

MASSACHUSETTS OFFICE OF BAR COUNSEL

**BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT**

**ANNUAL REPORT
TO THE
SUPREME JUDICIAL COURT**

**FISCAL YEAR 2025
July 1, 2024 – June 30, 2025**

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Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion, and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

Preamble, Massachusetts Rules of Professional Conduct

* * *

The mission of the OBC is to protect the public from unethical conduct by attorneys and to preserve and enhance the integrity and high standards of the bar. The OBC is committed to the efficient and effective performance of its mission and strives for fairness in all its dealings with the public and the bar.

Mission Statement of the Office of Bar Counsel, Massachusetts

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SEPTEMBER 2025

Acknowledgments

In releasing this Annual Report, the Office of Bar Counsel wants to acknowledge its entire staff of professionals, including legal assistants, investigators and attorneys, who have chosen to dedicate their careers to helping the public and bettering the legal profession. None of the work and accomplishments set forth in this report would have been possible or as rewarding without them.

The OBC also wants to acknowledge the numerous other actors and entities who we view as partners in our mission-driven work -- the members and staff of the Board of Bar Overseers; hearing officers; counsel for attorneys under investigation; the members and staff of the Clients' Security Board; Lawyers Concerned for Lawyers; the Standing Committee on Well-Being; the Board of Bar Examiners; the Massachusetts IOLTA Committee; and, of course, the Court and its staff who oversee, administer, and provide leadership of the bar discipline system.

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I. EXECUTIVE SUMMARY

This is the annual report of the activities of the Office of Bar Counsel (OBC) for the period beginning July 1, 2024, and ending June 30, 2025 (FY25). The OBC is the entity responsible for investigating and prosecuting charges of ethical misconduct against Massachusetts attorneys. Our mission is both to protect the public and to maintain the integrity of the legal profession. In doing so, we are guided fundamentally by the principle of fairness -- fairness to complainants seeking equal access to the disciplinary process; to respondents seeking unbiased assessments and protection from unfounded complaints; and to a bar discipline system that relies on the consistent and efficient application of the Massachusetts Rules of Professional Conduct.

The OBC fulfilled its mission in various ways throughout FY25, including by:

- Processing 3,773 complaints, several hundred more than the prior fiscal year.
- Informally resolving most complaints (95%) at the intake stage, allowing the OBC to focus its formal investigations on the most serious complaints.
- Conducting comprehensive, formal investigations of 434 new matters, an increase of almost 25% when compared to FY24.
- Completing and closing 261 investigations without seeking any discipline, which was an uptick from the prior fiscal year and on par with FY22 and FY23.
- Initiating more disciplinary proceedings and securing more orders of professional discipline than in recent fiscal years.
- Devoting time and resources to other activities, such as making 85 appearances at hearings; conducting more than 60 investigatory depositions; fielding over 1,400 calls on our ethics hotline; making more than 60 presentations to lawyers and law students; and publishing numerous articles on timely ethical issues.

FY25 was therefore a notably busy year for OBC staff. In addition to these accomplishments, we achieved a significant milestone -- for the first time in over 20 years, the OBC had no investigations older than 18 months at the end of the fiscal year. Given the complexity of some investigations in any given year, and that the OBC received many more complaints and opened many more investigations than in the prior fiscal year, this was a significant achievement for the office. It is a testament to our collective dedication to providing efficient outcomes to complainants and respondents as well as every other participant in the bar discipline system.

The report that follows provides the reader with a recap of how the OBC fulfilled its mission in these and other significant ways in FY25, and also highlights for the reader the most significant bar discipline cases from the fiscal year.

II. STRUCTURE OF THE ATTORNEY DISCIPLINE SYSTEM

The Massachusetts discipline system for attorneys operates under the authority of the Supreme Judicial Court (SJC).¹ It includes several different entities, each of which has a defined role in regulating Massachusetts attorneys and protecting consumers of legal services. In broad terms, the Office of Bar Counsel (OBC) -- which includes an intake unit known as the Attorney and Consumer Assistance Program (ACAP)² -- investigates and prosecutes attorneys accused of misconduct; the Board of Bar Overseers (BBO or Board) adjudicates matters deemed by the OBC to warrant discipline; and the SJC conducts a final appellate review of any recommendations made by the Board to impose suspensions, disbarments, and resignations.³

More details on the role played by each entity making up the Massachusetts disciplinary system can be found in Appendix A.

¹ On September 1, 1974, the SJC established the Board of Bar Overseers, the Office of Bar Counsel, and the Clients' Security Board. Funding for these institutions, along with Lawyers Concerned for Lawyers, Inc., the Law Office Management Assistance Program, and the Standing Committee on Lawyer Well-Being, comes from the annual attorney registration fees.

² As the intake unit of the OBC, ACAP is a source of assistance to persons with questions or problems with their Massachusetts attorney. When someone calls the OBC with a complaint concerning an attorney, a member of the ACAP staff will respond promptly to that inquiry and attempt to identify the problem. Many problems can be resolved by providing information, calling the attorney, or suggesting alternative ways of dealing with the dispute. Others result in the submission of a formal, written complaint by the caller. ACAP conducts an initial review of each complaint and, when appropriate, opens a file and refers it to the prosecution unit of the OBC for further investigation.

³ Absent an appeal, the Board -- not the SJC -- issues binding and final decisions in matters of less severe discipline (i.e., public reprimands and private admonitions), the dismissal of charges, and alternatives to discipline (diversion program).

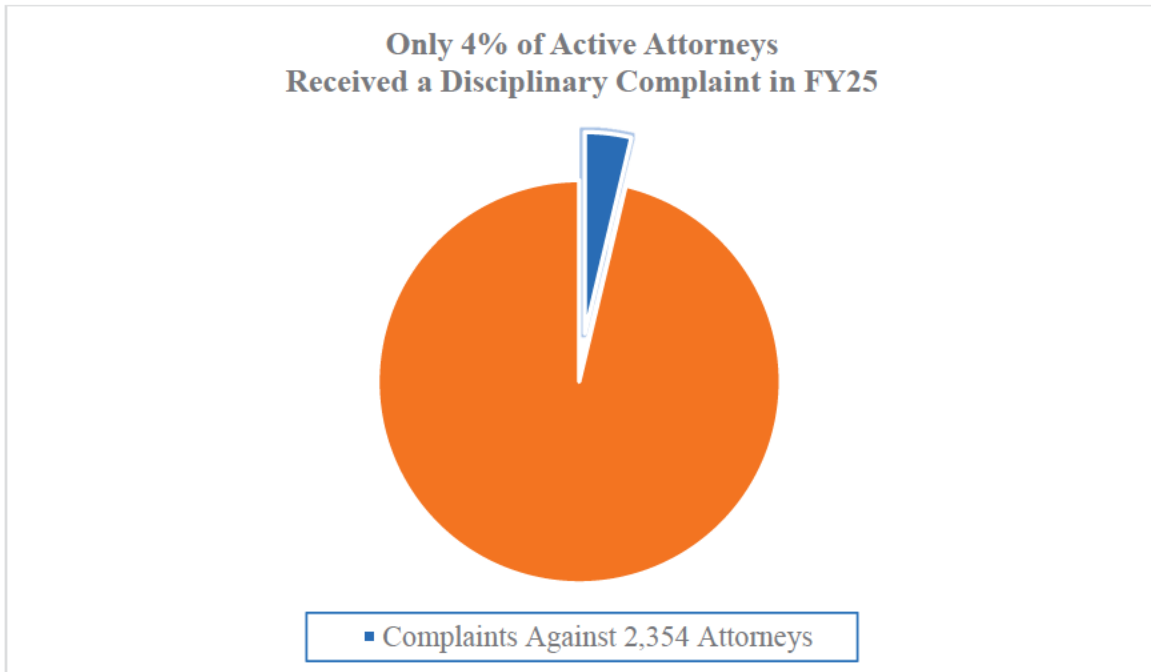
III. OVERVIEW OF DISCIPLINARY WORKFLOW IN FY25

Massachusetts ended FY25 with 98,949 registered attorneys. Of those registered attorneys, 60,956 were on active status with the Board, up modestly from the prior fiscal year (60,521). The remaining registered attorneys were either on retired status (24,714), inactive status (11,238), or some other status designated by the Board.⁴

The OBC opened significantly more inquiries into possible attorney misconduct in FY25 (4,052) when compared to FY24 (3,663). This figure was comprised of 3,773 complaints submitted to the OBC by members of the public and 279 matters opened by the OBC on its own accord (e.g., following a news report, court decision, or referral from an institutional body, such as a bank after it dishonors a check drawn on an attorney's client trust fund (IOLTA) account). The OBC does not, at this point, consider the jump in inquiries to reflect a trend of increasing allegations of ethical misconduct; instead, as noted later in this report, much of the increase in FY25 can be tied to a small number of respondents who were either involved in trials that garnered the public's attention; had abandoned their legal practices and left numerous clients in need of help; or bounced a check in their IOLTA account. Putting aside those matters, there was a modest increase in the number of inquiries (approximately 5%) when compared to the prior fiscal year.

As has been the case in the past, very few Massachusetts attorneys -- 4 percent -- were the subject of one of these inquiries.

⁴ These other designations include judges (775); in-house counsel who are not admitted in Massachusetts (687); judicial clerks (467); pro bono retired (68); foreign legal consultants not admitted in Massachusetts (26); military (10); and pro bono inactive (8). The number of registrants in each of these categories remained relatively constant when compared to FY24.



In FY25, based on an initial assessment of the 4,052 matters that came to its attention, the OBC opened 434 files for further investigation.⁵ This was significantly more than the 350 files opened in FY24 and is largely attributable to the increase in inquiries noted above. As for prosecutions seeking the imposition of discipline after an investigation, there were meaningfully more disciplinary proceedings filed and orders of discipline issued than the prior fiscal year. In support of its prosecution work, OBC staff spent a considerable amount of time preparing for and participating in evidentiary and appellate hearings throughout the year, albeit a bit less than in FY24.

The table below is a snapshot of these and other OBC activities in FY25.

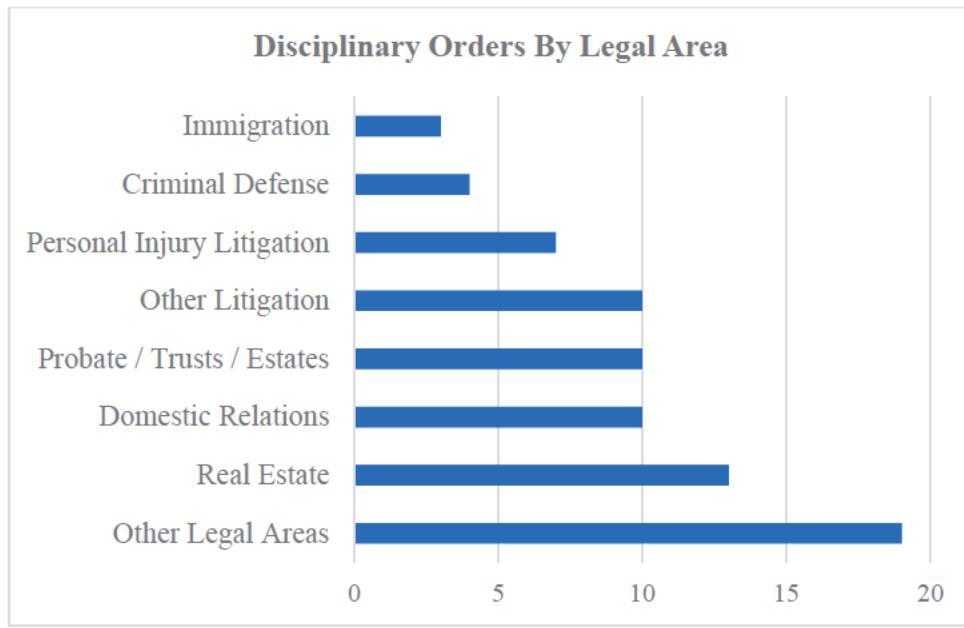
⁵ The number of “files” includes reinstatement cases. There were 5 reinstatement files in FY25; 12 in FY24; and 7 in FY23.

		FY25	FY24
	Inquiries opened into possible attorney misconduct	4,052	3,663
	Files opened	434	350
	Disciplinary proceedings filed ⁶	102	77
	Days of disciplinary hearings (prehearing, evidentiary, and appellate)	85	110
	Disciplinary orders issued (public and private sanctions) ⁷	84	66

The primary legal areas that resulted in discipline during FY25 were civil litigation (20%), real estate (16%), divorce and family law (12%), and trusts and estates (12%). The remaining 40% involved one of the various other legal areas tracked by the OBC (e.g., immigration), or resulted from the personal conduct of the attorney, such as being convicted of a crime.

⁶ “Proceedings filed” include public filings (e.g., Petitions for Discipline) and requests to impose an admonition (private discipline).

⁷ “Disciplinary orders” include disbarments (12), suspensions (21), public reprimands (12), reciprocal reprimands (5), and admonitions (28), as well as orders resulting from petitions for disability inactive status in connection with a disciplinary investigation (6). Each order involves an individual respondent attorney and may relate to several underlying disciplinary matters (complaints). In FY25, the 84 orders related to 125 disciplinary matters.



Demographic data collected by the OBC revealed that a significant percentage of disciplined attorneys were solo practitioners, often working as general practitioners, who had often been the subject of at least one disciplinary complaint in the past. Consistent with prior fiscal years, the data also indicated that disciplined attorneys were most likely to be sanctioned in the middle years of their career.

IV. INTAKE, INVESTIGATIONS AND PROSECUTIONS

a. Complaint Intake

Every year, the OBC processes thousands of complaints made by clients, opposing counsel, judges, and in some cases, concerned citizens. As detailed below, many (but not all) of these complaints are handled initially by the dedicated members of our ACAP team.

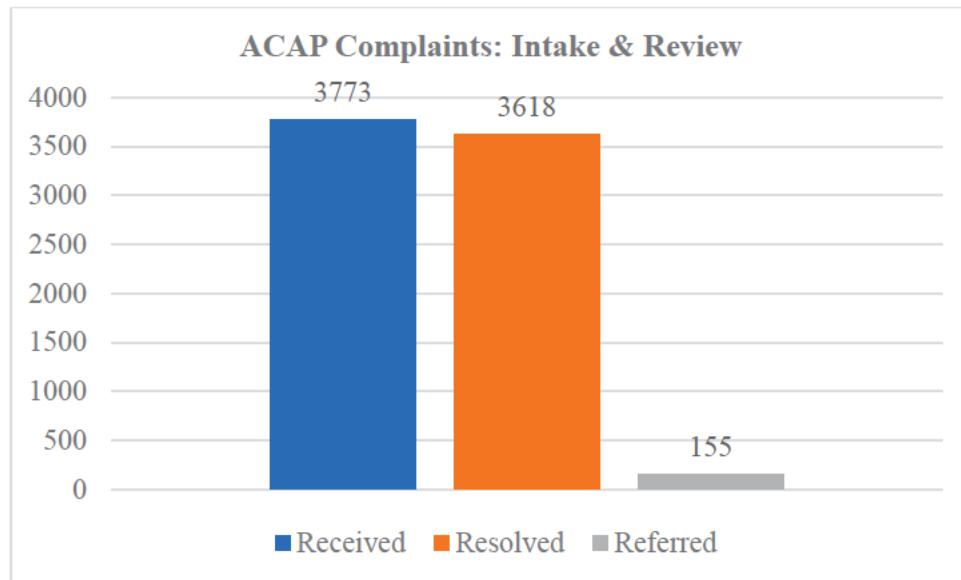
Intake: Attorney and Consumer Assistance Program

The Attorney and Consumer Assistance Program (ACAP) serves as the central intake unit of the OBC, responsible for the initial review of virtually all complaints involving Massachusetts lawyers received by the office. It also provides assistance to

persons with questions or problems with their Massachusetts lawyer that do not necessarily rise to the level of a complaint. ACAP is staffed by five lawyers with over 145 years of combined legal experience, a full-time investigator with nearly 35 years of disciplinary law experience, and a two-person administrative support team. ACAP also oversees the Diversion Program, which is coordinated by an Assistant Bar Counsel with 22 years of legal experience. That program is discussed in greater detail later in this report.

During FY25, ACAP's staff processed 3,773 new complaints, a 9.5% increase over the previous fiscal year. The abandonment of their practices by two lawyers, and several high-profile trials, drove a significant portion (38%) of this increase in the number of new complaints received by ACAP. ACAP routinely receives follow-up requests for information and/or assistance from former complainants concerning a complaint that previously had been reviewed and closed. In FY25, ACAP received 1,421 such requests on top of the 3,773 new complaints. In all, ACAP processed over 19,000 telephone calls and written correspondence in FY25.

As it has done since its inception twenty-six years ago, ACAP screens all initial complaints, attempts to informally resolve routine issues or minor disciplinary matters, and promptly refers for formal investigation all matters that raise issues of more serious misconduct. Of the 3,773 new complaints received, ACAP resolved more than 95% without referral for formal investigation. Consistent with goals shared with the Supreme Judicial Court, ACAP resolved -- whether by referral for investigation or by resolution at the ACAP level -- all of the new complaints received in FY25 within 45 days of receipt.



Most grievances (76%) came to ACAP’s attention by way of an initial telephone call, with the remainder received in the form of a written complaint. ACAP’s first undertaking with any new inquiry is to determine whether the problem is within the jurisdiction of the Board. If it is not, or if the complaint involves allegations that are frivolous or not warranting further action, the matter is closed. Pursuant to SJC Rule 4:01, §8.1(a) and section 2.8(a)(1) of the Rules of the Board of Bar Overseers, complainants may request a review of ACAP’s decision to close their matter by a member of the Board of Bar Overseers. In FY25, the Board reviewed 39 such complaints. In all but one instance, the reviewing Board member affirmed ACAP’s decision to close the complaint.

On the other end of the spectrum are those complaints involving serious professional misconduct. Where ACAP finds support for the allegations, the matter is quickly opened and assigned to an Assistant Bar Counsel for further investigation and possible prosecution.

In the middle are the several thousand matters that ACAP seeks to resolve by providing information; discussing reasonable expectations and timetables in legal cases;

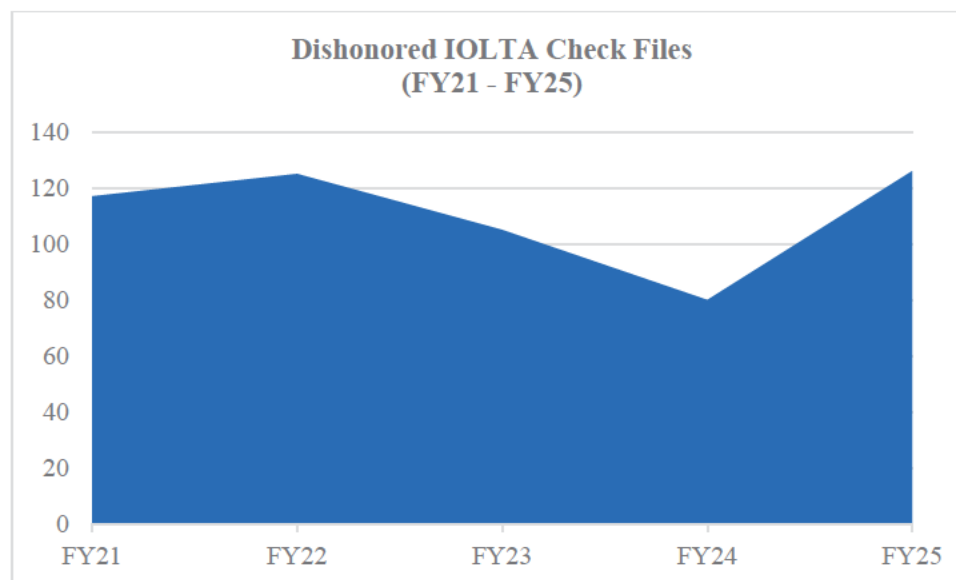
suggesting alternative ways of dealing with the dispute; or making referrals to lawyer referral services, fee dispute resolution services, and legal services organizations. At the consumer's request, ACAP may also act as an intermediary by telephoning the lawyer in appropriate circumstances. Some typical results are that the lawyer returns a file requested by a client, refunds an unearned retainer, or calls the client to give an update on case status.

The problems prompting inquiries to ACAP do not vary much from year to year. Lawyers' neglect of clients or their legal matters, including their failure to return client calls, continues to be a leading cause of complaints. Approximately 17% of all inquiries in FY25 concerned such misconduct. Similarly, the areas of law that produced the most inquiries to ACAP in FY25 continued to be civil litigation including personal injury (18%), domestic relations (15%), trusts and estates (13%), and criminal defense (11%).

Intake: Bank Notice of Dishonored Checks

Complaints also emanate from the OBC's receipt of dishonored check notifications from financial institutions (banks) who offer trust accounts for attorneys to hold client funds (also known as IOLTA accounts). These banks are required to submit these notices to the OBC pursuant to Mass. R. Prof. C. 1.15(h). Upon receipt of a notice, the OBC automatically opens a file for investigation. In FY25, over 29 percent of OBC investigations emanated from dishonored IOLTA checks.

The number of these notices received annually from banks fluctuates from year to year. In FY25, there was a significant increase in the number of notices when compared to the prior fiscal year (80 to 126), which bucked the recent trend.



This meaningful, year-over-year increase in dishonored check files appears to be largely attributable to the OBC's efforts at the start of FY25 to remind banks of their reporting requirements, rather than an uptick in noncompliance with the recordkeeping requirements. Even so, looking ahead, the OBC will continue to prioritize offering resources on recordkeeping which, in FY25, entailed offering for the first time an on-demand video on how to comply with Rule 1.15, publishing several written resources on the subject, and offering several free trainings (often in collaboration with bar groups).

Instances of dishonored IOLTA checks are only rarely caused by a bank error or some other problem outside the attorney's control. The vast majority of dishonored checks are instead caused by the lawyer's failure to maintain records that are in full compliance with the requirements of Mass. R. Prof. C. 1.15(f). As a result, an attorney may not realize that the account has insufficient funds to cover a disbursement. In addition, lawyers who do not routinely perform the required three-way reconciliations of IOLTA accounts often are found to be holding old undisbursed funds and aging uncashed checks.

It is not uncommon for Massachusetts attorneys to be disciplined for failing to comply with the IOLTA recordkeeping requirements. When these failures result in or conceal the misuse of client funds, the attorney may be suspended or disbarred. *See, e.g., Matter of Yu*, 41 Mass. Att’y Disc. R. __ (2025) (disbarment for lawyer who commingled personal funds with client funds, failed to keep compliant records, and repeatedly misused client funds); *Matter of Doran*, 41 Mass. Att’y Disc. R. __ (2025) (three-month suspension, stayed for one-year on conditions, for lawyer who displayed “extensive record-keeping lapses” and intentionally misused retainer funds that he later earned). And, even if no misuse occurs, attorneys may be publicly reprimanded or admonished when they ignore their basic duties as a recordkeeper and put their clients’ monies at risk. *See, e.g., Matter of Babanikas*, 41 Mass. Att’y Disc. R. __ (2025) (public reprimand for lawyer who failed to reconcile IOLTA account at least every sixty days and failed to maintain compliant records, including individual client ledgers as well as ledgers for bank fees and charges); Admonition No. 25-04, 41 Mass. Att’y Disc. R. __ (2025) (admonition for lawyer who did not comply fully with the recordkeeping requirements, e.g. by not maintaining a bank fees ledger listing all of the firm’s funds that were held in the IOLTA account for fees).

Intake: Other Sources

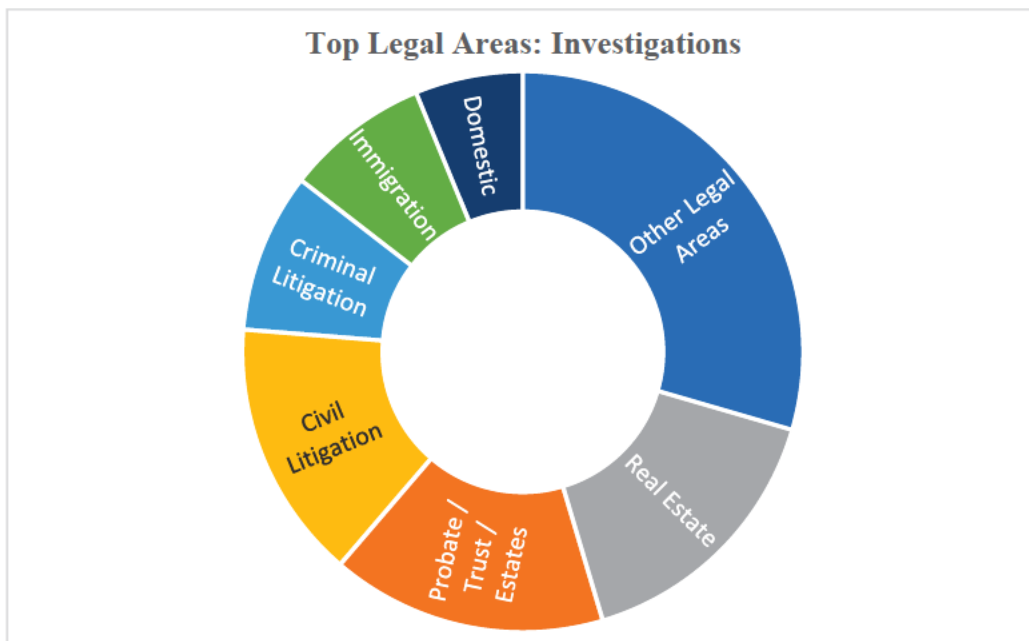
A final category of intake involves matters that come directly to the OBC’s attention through news reports, judicial referrals, court decisions, and disciplinary orders entered against Massachusetts attorneys in other states which prompt reciprocal discipline in Massachusetts. As to this latter category, in FY25, the OBC sought reciprocal discipline in seventeen (17) matters, of which twelve related to a term suspension levied elsewhere and five involved a public reprimand issued in another state.

Another example of matters opened by the OBC on its own accord are those involving attorneys charged with committing a crime in their personal life. Typically, the OBC will defer such matters pending the outcome of the underlying criminal proceedings. Discipline will result whenever an attorney is convicted of a “serious” crime, which includes all felonies and some lesser crimes. In FY25, seven attorneys were disciplined after being convicted of a crime -- two were disbarred after default; two resigned as a disciplinary sanction; one resigned and was disbarred; and two were suspended.

b. Investigations Opened

During FY25, the OBC opened 434 matters to be investigated. Of these investigatory matters, 155 were referred for investigation from ACAP; 126 were opened following the receipt of a dishonored check notice; and 153 were opened directly by Bar Counsel following a news report, judicial referral, court decision, disciplinary order from another state, or the filing of criminal charges against the attorney.

The legal areas that produced the most investigations in FY25 are shown below.



Investigations are conducted by a group of Assistant Bar Counsel (ABC), aided by a team of investigators. The investigations often include some or all of the following: assessing the complaint and the attorney's response; reviewing client files, court files and other public records; seeking subpoenas for bank, insurance and telephone records; taking recorded interviews of the attorney under oath; interviewing the complainant and third parties; and consulting with experts.

After the completion of an investigation, a range of potential resolutions to the matter are available depending on the existence and nature of any misconduct; the harm caused; and the existence of any aggravating or mitigating factors. When the OBC concludes that the respondent has not engaged in a rule violation, or has engaged in an isolated and very minor violation, the matter can be closed, sometimes with a warning about future conduct. Bar Counsel also may divert an attorney for practice management or other education, or mental health or other remedial work. Where a rule violation is established but is not very serious and there are no aggravating factors, Bar Counsel may seek to impose an admonition as private discipline. Admonitions require the approval of a member of the Board. Once approved, the admonition is published anonymously.⁸

In more serious cases, the OBC will seek public discipline at the conclusion of an investigation. The filing of a petition for discipline -- which first must be approved by a member of the Board -- initiates this process. Bar Counsel and the respondent may at this point elect to file a stipulation proposing an agreed-upon sanction to the Board. If such an

⁸ Admonitions remain on the attorney's record at the BBO for eight years. After eight years, if the attorney remains free of any further misconduct and no complaints are pending, the admonition is vacated, and the underlying complaint is dismissed.

agreement is not reached, or the Board rejects one that is proposed, an evidentiary hearing will be scheduled. The hearing and appeal process typically spans more than a year.

If the disciplinary process results in public discipline, there are a few options.

- Public Reprimand. A summary of the misconduct along with the attorney's name is published on the Board's website and sent to appropriate news sites.
- Term suspension. The attorney is prohibited from practicing law for a defined period (up to 5 years) and, in certain circumstances, may be required to undergo a reinstatement hearing prior to resumption of practice.⁹
- Indefinite suspension. The attorney is prohibited from practicing law for at least 5 years and thereafter must establish fitness at a reinstatement hearing.
- Disbarment. The attorney is prohibited from practicing law for at least 8 years and thereafter must establish fitness at a reinstatement hearing.¹⁰

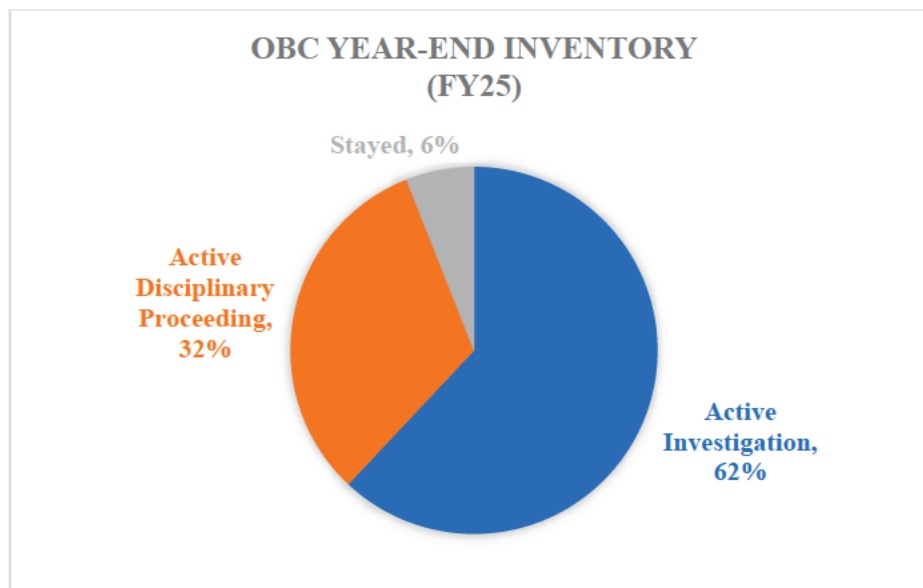
A reinstatement hearing is a required component for any order of disbarment and for any term suspension longer than one year. At the required reinstatement hearing, disciplined attorneys have the burden of proving to three members of the Board that they have moral qualifications and maintained learning in the law such that they are fit to resume the practice of law in Massachusetts. The three Board members make a recommendation on reinstatement, which is subject to the review of the entire Board and the SJC.

⁹ Occasionally, the Court will stay the term suspension (in part or in whole) based on the respondent attorney's agreement to complete specific probation terms.

¹⁰ Pursuant to SJC Rule 4:01, §15, an attorney who faces the likelihood of public discipline may seek to resign as a disciplinary sanction. To do so, the attorney submits an affidavit to the Board acknowledging that Bar Counsel's allegations are true or can be proven by a preponderance of the evidence. If deemed acceptable by the Board, the affidavit will be submitted to the SJC for approval, along with the Board's recommendation as to whether the resigning lawyer should be disbarred based on the admitted misconduct. The Court will then enter a final order on the affidavit. In all resignation cases, the lawyer is prohibited from practicing in the same manner as any disbarred attorney and therefore cannot seek reinstatement for eight years.

V. INVENTORY IN FY25

A total of 444 matters were the subject of formal investigations and prosecutions by the OBC at the end of FY25.¹¹ Most matters (274) were in the active investigation stage; twenty nine (29) were stayed pending the resolution of criminal charges or a civil case; and the remaining 141 were in some phase of a disciplinary proceeding -- i.e., scheduled for an evidentiary hearing; awaiting a hearing report; or on appeal to the Board or the SJC.



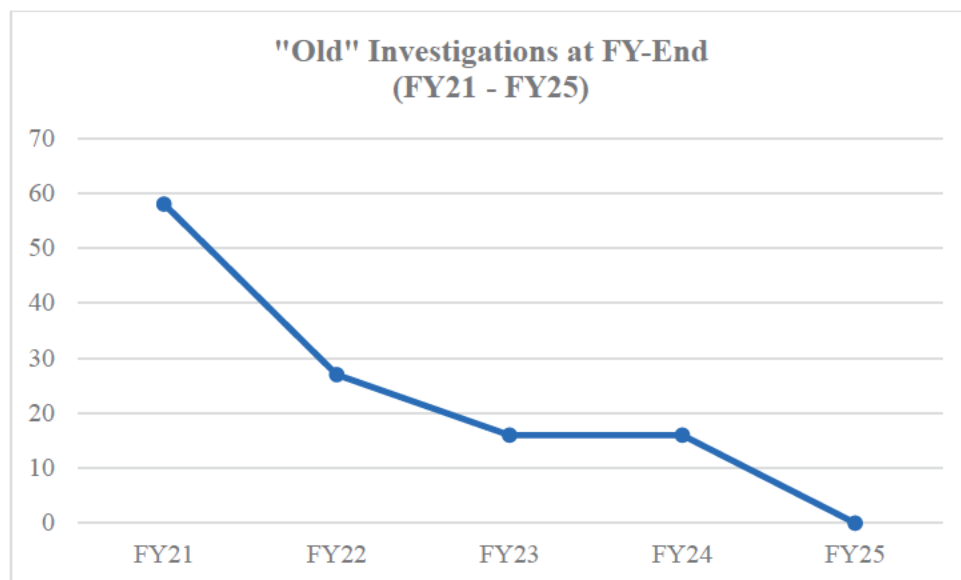
a. Investigations Conducted

As reflected above, 62 percent of the OBC's inventory of open files at the end of FY25 were in the investigatory stage. All of these files had been under investigation for under 18 months, with most (85 percent) open for less than a year.¹²

¹¹ Each disciplinary "matter" reflects that a complaint was brought against a respondent attorney and is the subject of an ongoing formal investigation and/or prosecution by the OBC. Notably, any individual respondent may be the subject of more than one matter. For instance, the 444 disciplinary matters that were pending at end of FY25 involved 327 (not 444) respondents.

¹² Each fiscal year, a small number of investigations are deferred and/or held pending the outcome of a proceeding in another forum. For statistical purposes, these inactive matters are not counted as part of the OBC's annual inventory of pending matters subject to ongoing investigations.

At the outset, this report touched upon the historic significance of the OBC having no investigatory files older than 18 months at the end of FY25. It is indeed noteworthy given the high volume of incoming complaints and opened files every year (which was even higher in FY25) as well as the evidentiary and analytical complexity that certain investigations present, as evidenced by the fact that it has been over 20 years since the OBC could report having no “old” investigatory files. This accomplishment is the result of recent efforts by the OBC to prioritize completing investigations as efficiently as possible.



At the conclusion of an investigation, the OBC decides whether to close the matter without further action. In FY25, the OBC closed 251 investigatory files, involving 240 respondent attorneys.¹³ As noted earlier, some of these closings were accompanied by a warning along with a referral to resources. When the OBC determined that the rule violation was serious enough to warrant discipline, the matter became the subject of a disciplinary proceeding, which is discussed in the next section.

¹³ In addition, 14 investigatory files, involving eight respondents, were closed (or “subsumed”) in conjunction with the respondent receiving discipline in some other matter(s).

b. Disciplinary Proceedings Filed

Bar Counsel initiated 102 disciplinary proceedings in FY25. This included 48 petitions for public discipline, either as contested petitions for discipline marked for hearing or as stipulated petitions for discipline with a proposed, agreed-upon sanction. Many of these petitions contained multiple counts, representing allegations against the respondent by two or more separate complainants, as it is customary for Bar Counsel to combine complaints from different sources about the same attorney into one petition for discipline. The remainder of the filings seeking public discipline (26) included the following: (i) seven affidavits of resignation; (ii) seven petitions for disability inactive status filed in connection with a disciplinary investigation; and (iii) twelve petitions for reciprocal discipline filed by Bar Counsel directly with a Single Justice of the SJC based on discipline levied in another jurisdiction.¹⁴

In addition to these 74 public proceedings, the OBC made filings with the Board which resulted in the issuance of 28 admonitions. As noted above, an admonition constitutes private discipline and generally involves an instance of relatively minor misconduct that caused little or no harm without any indications of bad faith or dishonesty on the part of the respondent. The admonitions issued in FY25 most often involved neglect; poor recordkeeping; and/or inadequate communication with clients.

¹⁴ When lawyers are disciplined in another jurisdiction in which they are licensed to practice law, Massachusetts usually responds reciprocally, pursuant to S.J.C. Rule 4:10 sec. 16. Bar Counsel files petitions for reciprocal discipline directly with the Court.

c. Hearings Held

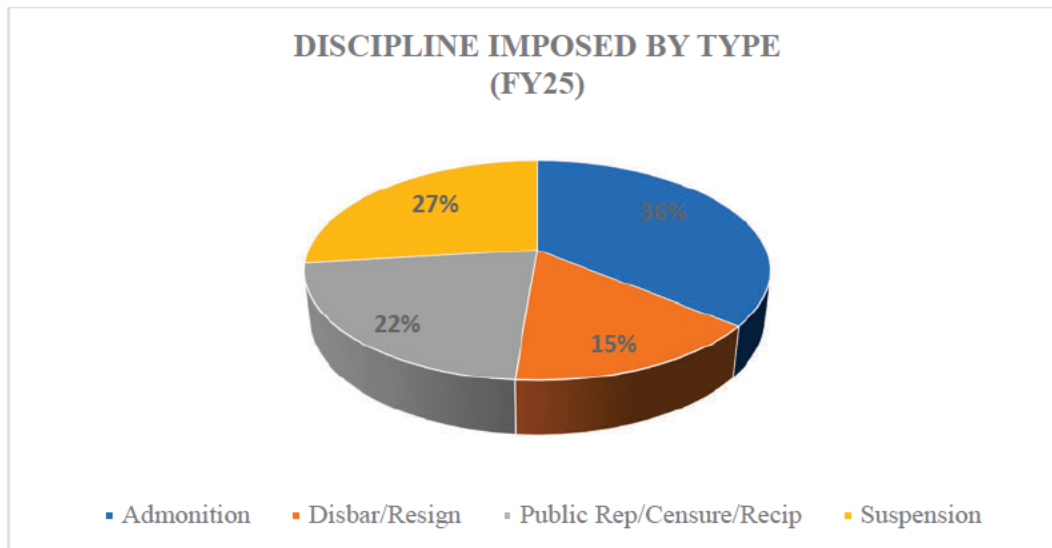
In FY25 Assistant Bar Counsel appeared before hearing committees, hearing panels, the Board, and the SJC, for both non-evidentiary and evidentiary hearings and appellate hearings, on 85 days.

d. Discipline Obtained

Eighty-four (84) attorneys received private or public discipline in FY25.¹⁵ Three attorneys resigned as a disciplinary sanction; nine were disbarred (a few in connection with their resignation); twenty-one were suspended; seventeen received a public reprimand (including five reciprocal reprimands); and twenty-eight were admonished. In addition, six attorneys were transferred to disability inactive status in connection with an ongoing disciplinary investigation.¹⁶

¹⁵ This resolved 125 matters (files) in total.

¹⁶ To be clear, “[d]isability proceedings are not disciplinary proceedings [], and a transfer to disability inactive status is not a disciplinary sanction, see SJC Rule 4:01, § 4.” *Matter of Mayfield*, 41 Mass. Att’y Disc. R. ____ (2025). There are times, however, when the transfer is effectuated as part of the OBC’s investigation into the lawyer after receiving a complaint against the lawyer. In those situations, where the OBC has determined during an investigation that the lawyer is incapacitated and that a transfer to disability inactive status would be more appropriate than continuing with the investigation, the OBC will participate in the filing of a disability petition with the SJC. For statistical purposes only (as reported above), the OBC considers these petitions to be akin to a petition for discipline given the amount of work it entails for the office and its overarching purpose to protect the public. *See Mayfield*, 41 Mass. Att’y Disc. R. ____ (2025) (finding that the lawyer must be transferred to disability inactive status and not just permitted to transfer to retirement status because “it is plain that her transfer to disability inactive status serves the purpose of ensuring that members of the public are served only by attorneys who have both the mental and physical capacity to practice law”).



VI. SIGNIFICANT DISCIPLINE ACHIEVED

Some of the more noteworthy disciplinary decisions from FY25 are highlighted and organized by subject area below.

Misuse of Client Funds

In *Matter of Sargent*, 496 Mass. 505, 41 Mass. Att’y Disc. R. __ (2025), the SJC disbarred a lawyer who misappropriated personal injury protection (PIP) funds and engaged in other misconduct. The lawyer represented a child who had been hit by a car and incurred significant medical expenses. The lawyer submitted to the driver’s insurance company a claim for PIP funds that he supported with the child’s various medical bills. The insurance company sent the lawyer a check for \$8,000, which the lawyer deposited into his IOLTA account. Beginning the next day, and continuing for two months through 17 separate transactions, the lawyer withdrew the entire \$8,000 for his own use. The OBC subsequently began an investigation and requested the lawyer’s IOLTA records. The day before his response was due, the lawyer deposited \$8,000 into his IOLTA account and then issued a check from that account to the child’s mother in the amount of \$8,000.

In rejecting the lawyer's argument that there was no deprivation warranting disbarment, the SJC held that "the PIP funds became due to the child's medical providers upon the [lawyer's] receipt of those funds." *Id.* at 515-16. The lawyer's subsequent payment to the child's mother did not constitute restitution, the SJC further held, because the medical providers (not the child or her mother) were the injured parties. And, "the timing and the [lawyer's] motive provide[d] further reasons why his payment should not be credited as a mitigating factor." *Id.* at 516. The court rejected the lawyer's other claimed mitigation and noted several aggravating factors, which further supported the sanction.

In *Matter of Knight*, 495 Mass. 1038 (2025), a lawyer was suspended for intentionally misusing unearned retainers in three separate client matters, failing to cooperate with Bar Counsel's investigations, and engaging in other related misconduct. As to the client matters, the lawyer was found to have repeatedly withdrawn fees from her IOLTA account before they were earned, resulting in one instance of deprivation. The SJC rejected the lawyer's assertion that she was unaware she could not prepay herself for work that she had not yet performed, finding that (i) ignorance of the Rules is rarely relevant to bar discipline proceedings and, in any event, (ii) there was substantial evidence that the lawyer, in fact, "knew precisely what she was doing, knew it was wrong, and proceeded nonetheless," as evidenced by, among other things, her recent attendance at a trust account class as part of a prior diversion agreement with Bar Counsel. *Id.* at 1042.

The Court also rejected the lawyer's argument that noncooperation can only be established where there has been an "outright refusal to cooperate or default." In this case, the lawyer had repeatedly ignored Bar Counsel's requests for information until Bar Counsel sought and the Court entered an order of administrative suspension. The

Court declined to condone such belated and compelled cooperation by respondents under investigation, emphasizing the burden it imposes on the bar discipline system.

“[W]e do not perceive an attorney’s duty to cooperate to be satisfied by any contact with bar counsel[.] Even where an attorney engages in some degree of communication, if the attorney provides no reasonable explanation for his or her repeated, knowing failure to comply with numerous requests for cooperation, bar counsel is forced to expend its limited resources to pursue the matter further, at the expense of the attorneys of this Commonwealth. In such instances, the attorney’s failure to cooperate cannot be ignored. Here, the record reflects that the respondent engaged in such a pattern of noncompliance until it resulted in her administrative suspension.”

495 Mass. at 1041-1042 (emphasis in original; internal quotations and citations omitted).

In *Matter of Yu*, 41 Mass. Att’y Disc. R. ____ (2025), a lawyer was disbarred for his repeated and intentional misuse of client funds in connection with his real estate conveyancing practice. For many years, in connection with his law practice, the lawyer also acted as an agent for a title insurance company. The company terminated the agency when it learned that the lawyer occasionally failed to remit funds and policies to customers and that he was, at one point, administratively suspended from practicing law. Undeterred, the lawyer continued to hold himself out as an agent for the company; collected title insurance premiums from buyers in real estate closings; and surreptitiously retained the premiums for himself. Making matters worse, the lawyer never told the impacted buyers that they had no title insurance on the properties they purchased.

Following an investigation, Bar Counsel filed a thirteen-count petition alleging that the lawyer intentionally misused the premiums causing deprivation to multiple clients; engaged in the unauthorized practice of law because he conducted three of the closings while administratively suspended; and engaged in additional misconduct which included his failure to maintain records that complied with Rule 1.15.

Following a two-day evidentiary hearing, the Hearing Committee issued a report, finding that Bar Counsel had proven all charges, and recommended disbarment. The Board voted unanimously to adopt the report. A Single Justice (Dewar, J.) thereafter issued a decision disbarring the lawyer. In doing so, Justice Dewar found that, even if the lawyer had been suffering from some mental health issues and other stressors in his life at the time of his misconduct (as he claimed at the hearing), such personal problems could not mitigate his *intentional* misconduct, given that it was repeated, involved multiple client transactions, and occurred over an extended period of time.

Lying to a Tribunal Under Oath with Additional Misconduct

In *Matter of Baker*, 41 Mass. Att’y Disc. R. __ (2025), a lawyer received a term suspension of three years for his misconduct before the U.S. Bankruptcy Court for the District of Massachusetts. The misconduct spanned three unrelated client matters. In the first matter, the lawyer was sanctioned by a judge for making flagrant misrepresentations about the controlling law and then for not complying with the resulting sanctions order. In the second matter, he neglected a client’s case resulting in sanctions as well as the client’s default (which prevented the client from discharging over \$91,000 in debt). And in a third matter, the lawyer made false statements about his compensation in court filings for a client, retained more than he should have in the settlement of the case, and misidentified himself, under oath, to a court as his client’s lawyer after the representation had concluded. A Single Justice (Kafker, J.) agreed with the Board that a lengthy term suspension was warranted, noting that the minimum sanction for a single instance of lying to a tribunal under oath in violation of Rule 3.3 carries the presumptive sanction of a two year suspension and that, here, the lawyer engaged in “much more than a solitary violation.”

In *Matter of Bradley*, 41 Mass. Att’y Disc. R. __ (2025), a lawyer was suspended for 30 days for making a negligent misrepresentation to a tribunal under oath. The lawyer was serving as local counsel for class action plaintiffs in federal court when the case settled. In support of an application for \$75 million in legal fees, lead counsel circulated a form declaration and schedule to plaintiffs’ counsel, including the lawyer’s law firm. The lawyer relied on his law partners to calculate and input the firm’s fees on the declaration and schedule. The lawyer signed and averred as “true and correct” the papers even though he had performed only a cursory review as to the veracity of the information he was signing. After the judge allowed the \$75 million fee award, questions were raised -- within the proceeding but also in the media -- about whether the lawyer’s (and other) fee submissions were inflated. An inquiry followed, during which the lawyer acknowledged that parts of his filings contained materially false and misleading information as to, among other things, the billing rates at his firm. The judge accordingly reduced the fee award to \$60 million, finding that the asserted fees of the lawyer as well as other plaintiffs’ counsel in the case had, in fact, been inflated to support their original request for fees.

At the BBO proceeding, a primary focus was on whether the lawyer’s misrepresentations were either knowingly or recklessly false; the Hearing Committee concluded that they were neither, finding -- based on an assessment of the lawyer’s credibility -- that he had acted negligently when he relied on his partners’ unreviewed work product. In view of this credibility determination, a Single Justice (Wendlandt, J.) suspended the lawyer for 30 days with reinstatement contingent on his passing the MPRE. Although public reprimands have been entered for discrete negligent misrepresentations to tribunals, Justice Wendlandt found that a term suspension was warranted due to the

aggravating factors; namely: (i) the significant publicity around the matter which brought disrepute to the legal profession; (ii) it was an *ex parte* proceeding which triggers a higher duty of candor; (iii) the misrepresentations were made under oath; and (iv) the underlying court expended significant resources to unearth the misrepresentations. As to this final factor, Justice Wendlandt found that the lawyer engaged in conduct that reflected poorly on his fitness to practice in violation Rule 8.4(h) “considering the resources exhausted by the Federal District Court to remediate this matter -- i.e., four additional years of fact finding and motion practice as well as the appointment of a special master[.]”

Frivolous Litigation, Disobedience of Court Orders and Neglect of Client Matter

In *Matter of Collins*, 494 Mass. 1024, 40 Mass. Att’y R. ____ (2024), a lawyer received an 18-month suspension for his serial neglect and frivolous litigation in a single, protracted matter. The representation involved a dispute between the lawyer’s client and her stepchildren, who evicted her from her home. After the lawyer failed to file an appeal and a final judgment entered against his client, the lawyer engaged in a multi-front attack on the judgment in state and federal courts, repeating the arguments that he was precluded from making. He continued to pursue his frivolous claims despite sanction orders (which he did not comply with) and even after the client terminated the representation.

The Hearing Committee recommended that the lawyer be suspended for 18 months. The Board voted to approve that recommendation, finding that such a lengthy suspension was warranted due to the “exhaustive and exhausting nature of the misconduct.” A Single Justice (Lowy, J.) issued an order adopting the Board’s recommendation. The lawyer thereafter filed an appeal with the full bench of the Court.

The Court affirmed the Single Justice’s order. In doing so, the Court found that a term suspension of one year and one day is an appropriate remedy for each of the following instances of misconduct: (i) “[w]here an attorney engages in repeated neglect resulting in harm to the client”; and (ii) “where an attorney engages in frivolous litigation[.]” *Id.* at 1030. A suspension of 18 months was deemed warranted because the lawyer also willfully and repeatedly refused to comply with court orders (for which “a term suspension is also ordinarily an appropriate remedy”), and there was aggravation. *Id.* at 1031.¹⁷

Neglect of Client Matter Aggravated by Dishonesty

In *Matter of Santangelo*, 41 Mass. Att’y Disc. R. __ (2025), a lawyer was suspended for six months and ordered to pay restitution for neglecting a client’s case and then lying about it to conceal his misconduct. The lawyer represented the client during a five-day trial in Superior Court involving a business dispute between the client and two former partners. When an unfavorable verdict resulted and an adverse judgment issued, the client retained the lawyer to appeal the judgment. Thereafter, the lawyer failed to timely docket his client’s appeal, which resulted in its dismissal. Rather than informing his client of the missed deadline or that the appeal had since been dismissed upon a motion by the opposing party, the lawyer misled the client into believing that the appeal was active and persuaded the client to pay him additional legal fees for him to continue working on the “appeal.” A Single Justice (Gaziano, J.) agreed with the Board that such misconduct warranted a six-month suspension and entered an order requiring the lawyer to reimburse his client for the fees that she paid him after he missed the docketing deadline for the appeal.

¹⁷ Aggravation included the harm caused to both the lawyer’s client (who was found in contempt, ordered to pay costs and fees, and deprived of her appellate rights) and to the opposing parties (who were forced to litigate against frivolous arguments and appeals).

In *Matter of DiLibero*, 41 Mass. Att’y Disc. R. ____ (2025), a lawyer was suspended for one year, with six months and one day to be served (and the remainder stayed for a year on conditions), for giving incorrect legal advice to a vulnerable client which risked his possible deportation and then doubling down by refusing to help successor counsel and claiming (falsely) that he had given the correct advice. The lawyer was retained by the client after he was arrested for, *inter alia*, possession of heroin with intent to distribute. The client was a permanent resident who hoped to become a citizen; he informed the lawyer that preserving a path to citizenship was his primary goal in resolving the matter.

Later in the representation, the lawyer recommended the client accept a six-month continuance without a finding (CWOFF), advising him that a CWOFF for less than one year would have no immigration-related consequences. The client accordingly admitted to sufficient facts, and the case was continued without a finding for six months. Contrary to the lawyer’s advice, the CWOFF could indeed have serious immigration consequences -- he had admitted to an aggravated felony under federal immigration law, which rendered him immediately deportable, subject to mandatory detention, and ineligible for any defense to removal other than certain very limited defenses that would not pertain to his situation. He also would be permanently inadmissible to the United States and ineligible for citizenship.

The client later had an opportunity to speak with an immigration attorney, who alerted him to the lawyer’s incorrect advice. When the client confronted the lawyer, the lawyer insisted (incorrectly) that the CWOFF would not count as a conviction under Federal law. Unsatisfied, the client retained successor counsel, who sent letters to the lawyer seeking his file and assistance. The lawyer at first ignored the letters, only later to provide an incomplete copy of his case file along with his (false) assertion that he never advised

the client that there would be no adverse immigration consequences. Successor counsel nonetheless successfully moved to vacate the client's CWO, with the government agreeing to pretrial probation (a resolution that had no adverse immigration consequences).

In view of this misconduct, a Single Justice (Kafker, J.) agreed with the Board that the lawyer should be suspended for one year, with six months plus one day to serve, the balance suspended for one year. In rendering his decision and denying the lawyer's plea for only a public reprimand, Justice Kafker emphasized that, while the lawyer only neglected a single client matter, he also lied about it and failed to help successor counsel or his client. Therefore, based on the totality of the lawyer's misconduct (which was aggravated by, *inter alia*, his lack of remorse, his client's vulnerability, and the risk of harm he caused by his incorrect advice and refusal to admit as much), a term suspension of meaningful length was warranted. And, "given the respondent's deficiencies in understanding his ethical obligations," Justice Kafker agreed that "it also [is] appropriate that his reinstatement be conditioned on his taking and passing the Multistate Professional Responsibility Examination and attending five hours of continuing legal education classes pre-approved by bar counsel."

Neglect of Multiple Client Matters Aggravated by the Unauthorized Disclosure of Client's Confidential Information and Lying Under Oath

In *Matter of Johnson*, 41 Mass. Att'y Disc. R. ___ (2025), a lawyer received a suspension of two and a half years for misconduct related to his representation of four separate clients and making false statements under oath to Bar Counsel during its investigation and to the Hearing Committee. In three of the client matters, the lawyer repeatedly neglected his clients' cases, failed to keep them informed, and lied to cover up his neglect. In one of these cases, he intentionally mis-dated a Notice of Withdrawal and

the attached Certificate of Service (which he signed “under the penalties of perjury”) to make it look like he had made the filing and service on an earlier date than he did, and *then* lied about it to his client, to Bar Counsel (under oath at a recorded meeting), and to the Hearing Committee (under oath at the hearing). In the fourth matter, the lawyer responded to a negative online review from the client after she terminated the representation and, in doing so, disclosed confidential client information without informed consent and falsely claimed that *he* (not his client) terminated the attorney-client relationship.

Upon review, a Single Justice (Wendlandt, J.) agreed with the Hearing Committee’s finding that the “floor” for neglecting multiple client matters is a suspension of one year and one day, carrying a required reinstatement hearing. Because the lawyer *also* (i) repeatedly lied to his clients and made misrepresentations under oath (which “presumptive[ly]” warrants a suspension of two years) and (ii) disclosed a client’s privileged information without his client’s consent in a public forum (which has warranted a public reprimand in the past), Justice Wendlandt agreed with the Board that a suspension of two and a half years was appropriate, especially where the lawyer engaged in some of the misconduct while already under investigation by Bar Counsel and because he had previously received a three month suspension (albeit for dissimilar misconduct). The lawyer’s reinstatement in the future was made conditional on (i) an audit of his practice by the Law Office Management Assistance Program; (ii) execution of a mentoring agreement; and (iii) an evaluation by Lawyers Concerned for Lawyers.

Misuse of Artificial Intelligence in the Practice of Law

In *Matter of Marullo*, 41 Mass. Att’y Disc. R. ____ (2025), a lawyer received a public reprimand for filing pleadings that contained AI-generated fictitious case citations. To prepare the pleadings, the lawyer relied on an associate and interns who -- unbeknownst to him -- used an AI program to conduct research for inclusion in the legal briefs. Because the lawyer failed to check the accuracy of citations in the pleadings before he filed them under his name, he did not realize that he had cited to four nonexistent cases, referenced nonexistent quotations from caselaw, and misrepresented what relevant authority stood for.

At a subsequent hearing, the judge asked the lawyer to explain his reference to some of the nonexistent cases, but he was unable to do so. He later investigated the matter and informed the Court that he had learned for the first time that members of his office had relied on AI. The judge credited the lawyer’s explanation and imposed a \$2,000 fine, noting that the sanction was “mild given the seriousness of the violations that occurred.” *Smith v. Farwell, et al.*, No. 2282-CV-01197, 2024 WL 4002576 (Norfolk Sup. Ct. Feb. 15, 2024) (Davis, J., Findings, Rulings and Order Imposing Sanctions).

When the matter came before the Board, the lawyer admitted that his failure to supervise his staff and detect on his own that the pleadings contained multiple false and misleading citations violated several Rules of Professional Conduct; specifically, Rule 1.1 (competence); 1.3 (diligence); 5.1 and 5.3 (supervision); and 8.4(d) (conduct prejudicial to the administration of justice). After reviewing the matter, the Board issued a public reprimand on April 30, 2025. It marked the first time that a Massachusetts lawyer has received professional discipline for misconduct attributable, in part, to the misuse of artificial intelligence in the practice of law.

Rule 1.15 Recordkeeping

In *Matter of Discipline of Two Attorneys*, 495 Mass. 1049, 41 Mass. Att’y Disc. R. ____ (2025), the Court addressed the appropriate sanction for *partial* failures to comply with the recordkeeping requirements set forth in Rule 1.15. The case involved two lawyers who failed to reconcile their IOLTA accounts (but otherwise kept compliant records) and failed to disburse more than \$100,000 that over time had accumulated in the accounts. The Board concluded that such misconduct warranted a public reprimand (rather than a private admonition), relying heavily on evidence that the lawyers had received prior instructions from Bar Counsel on how to comply with Rule 1.15 yet still displayed “persistent carelessness in performing the basic task of balancing their IOLTA accounts.”

On appeal, a Single Justice (Kafker, J.) disagreed with the Board that the lawyers’ recalcitrance was enough to “tip the scales,” finding that an admonition with accounting conditions was more consistent with comparable past cases. The full bench affirmed Justice Kafker’s order. In doing so, the Court observed that public reprimands typically have involved “record-keeping violations [that were] broader than the violations at issue here[.]”

Conduct Reflecting Adversely on Fitness to Practice Law

In *Matter of Cerulli*, 495 Mass. 1002, 40 Mass. Att’y Disc. R. ____ (2024), a lawyer received a public reprimand for engaging in conduct that adversely reflected on his fitness to practice law in violation of Mass. R. Prof. C. 8.4(h). The lawyer had been working in the Chelsea District Court as an assigned duty attorney when he went to the small lockup in the basement of the courthouse to speak to detainees. While he was there, a female probation officer was interviewing a detainee in one of the cells. As the lawyer bantered

with detainees in two of the other cells, he showed them a sexually suggestive image on his mobile phone. The lawyer had his back to the probation officer and was several feet away from her, but his cell phone was visible to her. The images made her feel uncomfortable. As she exited the holding area, she told the lawyer that his behavior was “disgusting and inappropriate.” Behind her back, he feigned embarrassment and then made a gesture mimicking a form of male masturbation.

A majority of the Hearing Committee found that the lawyer’s conduct violated Rule 8.4(h) and warranted a public reprimand. Upon review, the Board agreed that the Rule had been violated but, in a split decision, recommended only a private admonition. A Single Justice thereafter reviewed the record, finding that a public reprimand was indeed necessary to declare the lawyer’s misconduct improper.

On appeal, the Full Bench affirmed the order of public reprimand. In doing so, the Court focused on the disruptive impact of the lawyer’s conduct on the probation officer’s work: “By displaying the image to the detainees and then crudely dismissing her objection in front of them, he engaged in disrespectful, demeaning conduct toward an employee of the judiciary of a kind plainly inviting disrespect toward her from the detainees as well, thereby interfering with her ability to do her job.”

Reciprocal Discipline

In *Matter of Correll*, 494 Mass. 1002, 40 Mass. Att’y R __ (2024), the Court issued an order of reciprocal discipline based on a matter that was first before the United States Patent and Trademark Office (USPTO). The USPTO had suspended the lawyer from practicing before it for five years, following findings that the lawyer violated federal conflict of interest statutes by representing private parties before the USPTO while he was

an employee of the federal government. Bar Counsel thereafter filed a petition for reciprocal discipline in Massachusetts, recommending a three-year (rather than five-year) suspension based on comparable cases in Massachusetts and the Court's aim to "mete out the sanction appropriate in this jurisdiction, 'even if that discipline exceeds, equals, or falls short of the discipline imposed in another jurisdiction.'" *Matter of Burnbaum*, 466 Mass. 1024, 1025, 29 Mass. Att'y Disc. R. 72 (2013). The Court subsequently suspended the lawyer from the practice of law for three years, agreeing with Bar Counsel that it was not markedly disparate from comparable cases in Massachusetts that involved "practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction."¹⁸

Criminal Conviction

In *Matter of Teah*, 41 Mass. Att'y Disc. R. __ (2025), a lawyer was disbarred after being convicted of a misdemeanor charge of Assault and Battery on Family/Household Member and two felonies of vandalizing property and assault and battery with a dangerous weapon, for which he was sentenced to a term of incarceration of two and one half years in the House of Correction, with sixteen months to serve (less 120 days for time served) and two years of probation with conditions. The criminal matter arose out of the lawyer's violent attack of his then-girlfriend, which required her to undergo brain surgery. In its review of the matter, the Board acknowledged that respondents often have received term suspensions -- rather than the presumptive sanction of an indefinite suspension or disbarment for felony convictions and other serious crimes -- when their criminal acts occurred outside of the practice of law. However, because "the practice of law dichotomy

¹⁸ In doing so, the Court also rejected the lawyer's claims that any term suspension would violate his rights of freedom of speech and of association under the First Amendment to the United States Constitution. It also rejected any suggestion by the lawyer that he was denied due process in the USPTO proceeding.

is not absolute,” the Board recommended disbarment due to “the ferocity of the attack[,] its duration, [and] ... the profound harm suffered by the victim,” as well as aggravating factors which included the lawyer’s failure to participate in the disciplinary proceedings. A Single Justice (Wolohojian, J.) adopted the Board’s recommendation.

VII. ALTERNATIVE ACTIONS AND RESOLUTIONS

As in prior fiscal years, the OBC expended significant resources and obtained meaningful outcomes in other respects which furthered its mission of protecting the public and upholding the standard of the Bar.

a. Diversion, Probation and Compliance

When minor misconduct by a Massachusetts attorney can be remediated through education, practice management support, or rehabilitation, the OBC may recommend that the attorney enter a diversion agreement. Diversion is not “discipline” and is usually reserved for attorneys who have no previous record of misconduct and, in Bar Counsel’s judgment, are likely to benefit from the diversion and cause no harm to the public. If the attorney satisfies the conditions in the diversion agreement, then the OBC closes the underlying complaint without any further action.

In FY24, the OBC hired its first Assistant Bar Counsel to oversee the diversion program.¹⁹ She has over 20 years of legal experience in a variety of settings, including as a solo practitioner; as an employment advocate for individuals with mental health challenges; and as a volunteer with the Attorney for the Day program. With this background, she has a good understanding of the business operations and client services

¹⁹ In this role, the ABC also monitors respondent compliance with probationary conditions attached to investigations closed by the OBC with a warning; disciplinary orders with attached conditions (e.g., stayed suspensions); and conditional reinstatement orders.

required of a solo or small practice and therefore is able to suggest constructive resources to attorneys seeking to avoid ethical mishaps in the future. She also is comfortable making necessary connections for attorneys in need of additional support, such as with substance use disorder professionals and with peer-attorney mentors. Since joining the OBC, she has also collaborated regularly with the clinicians and advisors at Lawyers Concerned for Lawyers²⁰ so as to ensure that the attorneys under monitoring have the right scaffolding to successfully complete conditions. In FY25, the ABC consulted on numerous possible diversion candidates and ultimately approved eight of them based on an assessment of, *inter alia*, the degree of the misconduct; the attorney's attitude and receptiveness to change; and the availability of resources that can support the attorney's needs sufficiently.

By way of example, a lawyer was diverted in FY25 after displaying a lack of diligence in a client matter. The lawyer had to complete two CLEs and undergo an evaluation by the Law Office Management Assistance Program (LOMAP). The CLEs provided guidance on how to diligently represent clients while also balancing client demands for more attention than the attorney reasonably can give their matter. The LOMAP evaluation entailed the lawyer meeting with LOMAP's Senior Practice Management & Ethics Advisor, at which time they reviewed and assessed protocols for time management, communication, and client intake.

Before concluding any diversion, the ABC meets with the diverted attorney to discuss what the attorney learned. In the above example, the attorney reported that one of the CLEs caused him to implement more rigorous client intake procedures (so as to avoid

²⁰ LCL is an independent 501(c)(3) corporation, whose services are confidential per Mass. R. Prof. C. 1.6(d) and the privileges that are part of the therapist-client relationship.

taking every client that appeared at his proverbial door), while the other CLE identified ways to communicate more effectively with his clients (e.g., by following up important conversations and decisions with an email or letter). The attorney also implemented several suggestions from LOMAP, including an improved case management software, an online portal for client communications, and the adoption of common templates for the attorney's practice. The attorney has since reported that these improvements have had an immediate positive impact on his practice and his work/life balance.

b. Temporary Suspensions

Pursuant to SJC Rule 4:01, sec. 12A, Bar Counsel is empowered to seek the temporary suspension of an attorney's law license pending the outcome of a disciplinary investigation. Bar Counsel will seek such extraordinary relief when there is evidence that an attorney poses a threat of substantial harm to clients or prospective clients. Bar Counsel will seek this remedy in the most egregious matters such as when attorneys have misused and not returned client funds, when an attorney has been convicted of a very serious crime, or when an attorney is systematically engaging in serious and harmful misconduct (e.g., repeatedly taking retainers from clients while not doing any legal work). While temporarily suspended by the SJC, an attorney must shut down their practice immediately and notify clients, courts, and opposing counsel of their suspension. After the SJC temporarily suspends an attorney, Bar Counsel will finish the investigation into the matter and then file a petition with the Board seeking a final disciplinary order.

In FY25, the SJC Single Justice issued ten orders of temporary suspension, one being *Matter of Reid*, 41 Mass. Att'y Disc. R. __ (2025). During the investigation of that case, the OBC uncovered evidence that the lawyer had engaged in misconduct in no less

than 11 separate client matters. In each matter, the lawyer failed to do the legal work that he was hired to do and was unresponsive to his client's attempts to communicate with him, at times misrepresenting that he had done work that he had not, in fact, done. In some of these matters, the lawyer failed to refund his unearned legal fees after being terminated by the client. Additionally, the OBC determined that the lawyer had been acting maliciously towards his former clients, including by threatening to sue several of them for their bar complaints and telling other clients that they would be responsible for his legal fees for defending himself against their complaints.

Based on this evidence, the OBC filed a petition for temporary suspension, which was allowed by a Single Justice (Wendlandt, J.) on November 13, 2024. Bar Counsel thereafter completed its investigation and, on April 16, 2025, filed a 12-count Petition for Discipline alleging that the lawyer: (1) neglected multiple client matters, made material misrepresentations to clients concerning the status of their matters, and failed to refund unearned fees; (2) filed baseless actions against two of these clients in retaliation for their bar complaints; (3) engaged in a loud, disorderly, and threatening outburst toward a judge in one client matter; (4) failed to timely inform Bar Counsel that he was convicted of a crime as required by SJC Rule 4:01, § 12; (5) failed to keep IOLTA account records; (6) failed without good cause to cooperate with the OBC's investigation; and (7) failed to comply with the terms of the temporary suspension order. After the lawyer failed to respond to the petition, Bar Counsel recommended that he be disbarred. On September 16, 2025, the Single Justice entered an order to that effect.

c. Reinstatement Proceedings

In FY25, five suspended or disbarred attorneys filed petitions seeking their reinstatement to the Massachusetts bar. To be reinstated, petitioners need to prove that they are morally fit to resume practice and have maintained their learning in the law, and that their reinstatement would not be detrimental to the Bar, the public interest, or the administration of justice. Such issues are always addressed at a full evidentiary hearing presided by members of the Board.²¹ Bar Counsel's role is to investigate the petitioner's conduct while suspended or disbarred and, if applicable, introduce any evidence that the petitioner is not fit for reinstatement.

During FY25, final orders were entered on seven reinstatement petitions; four were allowed and three were denied. One of those matters -- *Matter of Catalano*, 40 Mass. Att'y Disc. R. ____ (2024) -- serves as a good illustration of how an individual who previously committed very serious misconduct can prove that "he has redeemed himself and become a person proper to be held out by the court to the public as trustworthy." *Matter of Diviacchi*, 491 Mass. 1003, 1005 (2022) (reinstatement denied) (internal quotations and citations omitted). The case also reflects how seriously the OBC takes its role as protector of the public while at the same time keeping in mind that "[a] fundamental precept of our system is that persons can be rehabilitated." *Matter of Ellis*, 457 Mass. 413, 414 (2010).

The petitioner in *Catalano* was disbarred in 1999 while serving a three-year suspension imposed in 1995. *See Matter of Catalano*, 15 Mass. Att'y Disc. R. 109 (1999). The disbarment was based on, *inter alia*, the petitioner's conversion of client funds and his

²¹ In FY25, there were four evidentiary hearings on petitions for reinstatement. This was slightly less than the seven hearings held during the prior fiscal year.

failure to advise his clients of his suspension in violation of the earlier suspension order (resulting in contempt). *Id.* at 113-114. In 2007, the Court extended the disbarment by eight years based on a showing by Bar Counsel that the petitioner was performing paralegal work without permission and had lied to his employer about having permission to do so. Ten years later, in 2017, the petitioner petitioned and was granted leave by the Court to work as a paralegal in a law office, which he performed for the next several years. In 2023, he filed his petition for reinstatement to the Bar. Given the long passage of time since his disbarment and what was later characterized by the Hearing Committee as a “complicated disciplinary history,” the petitioner had a high hurdle to meet his burden for reinstatement.

A three-day hearing on the petition for reinstatement followed. The petitioner testified insightfully about why he engaged in the prior misconduct and how he had changed. These insights were reinforced by witnesses who testified in support of reinstatement, including the petitioner’s ex-wife; the petitioner’s therapist; and two attorneys for whom the petitioner performed work as a paralegal. The attorneys also offered their observations as to the petitioner’s paralegal work over the prior six years, attesting to his legal acumen and giving him high praise for his diligence and legal skills.

Based on this extensive presentation, Bar Counsel recommended that the petitioner be reinstated. The Hearing Committee adopted this recommendation but on the conditions that the petitioner: (1) continue to see his therapist; (2) enter a mentor agreement with an attorney approved by Bar Counsel; (3) participate in a support group recommended by Lawyers Concerned for Lawyers; and (4) undergo an audit by Law Office Management Assistance Program if he opens his own law office after reinstatement. On September 20, 2024, a Single Justice (Gaziano, J.) entered an order to that effect.

VIII. EDUCATING THE BAR AND PUBLIC

The Office of Bar Counsel puts significant resources towards preventative education designed to help attorneys comply with the rules of professional conduct. It also undertakes to assist the public in recognizing and reporting unethical attorney conduct.

a. Ethics Hotline

As it has for many years, the OBC provided an “ethics hotline” fielding calls from Massachusetts attorneys three afternoons every week. In FY25, Assistant Bar Counsel responded to over 1,400 calls on the ethics hotline. Inquiries ranged from complicated questions involving conflicts of interest and representing clients who have given false testimony to more everyday questions regarding retaining client records, dealing with non-paying clients, and opening or closing a law practice.

b. Continuing Education Programs and Presentations

Providing quality education and meaningful outreach programs on the ethical duties of attorneys is a significant part of the OBC’s mission. The programs typically focus on everyday ethical dilemmas attorneys confront. In FY25, Assistant Bar Counsel were particularly busy in this regard, making 63 presentations to a wide audience, which included the following organizations and law schools.

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|---|---|
| ➤ American Bankruptcy Institute (Northeast) | ➤ Massachusetts Bar Association |
| ➤ Association of Family & Conciliation Courts | ➤ Massachusetts Black Lawyers Association |
| ➤ Boston Bar Association | ➤ Massachusetts Continuing Legal Education (MCLE) |
| ➤ Boston University School of Law | ➤ Massachusetts School of Law |
| ➤ District Attorney’s Offices | ➤ New England School of Law |
| ➤ Greater Boston Legal Services | ➤ National Organization of Bar Counsel |
| ➤ Innocence Network | ➤ Suffolk University Law School |
| ➤ JAMS Foundation | ➤ University of Connecticut |
| ➤ Lex Fellow Pre-Law Study Abroad | ➤ Western New England University School of Law |

In addition to this programming, the OBC devoted significant time and resources towards educating the Bar on the proper handling of client funds in IOLTA trust accounts. This was both a reflection of the fact that a significant percentage of OBC investigations typically emanate from noncompliance with Rule 1.15, as well as the enactment of certain amendments to the Rule which became effective at the beginning of the fiscal year. For example, our programming included, as in prior years, the sponsorship of a free, quarterly class on trust account recordkeeping (often in collaboration with bar groups). We also began offering an on-demand video re-broadcast of the class on our website.

As for the amendments to Rule 1.15 -- which, among other things, require attorneys to remit unclaimed and unidentified funds in their IOLTA accounts to the Massachusetts IOLTA Committee (MIC) -- the OBC worked collaboratively with the MIC to create affidavits for submission to the MIC to comply with the requirements of the newly effective Rules 1.15(h) and (i). In this effort, the OBC assisted the MIC in creating new agreements for financial institutions memorializing their agreement to comply with the Rule 1.15 amendments. In addition, the OBC worked alongside the MIC to develop resources explaining how attorneys can identify and appropriately report such funds as now required under the Rule. To assist members of the public with a known or unknown interest in such funds, the OBC also developed an online portal on the OBC/BBO website which identifies the names of people and entities whose unclaimed funds had been transferred to the MIC under the new Rules. The portal went “live” on September 1, 2024, and now accepts all claims for funds, which the OBC reviews and, when appropriate, approves for payment by

the MIC. Throughout FY25, the OBC processed numerous claims from individuals who saw their names posted on the OBC/BBO website.²²

c. Articles

Attorneys at the Office of Bar Counsel regularly write articles concerning aspects of the rules of professional conduct that are of interest to practitioners. These articles are easily accessible to practitioners on the Board's website under the "Resources" tab and promoted via additional outlets such as the OBC's LinkedIn page.

In FY25, the OBC continued its efforts to enhance the collection of articles by authoring several new articles on a wide range of topics, such as the following.

- In "*What If I Am the Subject of a Complaint Accusing Me of Ethical Misconduct*," the Bar Counsel, Richard C. Abati, responded to inquiries from the legal community about the possibility of politically-motivated disciplinary complaints. The article provided assurances to the Bar about the OBC's role as an independent body that is funded exclusively by registration fees (not public funds), conducts confidential investigations, and exercises prosecutorial discretion to present charges to the Board under the supervision of the Court.
- In "*Two Years of Fake Cases and the Courts Are Ratcheting Up the Sanctions*," ABC Heather LaVigne addressed how to ethically use Artificial Intelligence. The article covered not only the recent burst of sanction orders against lawyers who have misused AI (by, for example, "hallucinating" caselaw), but also provided practical guidance on which AI policies to implement in law offices.
- In "*Working with a Client Who Has Reported You*," ABC Robert Daniszewski discussed the ethical implications for a respondent-lawyer who learns that their client has filed a complaint against them. The article addressed the possible conflict of interest; the duty to continue the representation until the lawyer has been discharged or has formally withdrawn; the importance of trying to salvage the relationship; and what to do once the representation has been terminated.

²² Another significant amendment to Rule 1.15(h) was the requirement that financial institutions identify dormant IOLTA accounts and, in certain defined circumstances, transfer any undisbursed funds from the accounts to the MIC and also provide notice to the Board. Since the amendment's enactment, the OBC has been responsible for conducting a review of these notifications to determine if there are indications of possible attorney misconduct with respect to the account(s) at issue. If there are such indications, the OBC opens a file and conducts a confidential investigation into the matter.

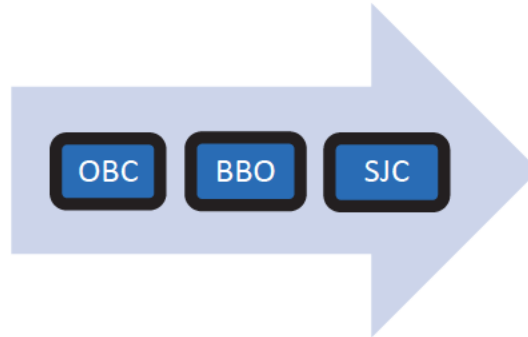
- In “*Ethical Rules Governing the Lawyer-Mediator in Massachusetts*,” ABC Inez Canada examined the ethical duties that arise when a lawyer acts as mediator in a contested matter, like a divorce. The article provided an overview of the relevant rules and offered practical tips on, among other things, how the lawyer-mediator can make the necessary disclosures, remain impartial, and draft a joint agreement for both sides at the end of a successful mediation.
- In “*Common Ethical Issues in Criminal Defense*,” James Corbo, an ABC in the ACAP department, analyzed the ethical issues that arise in criminal defense, with a particular focus on the ones that are most often the subject of client calls and written complaints to ACAP. Among other things, the article reviewed how important it is for lawyers in this field to evaluate their competence to handle the matter; to timely memorialize in writing the scope and financial terms of the representation; ensure they have no conflict of interest; and communicate effectively with the client.

Last but not least, throughout FY25, the OBC continued to act as a leading contributor to “Sign Posts,” the BBO’s quarterly e-newsletter that is sent to all attorneys in the Commonwealth. Among other things, the OBC has used the newsletter to inform the Bar about the release of significant bar discipline decisions, to highlight programs and resources on ethical issues, and to promote employment opportunities at the OBC.

IX. CONCLUSION

The OBC looks forward to continuing its fair and expeditious resolution of disciplinary complaints in FY26, with an unwavering commitment to protecting the public and maintaining the integrity of the legal profession.

APPENDIX A
THE DISCIPLINARY SYSTEM



The Office of Bar Counsel

The Attorney and Consumer Assistance Program (ACAP)

- The intake division of the OBC, comprised of lawyers and other professional staff
- Receives and reviews complaints against lawyers, ranging from very serious to relatively minor matters, as well as many requests for assistance that do not involve ethical misconduct
- Informally resolves matters when appropriate
- Refers serious complaints for further investigation and possible prosecution

The Prosecution Unit

- Comprised of a team of assistant bar counsel, investigators, and other professional staff
- Investigates allegations of ethical misconduct against lawyers by reviewing relevant documents, interviewing witnesses, interviewing respondents, and other available means
- Disposes of ethical complaints that do not warrant disciplinary action
- Proposes and obtains BBO approval for (private) admonitions and diversions in cases involving minor ethical misconduct
- Recommends public discipline to the BBO in cases involving serious misconduct

- Presents contested cases in evidentiary hearings to adjudicators: hearing officers, the BBO, and the SJC
- Conducts outreach aimed at educating lawyers about the rules of professional conduct and alerting the public to the protections offered by the lawyer discipline system

Board of Bar Overseers (BBO)

- A volunteer body appointed by the SJC that traditionally includes twelve members (four laypersons and eight attorneys)
- Reviews joint stipulations submitted by the OBC and lawyers, which, if approved, resolve disciplinary proceedings without a hearing
- Conducts evidentiary hearings in a select number of matters (i.e., petitions for reinstatement and hearings arising from a lawyer's conviction of a crime)
- Appoints hearing officers in other contested matters
- Decides appeals of hearing reports issued by hearing committees
- Files an Information with the SJC in matters where the recommended discipline involves a lawyer's suspension, disbarment, or disciplinary resignation
- Issues binding and final decisions in matters of less severe discipline or dismissal of charges (e.g., public reprimands, private admonitions)

Office of the General Counsel (OGC)

- A division of the BBO comprised of lawyers and other professional staff
- Serves as the in-house counsel to the BBO
- Advises and assists the volunteer hearing officers on behalf of the BBO
- Advises and assists the Board in issuing its decisions

Hearing Officers

- BBO-appointed volunteers who serve on committees of three (usually two lawyers and a layperson) or as a special hearing officer (always a lawyer)
- Preside over evidentiary hearings in contested discipline cases

- Issue hearing reports to the BBO setting forth factual findings, conclusions of law, and recommendations on the discipline to be imposed, if any

The Supreme Judicial Court of Massachusetts (SJC)

- Retains ultimate authority over lawyer discipline in Massachusetts
- Provides administrative oversight of the BBO, appoints BBO members, and approves the Board's appointment of the Bar Counsel
- Reviews and issues final orders with respect to all disciplinary sanctions involving suspension, disbarment, and disciplinary resignations