

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No: BD-2022-080

IN RE: BENJAMIN BEHNAMEH TARIRI

ORDER OF CONTEMPT

This matter came before the Court (Georges, J.) on Bar Counsel's Petition for Contempt filed on January 19, 2023. The petition alleges that Benjamin Behnameh Tariri, the respondent, has failed to comply with this Court's December 19, 2022 Order of Immediate Temporary Suspension and Remand to the Board of Bar Overseers (Board) entered December 19, 2022.

On March 6, 2023, the Court entered an Interim Order requiring the respondent to file with the Court an updated affidavit of compliance on March 9, 2023 prior to any court action concerning the contempt allegations.¹ On March 9, 2023, the respondent filed his updated affidavit of compliance, to which Bar Counsel responded by filing a supplemental memorandum and affidavit on March 13, 2023, in support of their petition for contempt.

On March 14, 2023, an Order of Notice issued and was served on the respondent as specified in S.J.C. Rule 4:01, § 21, directing the

¹ The respondent filed his initial Affidavit of Compliance on January 9, 2023.

respondent to appear before this Court for a hearing on the Petition for Contempt on March 24, 2023. After the hearing was held, attended by assistant bar counsel and counsel for the respondent, I find that the respondent has violated the December 19, 2022, Order of Immediate Temporary Suspension by continuing to practice law and has failed to submit the compliance affidavit and other required materials as alleged by Bar Counsel. As that failure constitutes clear disobedience of an unequivocal court order, see In re Kafkas, 451 Mass. 1001 (2008), it is ORDERED that:

Benjamin Behnam Tariri be, and hereby is ADJUDGED in civil contempt of this Court for failure to effect full and timely compliance with this Court's December 19, 2022 Order of Immediate Temporary Suspension. It is ORDERED that the accompanying sanction for said civil contempt shall be ninety (90) days commitment to the common jail at Boston, in and for the County of Suffolk, in said Commonwealth.

It is ALSO ORDERED that the adjudgment of civil contempt is without prejudice, and the accompanying sanction is stayed, with the matter returnable on Friday, April 21, 2023 at 2:30 PM in Courtroom Two, at which time and place the respondent and his counsel shall appear, report to the Court and file with the Court the requisite compliance affidavit(s) attesting as to whether the respondent has complied in full with the Order of Immediate Temporary Suspension. On said date, the Court shall either vacate its finding of civil

contempt against the respondent or impose the above-referenced sanction by detaining the respondent and issuing a mittimus for his commitment.

It is FURTHER ORDERED that the requisite, compliance affidavit(s), due to be filed before or on Friday, April 21, 2023 at 2:30 PM, shall include the following:

1. FINANCIAL ACCOUNTING

- (a) 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 the Order of Immediate Temporary Suspension (December 19, 2022) any client, trust or fiduciary funds.
- (b) A schedule describing the respondent's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of December 19, 2022, or thereafter.
- (c) 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.

2. JURISDICTIONS AND APPEARANCES

- (a) A list of all state, federal and administrative jurisdictions to which the lawyer is admitted to practice.
- (b) A list of all state, federal and administrative jurisdictions in which the respondent had an appearance filed in open or active matters as of December 19, 2022, and the name and docket numbers of said matters.
- (c) A list of all state, federal and administrative jurisdictions in which the respondent continues to have an appearance filed in open or active matters as of April 21, 2023, and the name and docket numbers of said matters.

3. NOTICES

A detailed schedule of all the notices sent by the respondent as required by the December 19, 2022 Order of Immediate Temporary Suspension, including copies of said notices.

4. CERTIFICATION OF COMPLIANCE WITH S.J.C. Rule 4:01, § 17

A certification attesting to the respondent's full completion of the compliance requirements as set forth in S.J.C. Rule 4:01, § 17 (5) and (6).

By the Court,

/s/ Serge Georges
Associate Justice

Entered: March 31, 2023