

**IN RE: MATTER OF THEODORE EMIL TEAH**  
**BBO NO. 668496**

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**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT**

|                           |   |                              |
|---------------------------|---|------------------------------|
| BAR COUNSEL,              | ) |                              |
|                           | ) |                              |
| Petitioner,               | ) |                              |
|                           | ) |                              |
| v.                        | ) | B.B.O. File No. C1-22-273471 |
|                           | ) |                              |
| THEODORE EMIL TEAH, ESQ., | ) |                              |
|                           | ) |                              |
| Respondent.               | ) |                              |
|                           | ) |                              |

**MEMORANDUM OF BOARD DECISION**

This matter is before the board upon the default of the respondent, who failed to file an Answer to the Petition for Discipline. Pursuant to the Rules of the Board of Bar Overseers, § 3.15(e), the allegations in the Petition are deemed admitted. Pursuant to Section 3.15(g), bar counsel has filed a brief with his recommendation for a sanction, seeking a license suspension of three years. Based on our independent review of the matter, we recommend that the respondent be disbarred.

**Background**

The facts recited below are based on documents provided to us by the Office of Bar Counsel in support of its Memorandum on Disposition dated February 27, 2025. Bar counsel attached to his Memorandum transcripts and docket sheets from the criminal matters discussed below. We rely on them in setting forth the relevant facts.

The respondent, Theodore Emil Teah, was admitted to the bar of the commonwealth in 2007.

On October 19, 2023, the respondent pleaded guilty in the Framingham District Court to a misdemeanor charge of Assault and Battery on Family/Household Member in violation of Mass. G.L. c. 265, § 13M(a) and two felonies of vandalizing property and assault and battery with a dangerous weapon in violation of Mass. G.L. c. 266, § 126A and c. 265, § 15A(b), respectively. Following his plea, the court sentenced the respondent to a term of incarceration of two and one half years in the Middlesex County House of Correction, with sixteen months to serve (less 120 days for time served) and two years of probation with conditions.

The criminal matter arose out of a violent altercation between the respondent and his then-girlfriend, Kelly McFalls. At the plea tender in Framingham District Court, the assistant district attorney informed the judge that, if the matter proceeded to trial, the government would have sought to prove the following facts:

Ms. McFalls had been dating the respondent for about four months when, on December 6, 2021, police officers reported to her home in response to a report of a domestic disturbance. The couple did not live together, but the respondent stayed at her home on occasion. As described by Ms. McFalls, the altercation started at about 6:00 AM that day, when McFalls awoke and noticed the respondent moving some of his belongings out of the house. They had a brief verbal exchange, and McFalls suspected that the respondent was drunk. She went into her bedroom, where the respondent followed her. The respondent struck McFalls across her face with an open hand, which caused her to fall over a nightstand and hit her head on the nightstand. The respondent then kicked her approximately three times in her ribs wearing shoes on his feet. McFalls crawled out of her bedroom. When she stood up, the respondent struck her again in the face with an open hand, causing her to fall onto a dining room chair, which broke, causing her nose to bleed. She then moved to the top of a set of stairs that led to her front door. She slid

down the stairs on her backside, because she was afraid if she walked down the stairs, the respondent would push her and cause another fall. Once she reached the bottom of the stairs, the respondent put his hand around her throat and held her against the front door. The respondent then left the home in his car, driving across the front lawn and striking a trash barrel. The attack lasted about 35 “terrifying” minutes.

In addition to the physical assaults on McFalls, the respondent damaged several articles of personal property, including a shadow box, a window air conditioner, the bedroom door, and a laptop.

Ms. McFalls testified at the plea hearing about her physical and emotional injuries. (Exhibit 2 to Bar Counsel’s Memorandum, Hearing Transcript 10/19/23, pages 7-11) (hereinafter, “10/19/23 Transcript”). She suffered severe headaches, numbness and slurred speech. She had a CT scan, which disclosed brain bleeds likely caused by hitting her head on the nightstand. Eventually, she had a craniotomy, which removed part of her skull to drain the most severe bleeding. To prepare for surgery, her entire head was shaved. She had surgical staples inserted after the operation.

In addition to the physical injuries, Ms. McFalls described severe psychological damage. She experienced stress about her brain surgery, worried that she would lose the ability to communicate. Although still able to speak, she struggles to express words and to recall simple instructions. She also suffers emotionally from scars and an indentation to her face caused by the brain surgery. She suffers from PTSD as a result of the traumatic brain injury. As she told the sentencing judge, “In the wake of the brutal assault, part of me that once thrived as a strong self-advocate has been lost. ... I used to be bold and brave. I’ve lived all over the country and

traveled to 38 states, mostly on my own. Now, I'm afraid to go to my Stop & Shop only 1.3 miles from my house.” (10/19/23 Transcript, pages 11 and 15).<sup>1</sup>

The respondent admitted to the facts described by the government. After a colloquy, the respondent voluntarily and knowingly waived his right to a jury trial and pled guilty to charges of assault and battery on a household member (Mass. G.L. c. 265, § 13M(a)); vandalism (Mass. G.L. c. 266, § 126A); and assault and battery with a dangerous weapon (shod foot) (Mass. G.L. c. 265, § 15A(b)).<sup>2</sup> On Count One, he was sentenced to two and one half years in the house of correction, 16 months to serve, balance suspended for two years and credit for 120 days served. Counts Two and Three resulted in a two-year probation sentence with a termination date of October 20, 2025. Various conditions were imposed, including counseling, GPS monitoring, an exclusion zone, no-contact with the victim, continuation with medication, and mental health counseling.

The matter involving Ms. McFalls was not the respondent's first criminal case. In the course of bar counsel's investigation, it was learned that the respondent had admitted to sufficient facts in the Boston Municipal Court to two counts of assault and battery in violation of Mass. G.L. c. 265, § 13A(a). The case was continued without a finding for one year, with probation conditions. The case arose out of an altercation at a bar, Tia's on the Waterfront in Boston. On September 16, 2021, the respondent assaulted two employees of the bar as he was being removed for intoxication. He grabbed one victim by the throat and punched another in the face, while

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<sup>1</sup> Contributing to the emotional harm, the criminal matter was continued and delayed several times. As Ms. McFalls told the sentencing judge, “I am forced to remember and relive the beating with each delay, over and over and over.” (10/19/23 Transcript, pages 14-15). She also learned after the fact that the respondent had failed to charge his court-ordered GPS monitor for a period of four days. (10/19/23 Transcript, p. 15).

<sup>2</sup> When asked his education level, the respondent told the judge, “postgraduate.” He did not inform the judge that he was an attorney. (10/19/23 transcript, page 24).

shouting expletives and homophobic slurs. The respondent did not report his admission to sufficient facts to bar counsel as required by S.J.C. Rule 4:01, § 12(8).

On December 15, 2023, after he pled guilty in Framingham District Court, the respondent was temporarily suspended from the practice of law. The court remanded the matter to the board. Although initially represented by counsel in the bar discipline matter, the respondent's lawyer withdrew before an answer to the petition for discipline was filed. The respondent did not file an answer, and a default entered.

### **Discussion**

In the case involving Ms. McFalls, the respondent was convicted of two felonies: assault and battery with a dangerous weapon and vandalism. The other crimes are misdemeanors.

Our precedent advises that lawyers convicted of serious crimes or felonies should be indefinitely suspended or disbarred. Matter of Finneran, 455 Mass. 722, 730-731, 26 Mass. Att'y Disc. R. 178, 187 (2010). If the criminal conduct does not involve the practice of law, lawyers may be suspended for a term of years rather than indefinitely suspended or disbarred. Matter of Evan Greene, 33 Mass. Att'y Disc. R. 169 (2017); Matter of Concemi, 422 Mass. 326, 330-331, fn. 5, 12 Mass. Atty' Disc. R. 64, 69-70, fn. 5 (1996).<sup>3</sup>

Bar counsel asks us to recommend a three-year suspension, which is longer than most cases arising out of domestic violence. *See* Matter of Hashem, 32 Mass. Att'y Disc. R. 219 (2016) (18-month suspension for conviction of assault and battery on girlfriend); Matter of Merritt, 21 Mass. Att'y Disc. R. 489 (2005) (two-year suspension for respondent convicted of assault and battery with a dangerous weapon (glass shard) upon pregnant wife, malicious

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<sup>3</sup> The court in Concemi examined the sanction through the lens of aggravating factors. Committing a crime in the respondent's law practice may be considered in aggravation, which would increase the sanction above what it would otherwise be. Concemi, 422 Mass. at 331; 12 Mass. Att'y Disc. R. at 70.

destruction of property over \$250, and violation of abuse prevention order); Matter of Froio, 17 Mass. Att’y Disc. R. 219 (2001) (one year and one day suspension for conviction of breaking and entering ex-girlfriend’s apartment to commit a felony, malicious destruction of property, and threatening to commit a crime).<sup>4</sup> Cf Matter of Morgan, 20 Mass. Att’y Disc. R. 428 (2004) (four-year suspension for conviction of felony kidnapping, assault and battery with a dangerous weapon on respondent’s 86-year old mother, and intimidation of witness). Because such cases did not involve a respondent’s work as an attorney, they tended to result in shorter suspensions.

The “practice of law” dichotomy is not absolute. The Supreme Judicial Court has indefinitely suspended or disbarred attorneys who committed crimes outside their practice. For example, in Matter of Mancuso, 28 Mass. Att’y Disc. R. 598 (2012), the respondent fired a handgun in the direction of his girlfriend. He was convicted of assault with a dangerous weapon and possessing a weapon without a proper FID card. His license was indefinitely suspended. In Matter of Buxton, 24 Mass. Att’y Disc. R. 68 (2008), the respondent was disbarred following a litany of convictions, including (among other things), armed assault, nine violations of an abuse prevention order, breaking and entering in the daytime, malicious destruction of property, assault and battery with a dangerous weapon, assault and battery on a police officer, resisting arrest, and possession of counterfeit bills and counterfeiting equipment. In disbarring the respondent, the Court noted the sheer number and severity of crimes as well as the fact that some of the crimes pertained to the administration of justice.<sup>5</sup>

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<sup>4</sup> Matter of Heard, 36 Mass. Att’y Disc. R. 279 (2020), involved a single act of intimate partner violence and several other rules violations, some of which involved the respondent’s law practice. The Supreme Judicial Court suspended the respondent’s law license for three years, although we had recommended an indefinite suspension.

<sup>5</sup> See also Matter of Moscaritolo, 36 Mass. Att’y Disc. R. 339 (2020) (lawyer resigned and was disbarred following convictions for felony murder, unarmed burglary, unarmed robbery, and theft of firearm); Matter of Robert Dickens Smith, 33 Mass. Att’y Disc. R. 437 (2017) (indefinite suspension following conviction for enticing child under age of 16 for purposes of sex); Matter of DiMasi, 30 Mass. Att’y Disc. R. 112 (2014) (former Speaker of Massachusetts House of Representatives resigned and disbarred following conviction for conspiracy to commit honest services

Where respondents have received only a term suspension for crimes outside their legal practice, their criminal conduct typically is less serious than this case. In Matter of Alter, 389 Mass. 153, 156, 3 Mass. Att’y Disc. R. 3 (1983), the respondent was suspended for two years following a conviction for making false statements to the Social Security Administration. In Matter of Andrews, 21 Mass. Att’y Disc. R. 11 (2005), the respondent converted public money and was suspended for one year and one day. *See also* Matter of Ellsworth, 29 Mass. Att’y Disc. R. 232 (2013) (lawyer pled no contest to carrying handgun without license; suspension for one year and one day); Matter of Morris, 19 Mass. Att’y Disc. R. 324 (2003) (two-year suspension for leaving scene of accident and falsely reporting car stolen); Matter of Coughlin, 10 Mass. Att’y Disc. R. 45 (1994) (one-year suspension following conviction for student loan fraud; Matter of Rendle, 5 Mass. Att’y Disc. R. 310 (1987) (two-year suspension for aiding and abetting the receipt of an unlawful gratuity). Those matters present far less egregious facts than this one.

Although we may impose a sanction less than disbarment or indefinite suspension, we are not required to do so simply because the crimes did not occur in the context of the respondent’s law practice. (*See* footnote 5 for a sampling of such cases). This case cries out for a serious sanction. We are struck by the ferocity of the attack and its duration, as well as the profound harm suffered by the victim. The respondent’s misconduct was not a single act. First, the respondent struck Ms. McFalls in the face, knocking her down and causing her to hit her head on a nightstand. He kicked her three times in the ribs with shoes on his feet. As she tried to escape,

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mail and wire fraud and Hobbs Act violations); Matter of Finneran, 455 Mass. 722, 26 Mass. Att’y Disc. R. 177 (2010) (former Speaker of Massachusetts House of Representatives disbarred following conviction for obstruction of justice); Matter of Golenboch, 17 Mass. Att’y Disc. R. 254 (2001) (resignation and disbarment for lawyer convicted of fraud in her personal bankruptcy).

he struck her again, causing her to fall into a chair. He grabbed her around the throat and held her against a door. After 35 minutes, the respondent finally left.

Ms. McFalls' life has been irrevocably damaged. She has PTSD and a traumatic brain injury. Due to brain bleeds caused by the beating, she lost her ability to speak (although that is starting to return). She required brain surgery to reduce the pressure caused by the brain bleeds. Surgeons performed a craniotomy, in which part of Ms. McFalls' skull was removed in order to drain most of the blood and holes were drilled into her head to reduce pressure. For the surgery, her head had to be completely shaved and surgical staples placed across the wound.

We also are concerned that the attack on Ms. McFalls was not the respondent's only criminal act of violence. On September 16, 2021 (less than three months before his December 6, 2021 attack on Ms. McFalls), the respondent was thrown out of a bar for intoxication. In the course of being removed from the bar, the respondent grabbed an employee by the throat for about five seconds and punched a bouncer in the face. He failed to report the subsequent CWOFF to bar counsel, in violation of S.J.C. Rule 4:01, § 12(8).

In addition to the crimes, this case presents an additional factor in the nature of aggravation: the respondent's failure to report a prior CWOFF to the Board, and his dishonesty at two sentencing hearings. Although not mentioned by bar counsel, the respondent was not forthcoming with the judges who sentenced him for either set of crimes. In the McFalls case, when asked about his education, he answered "postgraduate." (10/19/23 Transcript, p. 24). In the Tia's matter, when asked how far he had gone in school, he responded, "Graduate school."<sup>6</sup> In neither case did he inform the court that he was a law school graduate and licensed attorney in

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<sup>6</sup> Transcript of March 28, 2022 hearing, page 13.

Massachusetts.<sup>7</sup> His evasive and vague answers seem designed to avoid the practical and legal consequence of his membership in the bar. This conduct likely violated Mass. R. Prof. C. 3.3(a)(1) (candor toward a tribunal); 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and 8.4(d) (conduct prejudicial to the administration of justice). In addition to his dishonesty to two judges, the respondent has not cooperated with bar counsel's investigation. He did not file an answer to the petition for discipline.

### **Conclusion**

In recommending a sanction, our primary focus is “the effect upon, and perception of, the public and the bar.” Matter of Finnerty, 418 Mass. 821 829, 10 Mass. Att’y Disc. R. 86, 95 (1994) *citing* Matter of the Discipline of an Attorney, 392 Mass. 827 (1984). “The primary 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 Foster et al., 492 Mass. 724, 746; 39 Mass. Att’y Disc. R. \_\_\_\_ (2023). “The appropriate level of discipline is that which is necessary to deter other attorneys and to protect the public.” Matter of Curry, 450 Mass. 503, 520-521, 24 Mass. Att’y Disc. R. 188, 223 (2008).


‘Abuse by a family member ... is a violation of the most basic human right, the most basic condition of civilized society: the right to live in physical security, free from the fear that brute force will determine the conditions of one’s daily life.’” Commonwealth v. Sanborn, 477

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<sup>7</sup> We acknowledge that in her victim impact statement, Ms. McFalls made a brief reference to the fact that the respondent was a “family lawyer.” (10/19/23 Transcript, p. 7-8). This statement apparently did not register with the judge, who asked the respondent his level of education and did not push back on the respondent’s statement of “post graduate.” (10/19/23 Transcript, p. 24).

Mass. 393, 397-398 (2017 (Gants, CJ, concurring), *quoting* Custody of Vaughn, 422 Mass. 590, 595 (1996)).<sup>8</sup>

In Mancuso, we recommended an indefinite suspension for a lawyer who fired a gun in the direction of his girlfriend. This matter is even more serious due to its violence, duration, and resulting injuries. Accordingly, we recommend that the Supreme Judicial Court disbar the respondent retroactive to the date of his temporary suspension.

  
Frank E. Hill, III  
Secretary

Dated: April 14, 2025

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<sup>8</sup> *But cf* Matter of Grella, 438 Mass. 47, 18 Mass. Att’y Disc. R. 271 (2002). In Grella, the respondent was convicted of a misdemeanor offense arising from intimate partner violence and received a suspension of only two months. The respondent in that case was convicted of ordinary assault and battery, and the issue before the court was whether a misdemeanor conviction, regardless of the underlying facts, should result in a suspension. Id., at fn. 14. The board respectfully suggests that Grella is an anomaly in light of more recent cases, such as Heard and Mancusso. Moreover, the injuries suffered by Ms. McFalls were far more serious than the injuries to the victim in Grella.