supporting the claims of misconduct in his answer.

rendered, or a statement of the balance of the client's funds left in the operating account.

In May 2017, the respondent sent a demand letter to Waldron's former client and told Waldron that he would prepare a complaint to file in June if the matter was not resolved. In late June, the respondent told Waldron he would file the complaint, but no complaint was filed; in August of that year, Waldron asked for a status report and the respondent said he would draft a complaint. In October, Waldron continued to ask for the status of the complaint. In January 2018, the respondent emailed a draft complaint to Waldron, representing he would file it in Superior Court. Waldron verified the information in the complaint; the respondent nevertheless failed to file the complaint, even as Waldron continued to check on its status in the following months. The respondent did not return any of Waldron's retainer fee, nor did he contact Waldron to make an offer to do so.[3]

In January 2019, bar counsel opened an investigation into the respondent's mishandling of retainer funds, failure to communicate, and neglect in the Waldron matter.[4] The respondent

[3] The respondent represented to bar counsel that he was willing to return Waldron's legal fee.

[4] During the time of the respondent's failures with respect to Waldron, the respondent was simultaneously being disciplined for separate misconduct including failure to communicate with

sought two separate postponements of the examination under oath, both of which were granted. However, the respondent failed to respond to bar counsel's multiple requests for his updated availability throughout October and November 2019. Bar counsel requested that the board issue a subpoena directing the respondent to appear before bar counsel, which was issued. In December, the respondent appeared before bar counsel and waived his right to be represented by counsel during the recorded statement. After that meeting, the respondent sought permission to obtain counsel. The next day, bar counsel sent a letter to the respondent asking for additional documents and an update on his efforts to obtain counsel within fourteen days; the respondent received this letter but failed to respond. In January 2020, bar counsel filed a Petition for Administrative Suspension pursuant to S.J.C. Rule 4:01, § 3, which resulted in

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clients as to the status of a case, failure to advise the clients that he would not continue representation, and failure to return the clients' file. 34 Mass. Att'y Disc. R. 231 (2018). During the pendency of this separate 2018 disciplinary proceeding, the respondent failed on multiple occasions to respond to bar counsel's letters and appeared before bar counsel only after receiving a subpoena from the board. The matter resulted in a 2018 public reprimand (Public Reprimand No. 2018-14). Additionally, the respondent had been subject to a three-month suspension in 2009, which was suspended for one year, for disciplinary violations arising from neglect as executor of an estate. Matter of Kydd, 25 Mass. Att'y Disc. R. 341 (2009). During the pendency of the 2009 disciplinary proceedings, the respondent was suspended administratively for approximately one month as a result of his failure to respond to bar counsel's request for additional documents. Id.

the respondent's suspension for approximately one month until he responded to bar counsel's requests for information in late February 2020.

2. Disciplinary proceedings. In December 2020, the respondent was charged with two counts of violating disciplinary rules. Count One alleged that the respondent failed to file a lawsuit on Waldron's behalf, violating Mass. R. Prof. C. 1.1, 1.2(a), and 1.3, and failed timely to communicate with Waldron, in violation of Mass. R. Prof. C. 1.4(a). Count One also alleged that respondent failed to keep client funds separate from business funds, misused client funds, and failed to deliver written notices of fee withdrawals with itemized bills of services rendered, violating Mass. R. Prof. C. 1.15(b), 1.15(d)(2), 8.4(c), and 8.4(h). Count Two alleged that respondent failed to communicate with bar counsel in its investigation of the Waldron matter, violating S.J.C. Rule 4:01, § 3(1)(a) and (b), and Mass. R. Prof. C. 3.4(c), 8.1(b), and 8.4(g).

In his answer, the respondent admitted he failed to file a lawsuit on Waldron's behalf, violating Mass. R. Prof. C. 1.1, 1.2(a), and 1.3. He also admitted he failed to timely communicate with Waldron in violation of Mass. R. Prof. C. 1.4(a). The respondent denied that he intentionally misused client funds, arguing that the $2,000 retainer was "guaranteed

payment . . . as long as he performed at least 10 hours of work, regardless of the eventual outcome," which he claimed he performed. With respect to Count Two, the respondent admitted he failed to respond to bar counsel's requests for information without good cause, violating S.J.C. Rule 4:01, § 3(1)(a) and (b) and Mass. R. Prof. C. 3.4(c), 8.1(b), and 8.4(g). Additionally, the respondent asserted multiple medical and mental health issues as mitigating factors.

a. Hearing committee. A single-day hearing was conducted remotely in June 2021. Twenty-one exhibits were admitted into evidence, and four witnesses testified.

With respect to Count One, the hearing committee found that the respondent, although retained to do so, failed to file a lawsuit on Waldron's behalf, violating Mass. R. Prof. C. 1.1, 1.2(a) and 1.3; failed timely to communicate with Waldron and to respond to requests for information, in violation of Mass. R. Prof. C. 1.4(a); failed to keep separate client funds from the respondent's personal or business funds, and thereafter intentionally misused those client funds, in violation of Mass. R. Prof. C. 1.15(b) and 8.4(c) and 8.4(h); and failed to deliver a written notice of fee withdrawals with an itemized bill of services rendered, notice of the amount withdrawn, and a balance of the client's funds left in the account before withdrawing his fees, in violation of Mass. R. Prof. C.

1.15(d)(2). The respondent admitted to many of these factual allegations in his answer, see supra, and at the hearing. With respect to the one issue in dispute, the hearing committee rejected the respondent's argument that he did not "intentionally" misuse client funds because he considered the $2,000 payment "guaranteed" if he conducted ten hours of work, rather than a "retainer." The hearing committee reasoned that "there is no such thing as a guaranteed up-front payment," because "non-refundable retainers -- which this 'guaranteed' payment would appear to be -- violate the rules of professional conduct." Any unearned portion of the retainer should have been returned according to Mass. R. Prof. C. 1.16(d). Thus, the hearing committee found that the respondent's failure to keep client funds separate, along with his immediate use of the portion of the retainer funds he had not earned, constituted intentional misuse, violating Mass. R. Prof. C. 1.15(b), 8.4(c), and 8.4(h).

With respect to Count Two, the hearing committee found that the respondent knowingly failed without good cause to respond to bar counsel's request for information regarding the Waldron matter, in violation of S.J.C. Rule 4:01, § 3(1)(a) and (b), and Mass. R. Prof. C. 3.4(c), 8.1(b), and 8.4(g). The respondent did not dispute these facts, but instead offered a mitigating explanation for his lack of response.

The hearing committee considered the respondent's proposed mitigating factors, but concluded that the respondent had not proven that any of the medical problems caused his misconduct. The hearing committee based its conclusion on: (1) the respondent's admission in a 2019 letter to bar counsel that his medical problems were not "so severe that [he] could not have fulfilled [his] obligation to [Waldron]"; (2) the respondent's medical records[5] and the testimony of his mental health provider reflected that "the respondent was keenly aware of both the usefulness of [his] diagnosis, and the strategic value of procrastination,"[6] further undermining any casual connection; and (3) the respondent's misconduct -- substandard representation, intentional misuse of funds, failing to adhere to accounting requirements, and ignoring communications from both a client and bar counsel -- went substantially beyond conduct which could be arguably attributed to his medical conditions. Thus, the hearing committee concluded that the respondent had proved no mitigating factors.

Lastly, the hearing committee considered aggravating

[5] After the hearing, the hearing committee ordered the respondent to produce medical records through July 30, 2021, which he did.

[6] The respondent admitted he was "using [his diagnosis] as part of [his] defense and it's helpful that [he was] formally tested for it and [is] now being treated for it."

factors: namely, that the respondent has committed multiple violations of similar rules, that he is an experienced lawyer, and that his conduct caused harm. The "most significant" aggravating factor for the hearing committee was the prior discipline imposed on the respondent for similar misconduct and for misconduct during bar counsel's previous investigations. See Matter of Kydd, 25 Mass. Att'y Disc. R. 341 (2009) (three-month suspension stayed for one year for repeated failures to act with due diligence in a single matter, intentional misrepresentation to client, and failure to respond to bar counsel resulting in administrative suspension); Matter of Kydd, 34 Mass. Att'y Disc. R. 231 (2018) (public reprimand for failure to communicate with clients and other misconduct, aggravated by prior discipline). The hearing committee noted that "[p]rior discipline that is similar in character to the new misconduct, as is the case here, is particularly troubling. See, e.g., Matter of Long, 33 Mass. Att'y Disc. R. 275, 283 (2017)."

The hearing committee requested that the respondent be suspended for one year and one day, and that the respondent be required to petition for reinstatement.

b. Appeal to the board. The respondent appealed to the board in November 2021, contesting only the committee's refusal to credit certain facts in mitigation and the recommended

sanction. The respondent did not contest the committee's factual findings and legal conclusions as to the counts charged.

The board voted to adopt the hearing committee's decision and filed an information with this court recommending that the respondent be suspended for one year and one day, and be required to petition for reinstatement.[7] The board reasoned that misuse of retainers, such as the respondent's intentional comingling and misappropriation of the Waldron retainer, generally requires a suspension of at least six months, but noted longer suspensions applied where aggravating factors were present. See Matter of Sharif, 459 Mass. 558, 570 (2011). The board concluded that the misappropriation of the retainer, in combination with the respondent's failure to represent Waldron effectively and promptly, his knowing engagement in a scheme to avoid bar counsel's investigation into the Waldron matter, and his prior experience with bar counsel on similar allegations, "make a pattern" requiring a more substantial suspension. The board emphasized that the recommendation to require the respondent to petition for reinstatement after suspension was

[7] The board's memorandum, while noting that the respondent did not challenge the committee's conclusions of law with regards to the charged violations, does not specifically mention the committee's conclusion that the respondent violated Mass. R. Prof. C. 1.15(d)(2) by failing to deliver an itemized bill for services and notice of fee withdrawals. Nevertheless, the respondent does not challenge the committee's findings in this regard and they find ample support in the record.

based on the board's concern that the respondent "has not learned from past mistakes and appears unable to do what it takes to practice effectively." Because the respondent was not able to prove he had overcome his medical issues, the board also recommended that the respondent be required to petition for reinstatement regardless of the length of suspension.

c. Information and record of proceedings before this court. The board filed an information and record of proceedings before this court, pursuant to SJC Rule 4:01, § 8(6), on March 28, 2022. A hearing was held before the single justice on June 3, 2022. At the hearing, the respondent did not contest any of the facts found; he challenged only the recommended sanction, pointing to his brief before the board for support.

3. Discussion. a. Standard of review. We uphold "[t]he subsidiary findings of the hearing committee, as adopted by the board, '. . . if [they are] supported by substantial evidence.'" Matter of Weiss, 474 Mass. 1001, 1001 n.1 (2016), quoting S.J.C. Rule 4:01, § 18 (5), as appearing in 453 Mass. 1315 (2009). See Matter of Abbot, 437 Mass. 384, 391 (2002), and cases cited. "[T]he hearing committee's ultimate 'findings and recommendations, as adopted by the board, are entitled to deference, although they are not binding on this court.'" Weiss, supra, quoting Matter of Ellis, 457 Mass. 413, 415 (2010). See Matter of Lupo, 447 Mass. 345, 356 (2006); Matter

of Hiss, 368 Mass. 447, 461 (1975). The hearing committee is the sole judge of credibility. Matter of Zankowski, 487 Mass. 140, 144 (2021). Accordingly, its "credibility determinations will not be rejected unless it can be said with certainty that the finding was wholly inconsistent with another implicit finding" (internal quotations omitted). Matter of Haese, 468 Mass. 1002, 1007 (2014).

b. Rule violations. The respondent largely admitted the factual findings alleged by bar counsel in Counts One and Two. With respect to Count One, the hearing committee found -- and the board affirmed -- that the respondent violated Mass. R. Prof. C. 1.1 (providing competent representation), 1.2(a) (seeking client's lawful objectives), 1.3 (acting with reasonable diligence and promptness), and 1.4(a) (promptly informing and consulting with client) for failing to file a complaint and failing to communicate with his client in the Waldron matter. With respect to Count Two, the hearing committee and the board found that the respondent violated S.J.C. Rule 4:01, § 3(1)(a) and (b) (grounds for discipline and administrative suspension) and Mass. R. Prof. C. 3.4(c) (knowingly disobeying an obligation under Rules), 8.1 (knowingly failing to respond to lawful demand for information from disciplinary authority), and 8.4(g) (failing without good cause to cooperate with bar counsel) for failing to respond to bar

counsel during the pendency of their investigation. There is no dispute as to the facts underlying these allegations; indeed, the respondent stipulated to them. Moreover, the record supports the hearing committee's conclusions, which the board adopted, that the respondent violated the Rules as stated above.

There was only one factual dispute before the hearing committee -- whether respondent "intentionally" misused client funds as alleged in Count One. The hearing committee held that the respondent violated Mass. R. Prof. C. 1.15(b) (holding trust property separate from lawyer's property), 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(h) (conduct that adversely reflects on fitness to practice). The respondent argued the $2,000 payment was a "nonrefundable" and "guaranteed payment," which he was entitled to upon completing ten hours of work, not a "retainer." However, the hearing committee and the board both rejected this argument.

The respondent admitted at the hearing before the hearing committee that this was not a "flat fee" arrangement. And, despite the respondent's claim that he understood the arrangement differently, the structure of the agreement here indicated that the $2,000 was a retainer payment, against which work done by the respondent would be credited at $200 per hour. See Sharif, 459 Mass. at 568-569 (funds given as "advance fee retainer belong to the client and must be held in a trust

account on a client's behalf until the fees are earned"); Mass. R. Prof. C. 1.15(b)(1). See also Benalcazar v. Goldsmith, 400 Mass. 111, 114 (1987) ("Even if we were to read the contract as ambiguous on that point, the ambiguity would be construed against the drafter," particularly "where an attorney drafts a [fee agreement] which he knows will be signed by a person without legal training"). Based on these legal principles and the hearing committee's "assessment of the respondent's credibility," the committee's finding that the respondent's failure to keep the $2,000 payment separated into a trust account, along with his immediate use of the retainer funds he had not earned for other matters, constituted intentional misuse is supported by substantial evidence. The misconduct charged in the petition has thus been established.

c. Mitigation evidence. As discussed supra, the respondent argues his medical conditions should weigh in favor of mitigation. See Matter of Schoepfer, 426 Mass. 183, 188 (1997) ("If a disability caused a lawyer's conduct, the discipline should be moderated, and, if that disability can be treated, special terms and considerations may be appropriate").

For medical issues or disability to constitute mitigating evidence, the respondent must prove a causal connection between the condition and the misconduct. Haese, 468 Mass. at 1008; Zankowski, 487 Mass. at 152. The hearing committee specifically

discredited the respondent's "own claims as to causality," and the respondent did not offer expert testimony. There is no reason to disturb the board's conclusion that the respondent failed to establish the required causal nexus. The respondent acknowledged his medical issues were not "so severe" that they would have affected his representation of Waldron. He was "keenly aware" of the usefulness of his diagnosis for the purposes of this proceeding, and indeed acknowledged that it would be "helpful" to his defense strategy that he had been tested and treated for it. See Matter of Corbett, 478 Mass. 1004, 1006 (2017) (affirming hearing committee's observation that "serial misuse of client funds," "misrepresentations to his clients," and "misrepresentations in response to bar counsel's inquiries" were "too calculated and deliberate for the [psychological] disabilities . . . to have had a substantially contributing role. That misconduct instead demonstrates a relatively clear and calculating respondent, aware of his misdeeds, attempting to disguise his wrongdoing").[8]

"It was the respondent's obligation to demonstrate a causal connection between the psychological issues and the charged misconduct." Corbett, 478 Mass. at 1007. "While [his medical]

[8] His counsel acknowledged at the hearing before the hearing committee that his medical issues do "not [have] a direct causal relationship to the issues with his practice of law."

circumstances are troubling, the evidence does not demonstrate that these factors were a substantial contributing cause of the misconduct, and they cannot be weighed in mitigation." Zankowski, 487 Mass. 152.

d. Appropriate sanction. The "primary concern in bar discipline cases is 'the effect upon, and perception of, the public and the bar.'" Matter of Crossen, 450 Mass. 533, 573 (2008), quoting Matter of Finnerty, 418 Mass. 821, 829 (1994). See, e.g., Matter of Alter, 389 Mass. 153, 156 (1983). "The purpose of the disciplinary rules and accompanying proceedings is to protect the public and maintain its confidence in the integrity of the bar and the fairness and impartiality of our legal system." Matter of Curry, 450 Mass. 503, 520-521 (2008). "The appropriate level of discipline is that which is necessary to deter other attorneys and to protect the public." Id. at 530, citing Matter of Concemi, 422 Mass. 326, 329 (1996). While the sanction imposed should not be "markedly disparate" from sanctions imposed on other attorneys for similar misconduct, each case should be decided on its own merits, and the attorney should receive "the disposition most appropriate in the circumstances." See Matter of Pudlo, 460 Mass. 400, 406 (2011), quoting Matter of the Discipline of an Attorney, 392 Mass. 827, 837 (1984). See also Matter of Grayer, 483 Mass. 1013, 1018 (2019); Matter of Goldberg, 434 Mass. 1022, 1023 (2001), and

cases cited.

Disciplinary violations are not viewed in isolation. Instead, the "'cumulative effect of the several violations committed,'" must be considered. Matter of Zak, 476 Mass. 1034, 1039 (2017), quoting Matter of Palmer, 413 Mass. 33, 38 (1992). Thus, the hearing committee and Board properly considered the previous sanctions against the respondent.[9] "The respondent's prior disciplinary history suggests that sanctions less grave . . . had no deterrent effect on his unethical behavior." Matter of Saab, 406 Mass. 315, 328 (1989).

"In considering the appropriate sanction, 'the board's recommendation is entitled to substantial deference.'" Zankowski, 487 Mass. at 153, quoting Matter of Tobin, 417 Mass. 81, 88 (1994). As the hearing committee and the board noted, misconduct involving the misuse of retainers generally result in a suspension of at least six months. See, e.g., Sharif, 459 Mass. at 570-571 (three year suspension, with third year stayed, not "markedly disparate" from similar cases involving misuse of funds). This was not a case solely about misuse of retainer funds; rather, the misconduct here also included failure to communicate with a client and with bar counsel. See Grayer, 483

[9] In addition to the fact that the respondent has committed multiple violations of similar rules, the hearing committee also considered as aggravating the fact that he is an experienced lawyer. See Corbett, 478 Mass. at 1007.

Mass. at 1018-1019 (failing to provide competent representation, failing to communicate with clients, and failing to cooperate with bar counsel warranted suspension for one year and one day). Viewing "the totality of the circumstances present here," Zankowski, supra, the appropriate sanction, as the hearing committee recommended, is a suspension of one year and one day. Additionally, as the hearing committee reasoned, "[d]ue to his two prior disciplines and his apparent inability to conform his conduct to ethical norms," the respondent should be required to petition for reinstatement. The board agreed, because "the respondent has not learned from past mistakes and appears unable to do what it takes to practice effectively," nor did he yet appear to "understand the rules regarding unearned retainers."

4. Conclusion. It is thus ORDERED that:

1. Brian B. Kydd is hereby suspended from the practice of law in the Commonwealth for a period of one (1) year and one (1) day. In accordance with S.J.C. rule 4:01, § 17(3), the suspension shall be effective thirty (30) days after the date of the entry of this Order. The respondent, after the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the respondent may wind up and complete, on behalf of any client, all matters which were pending on the

entry date.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the respondent 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 he 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 respondent 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 his 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 respondent shall file with the Office of the

Bar Counsel an affidavit certifying that the respondent 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 respondent holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the respondent's disposition of all client and fiduciary funds in the respondent'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 respondent is admitted to practice;

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

g) any and all bar registration cards issued to the respondent by the board.

The respondent 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 respondent 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 respondent is admitted to practice; and

c) the residence or other street address where communications to the respondent may thereafter be

directed.

5. The respondent's reinstatement to the practice of law in the Commonwealth shall be pursuant to S.J.C. Rule 4:01, §18(2), (4) and (5).

By the Court, (Wendlandt, J.)

/s/ Maura S. Doyle
Maura S. Doyle, Clerk

Entered: July 11, 2022, *nunc pro tunc* June 30, 2022