

IN RE: JOHN L. GIZZARELLI, JR.

S.J.C. Order of Indefinite Suspension entered by Justice Sosman on January 28, 2003, with an effective date of February 27, 2003.¹

SUMMARY²

In October, 1997, the respondent agreed to represent a client who sought specific performance of an agreement to purchase a house. The respondent accepted a \$3,000 retainer to secure payment of his hourly fee. He did not deposit the retainer in a segregated clients' trust account.

In January, 1998, the respondent's request for a lis pendens on the property was denied. After January, 1998, he stopped working on the case and terminated his practice of law. He did not inform his client that he had ceased working on the case or that he had terminated his practice. The last bill that he submitted, which included the work on the lis pendens, showed that over \$800 remained from the client's retainer.

The respondent has not responded to repeated inquiries from his client. Despite his client's requests, he has not returned the unearned portion of the retainer.

The respondent failed to cooperate with Bar Counsel's investigation. He failed to respond to letters of inquiry from Bar Counsel, ignored two requests to meet with Bar Counsel, and failed to appear when subpoenaed.

The respondent did not file any answer to the petition for discipline. Upon his default, the Board of Bar Overseers found that he had committed the following offenses: Failure to seek the lawful objectives of a client, Mass. R. Prof. C. 1.2(a) and (c); lack of diligence, Mass. R. Prof. C. 1.3; failure to keep a client informed, Mass. R. Prof. C. 1.4(a) and (b); improper withdrawal without protecting a client, Mass. R. Prof. C. 1.16(b), (c), and (d); failure to segregate client's funds (both before and after the adoption of the Massachusetts Rules of Professional Conduct), DR 9 102(A) and (B) and Mass. R. Prof. C. 1.15(a); conversion and failure to return client funds when due, Mass. R. Prof. C. 8.4(c), Mass. R. Prof. C. 1.15(b), Mass. R. Prof. C. 1.16(d), and Mass. R. Prof. C. 8.4(h); and failure to cooperate with Bar Counsel, Mass. R. Prof. C. 8.4(g), S.J.C. Rule 4:01, § 3.

The Board recommended that the respondent be indefinitely suspended from the practice of law. At the hearing before the Supreme Judicial Court to consider this recommendation, the respondent appeared and asserted that he was suffering from an illness that impaired his ability to function as a lawyer, to comply with Bar Counsel's requests, or to defend himself before the Board of Bar Overseers. The single justice continued the hearing and instructed the respondent to provide Bar Counsel with information about this illness. The respondent did not provide any such information. When the hearing reconvened, he did not appear.

The Court imposed an indefinite suspension.

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record before the Court.

Please direct all questions to webmaster@massbbo.org.
© 2001. Board of Bar Overseers. Office of Bar Counsel. All rights reserved.