

IN RE: GARY J. CELELLO WOODFIELD**NO. BD-2010-119****S.J.C. Order of Term Suspension entered by Justice Botsford on April 22, 2011.¹****SUMMARY²**

On September 27, 2010, the respondent, Gary J. Celello Woodfield, was suspended for nine months in Connecticut by the Superior Court for the Judicial District of New Britain, with his reinstatement conditioned upon reimbursement of any money owed to the Client Security Fund. The misconduct that resulted in the respondent's suspension was as follows.

By order dated November 10, 2008, the respondent had been placed on disciplinary probation for two years, one of the conditions of which was that he limit his practice to child protection matters assigned to him by the Commission on Child Protection. In violation of that condition, in February of 2009, the respondent agreed to represent a minor referred to him by a private source in obtaining services from the State Department of Children and Families. After receiving a retainer of \$875 from the source and speaking to the minor, the respondent agreed to file an action in court by June of 2009 but failed to do so. He then agreed to return the retainer but failed to do so. He also failed to provide a written fee agreement and charged an unreasonable fee, in violation of Connecticut's versions of Rules 1.5(b) and (a), respectively. Finally, he failed to respond to the disciplinary complaint against him in this matter.

In another matter, the respondent began representing an automobile accident client in 2003. Because the client had no medical insurance, the respondent provided the client's chiropractor with a "protection letter", agreeing to pay the chiropractor's charges from any settlement proceeds prior to paying the client. The respondent settled the case with one of two defendants in January of 2008, but made no payments to the chiropractor, whose final bill was approximately \$2,000. In mitigation of the respondent's misconduct in this matter, a daughter of the respondent died in an automobile accident in 2004, which resulted in ongoing physical and emotional problems and hospitalizations for the respondent's family members over the next several years. The respondent began counseling in the fall of 2008.

In aggravation, the respondent's disciplinary probation referenced above had resulted from his neglect of another personal injury case, resulting in the dismissal of that case. See Matter of Woodfield, 25 Mass. Att'y Disc. R. 631 (2008).

The respondent did not report the Connecticut suspension to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On December 3, 2010, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The Court issued an order of notice giving the respondent thirty days to show cause why reciprocal discipline should not be ordered in Massachusetts. The respondent did not reply to the order of notice. The Court, after notice, held a hearing on April 14, 2011, at which bar counsel appeared but the respondent did not. On April 22, 2011, the Court (Botsford, J.) entered an order suspending the respondent for nine months, effective immediately.

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 filed with the Supreme Judicial Court.