

**PAUL R. GORMLEY**

**Public Reprimand No. 2019-4**

**Order (public reprimand) entered by the Board on April 4, 2019.**

*The respondent received a public reprimand in a matter where he served as a court-appointed conservator. He was reprimanded for intentionally violating court orders, failing to fulfill his obligations as conservator, and failing to maintain trust funds in a separate interest-bearing account.*

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

The respondent received a public reprimand for intentionally violating court orders, failing to fulfill his obligations as conservator, and failing to maintain trust funds in a separate interest-bearing account.

The respondent was a sole practitioner in the Commonwealth for approximately 18 years. From 2012-2015, the respondent practiced primarily in the mental health area handling guardianships and commitments through Committee for Public Counsel Services (CPCS) appointments.

On January 9, 2013, the Essex County Family and Probate Court appointed the respondent as a temporary conservator of a ward for a period of ninety days. The court appointed the respondent permanent conservator on March 14, 2013, terminating his temporary appointment. The respondent was required to file an inventory within ninety days of his appointments as temporary conservator and permanent conservator, and an annual account in each matter. The respondent did not timely file an inventory and account as temporary conservator. The respondent also did not timely file an inventory as permanent conservator and petition for approval of the inventory as required.

In order to obtain a license to sell real estate of the ward, the respondent filed an inventory as permanent conservator on June 21, 2013. The real estate of the ward was sold on June 27, 2013 and the respondent deposited the proceeds from the sale into his IOLTA account. He did not place the funds in a separate interest-bearing account for the benefit of the ward.

The ward died on November 9, 2014, ending the conservatorship. On November 24, 2015, the personal representative of the ward's estate filed a petition to require the respondent to render accounts to the court and the petitioner. On July 8, 2016, the respondent filed a first and final account, inventory and a petition for order of complete settlement. These filings did not comply with the prior orders of appointment or the applicable statute. In December of 2016, the respondent retained counsel to represent him as conservator. The respondent then violated two court orders issued on July 26, 2017 and September 30, 2017, requiring him to file the required documents with the court resulting in a complaint for contempt against him. Neither the respondent nor his counsel appeared before the court for the contempt hearing on November 13, 2017. The court continued the matter until November 27, 2017, at which time the respondent's counsel appeared without the respondent. On November 28, 2017, the court found the respondent in contempt of court for willfully failing to comply with the clear and unequivocal orders the court issued on July 26, 2017 and September 30, 2017. The respondent subsequently retained successor counsel and, with the assistance of counsel, filed all outstanding documents.

By intentionally violating the court's orders, in contempt of court, the respondent violated Mass. R. Prof. C. 3.4(c) and 8.4(d) and 8.4(h). By failing to fulfill his obligations as conservator,

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

the respondent violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. By intentionally failing to maintain trust funds in a separate interest-bearing trust account, the respondent violated Mass. R. Prof. C. 1.15(e)(5)(ii) (as in effect before July 1, 2015).

The respondent was admitted to the bar of the Commonwealth on December 19, 1996 and had no history of discipline.

On February 13, 2019, bar counsel filed a petition for discipline and the respondent's answer and stipulation of the parties. The parties jointly recommended that the respondent receive a public reprimand. On March 11, 2019, the Board of Bar Overseers accepted the parties' recommendation and imposed a public reprimand.