

IN RE: JOHN HIMMELSTEIN

S.J.C. Order of Term Suspension entered by Justice Greaney on June 30, 2008, with an effective date of July 30, 2008.¹

(S.J.C. Judgment of Reinstatement with Conditions entered by Justice Gants on May 20, 2010.)

MEMORANDUM AND ORDER²

I have reviewed the record in this bar discipline matter and have heard the arguments of counsel. It is difficult to find bar discipline cases that match exactly what occurred. I am satisfied, however, that the respondent's derelictions constitute, as found by the hearing committee and the board, negligence that amounts to gross incompetence. Added to this is the serious consequences incurred by the clients, including in both cases, imprisonment; some indication of misrepresentation and concealment; and a prior record of discipline.

The recommendation of the board is unanimous (a vote of eleven members), and I give that great weight. I conclude that the board's recommendation be accepted and proposed sanction be imposed.

Judgment shall enter suspending the respondent from the practice of law for one year and one day with reinstatement conditioned on (1) his attending twenty hours of continuing legal education courses in his fields of practice and maintaining malpractice insurance; and (2) on his attending, annually for five years following his reinstatement, ten hours of other continuing legal education courses satisfactory to bar counsel. The judgment shall assess the respondent costs in the amount of \$8,354.24.

FOOTNOTES:

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 Supreme Judicial Court.