

MEIHUEI HU

BBO # 5650806

Public Reprimand No. 2022-9

Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on May 6, 2022.

The Board ordered a Public Reprimand for presenting a falsely notarized affidavit to the court in a divorce matter.

SUMMARY¹

The respondent represented the wife in a divorce action in the Middlesex Probate and Family Court. The Court issued a Judgment of Divorce Nisi in or about July 2015. The divorced couple had a son who turned 18 years old in 2019.

In 2019, the respondent filed a contempt complaint against the ex-husband on behalf of her client. The contempt complaint alleged that the ex-husband was not cooperating with the client in planning and paying for their son's attendance at college. The Court scheduled an evidentiary hearing for January 16, 2020. In preparation for the hearing, the respondent drafted a one-page affidavit for the son to sign. The purpose of the affidavit was to authenticate a spreadsheet on which the son had compiled a list of colleges.

On January 12, 2020, the respondent met with her client to prepare for the upcoming hearing. During this meeting, the client informed the respondent that the son could not sign the affidavit because he had already left for college out of state. The client called her son and the son confirmed the contents of the affidavit over the phone. The respondent listened to this phone call. Then, with the respondent's permission, the client signed her son's name to the affidavit. The following day, January 13, 2020, the respondent directed a paralegal in her office to notarize the affidavit. The paralegal notarized the affidavit as having been signed before her by the son on January 10, 2020.

On January 16, 2020, during the contempt hearing, the respondent offered the affidavit in court as foundation for the authentication of the spreadsheet. The respondent knew the signature and date on the affidavit were false and misleading when she offered the affidavit to the Court. The fact that the mother had signed for her son was not apparent from the face of the document. Other than the false signature and notarization, the contents of the affidavit were accurate, and the spreadsheet was authentic.

During the contempt proceedings, the client admitted that she had signed the affidavit for her son. The Court declared a mistrial and ordered the respondent to withdraw, which the respondent did. The Court subsequently ordered the respondent to pay the ex-husband's attorneys' fees, and the respondent complied with this order.

By offering a false and misleading affidavit, the respondent violated Mass. R. Prof. C. 3.3(a)(3) (offering evidence the lawyer knows to be false); 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(d) (conduct prejudicial to the administration of justice).

¹ Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

The parties stipulated to a public reprimand for the misconduct. By vote dated April 11, 2022, the Board of Bar Overseers voted to impose a public reprimand.