

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

BAR COUNSEL,

Petitioner,

v.

Michael B. Cosentino, Esq.,

Respondent

Public Reprimand No. 2024-1

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On March 11, 2024, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Michael B. Cosentino, be and he, is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Michael B. Cosentino, be and hereby is PUBLICLY REPRIMANDED.

BY: *Jesse M. Boodoo*
Jesse M. Boodoo, Member
BOARD OF BAR OVERSEERS

DATED: March 28, 2024

MICHAEL B. COSENTINO

BBO # 558036

Public Reprimand No. 2024-1

Order (public reprimand) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on March 28, 2024.

The Board ordered a Public Reprimand for conduct intended to disrupt a tribunal.

SUMMARY¹

On or about July 8, 2019, CSI Engineering, LLC (“CSI”) filed a civil action in the Plymouth Superior Court against Giving Tree Health Center, Inc. (“Giving Tree”) and one of its owners, Brian Bairos. The respondent was retained to represent both Giving Tree and Mr. Bairos. The Court scheduled a trial for March 15, 2022.

On March 10, 2022, a few days prior to trial, the Court held a pretrial hearing. The respondent informed the judge that a trial likely was not going to be necessary because his clients had been consulting with a bankruptcy attorney and were either going to default or file for bankruptcy protection prior to trial. The respondent stated that it was unclear to him whether both of his clients had retained the bankruptcy attorney, or just Giving Tree. The judge stated that if only Giving Tree was filing for bankruptcy protection, they would still need to address the claims against Mr. Bairos individually. CSI’s counsel alleged that the defendants were withholding information about their bankruptcy plans in order to encourage CSI not to prepare for trial.

The judge stated that he wished to telephone the bankruptcy attorney from the bench, and CSI’s counsel provided the bankruptcy attorney’s phone number to the clerk. While the clerk was dialing the bankruptcy attorney’s number, the respondent took his cell phone from his pocket and sent the bankruptcy attorney an email that stated “Court is going to call you. Don’t pick up.” He also sent the bankruptcy attorney a text message that stated: “Don’t pick up your phone.” The bankruptcy attorney did not pick up the phone because he was occupied with another client, and not because of the respondent’s email and text.

The respondent did not inform the judge that he was sending the email and text to the bankruptcy attorney. However, he inadvertently copied the email to CSI’s counsel. The next day, CSI’s counsel brought the email to the judge’s attention.

By sending an email and a text message in which the respondent advised the bankruptcy attorney not to answer the Court’s call during the hearing, the respondent violated Mass. R. Prof. C. 3.5(d), 8.4(d) and 8.4(h).

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

The respondent was admitted to practice in 1991. In aggravation, the respondent received a private admonition in 2019 for unrelated conduct.

This matter came before the Board of Bar Overseers on a stipulation of the parties and an agreed recommendation for discipline in the form of a public reprimand. On March 11, 2024, the Board of Bar Overseers voted accept the stipulation and to administer a public reprimand to the respondent.