

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

BAR COUNSEL,

Petitioner,

v.

Kristyn Dusel Kelly, Esq.,

Respondent

Public Reprimand No. 2024-2

**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 February 12, 2024, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Kristyn Dusel Kelly, be and she, 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 Kristyn Dusel Kelly, be and hereby is PUBLICLY REPRIMANDED.

BY: */s/ Richard C. Van Nostrand*  
Richard C. Van Nostrand,  
Member  
BOARD OF BAR OVERSEERS

DATED: March 28, 2024

**KRISTYN DUSEL KELLY**

**BBO # 679043**

**Public Reprimand No. 2024-2**

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

*The respondent stipulated to a public reprimand for negligently making representations to the court regarding the conditions of a criminal defendant's bail.*

**SUMMARY<sup>1</sup>**

In 2018, as an assistant attorney general, the respondent was assigned to prosecute various criminal cases against David W. Perry, Esq. ("Mr. Perry"). On May 9, 2018, Mr. Perry was arraigned on one of the criminal cases in Suffolk Superior Court. The respondent requested certain bail conditions during that arraignment, which the court imposed.

On May 21, 2018, the respondent filed the Commonwealth's Motion to Revoke Bail and/or Revise Recognizance, in which she mistakenly represented that a 7am to 7pm curfew was imposed at the prior arraignment, when in fact the court had imposed a 7pm to 7am curfew. In the motion, the respondent also negligently represented that Mr. Perry "was given exemption to appear in court on his cases only (for which he is a defendant)." During the hearing on the motion, the respondent negligently reiterated that this condition of bail had been requested and imposed by the court. At the prior arraignment, the respondent had not requested that Mr. Perry be prohibited from appearing in court on any case other than his own, and the court did not impose such a condition. The court, however, did impose that condition at the conclusion of the May 21, 2018 hearing.

About one year later, on May 6, 2019, Mr. Perry filed a motion to modify the bail condition that he not appear in court on any case other than his own. During the hearing on Mr. Perry's motion, his counsel argued that this bail condition had not been imposed at the May 9, 2018 arraignment. In response, the respondent incorrectly stated that the Commonwealth had requested this condition, but that it was not made clear on the docket. The court denied Mr. Perry's motion.

On May 29, 2019, Mr. Perry filed a Motion to Reconsider and Restore Original Bail Conditions, and a hearing was held the same day. During that hearing, Mr. Perry's counsel stated that the respondent had erroneously represented to the court that the contested bail condition was an original condition of release. In response, the respondent explained that her prior representation was based on "some confusion about what was actually indicated on the docket." The matter was resolved by the parties' agreement to a modification of the bail condition that allowed Mr. Perry to enter or appear in court as "an ordinary citizen" so that he could, for example, "retrieve bail money posted to secure an individual's pretrial release."

The respondent stipulated that the forgoing misconduct violated Mass. R. Prof. C. 1.1 (competence); 1.3 (diligence); 8.4(d) (conduct prejudicial to the administration of justice); and 8.4(h) (other conduct reflecting adversely on fitness to practice).

The parties' stipulation to the imposition of a public reprimand came before the Board at its meeting on February 12, 2024, where the Board voted to accept the stipulation and to issue an order of public reprimand. The Board issued the public reprimand on March 6, 2024.

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