

**NO. BD-2011-017****S.J.C. Order of Term Suspension entered by Justice Gants on May 18, 2011.<sup>1</sup>****SUMMARY<sup>2</sup>**

On November 10, 2010, the respondent, Mary Notaris, was disbarred by the New Hampshire Supreme Court, with leave to apply for readmission no earlier than three years from the date of the order. The order further specified that the respondent must pass the New Hampshire Bar Examination and the Multistate Professional Responsibility Examination and comply with other court rules prior to readmission. The circumstances resulting in the respondent's disbarment were as follows.

The respondent was retained in September of 2007 to register a Massachusetts divorce decree in a New Hampshire court and to pursue a contempt action. The filing was time-sensitive. The respondent prepared a petition to register the divorce decree in October of 2007 and believed at the time that the petition was filed on or about October 16. In fact, however, the petition was not filed.

The respondent initially told the client she would send him a copy of what had been filed in October, but failed to do so. The respondent did file in December a pleading that purported to be a "second petition" and sent a copy of that to the client, but the respondent continued to ignore the client's requests for a copy of the October petition. Therefore, in May of 2008 the client filed a letter of complaint concerning the respondent with the New Hampshire Attorney Discipline Office (ADO).

The respondent initially failed to respond to requests from the ADO for a copy of the October petition. Then, on March 24, 2009, she provided the ADO with a petition that she claimed was the October petition. In fact, the respondent had fabricated this document by altering the purported "second petition" that had been filed in December.

The respondent met at her office with Disciplinary Counsel on April 3, 2009. Initially the respondent claimed that the document provided on March 24 was a copy of the petition filed in October, which she had only recently found because it had been mis-filed in another client's file. She claimed to have realized the mis-filing when she saw a petition to register a foreign decree listed on the pleadings index for the other client. Disciplinary Counsel asked to see the digital version of the pleadings index for the other client. While Disciplinary Counsel waited to examine the index, the respondent altered it by adding an entry for a petition to register a foreign decree. Later in the same meeting, the respondent admitted to Disciplinary Counsel that she did not have a copy of an October petition, that she had fabricated the version she provided on March 24 and that she had altered the digital version of the pleadings index for the other client.

The New Hampshire Supreme Court concluded that by failing to comply with reasonable requests for information from her client, the respondent violated Rule 1.4, and that by making false statements of material fact to and submitting altered documents to the ADO, the respondent violated 8.1(a), 8.4(a) and 8.4(c).

The Court agreed with its Professional Conduct Committee (PCC) that disbarment was the appropriate sanction for the respondent's misconduct. In aggravation, the PCC considered that the respondent had received a reprimand in 2001 for charging a clearly

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

excessive fee and a public censure in 2009 for a conflict of interest in a custody matter. In addition, the respondent received an admonition in Massachusetts in 2005 for neglect of a client matter and failure to cooperate with bar counsel's investigation; the respondent refunded her fee and agreed to pursue the matter to completion. In mitigation, the PCC considered that the respondent performed extensive pro bono and community services, including to the AIDS community and New Hampshire military families. Because of her pro bono and community involvement, the PCC recommended and the Court agreed that the respondent be permitted to apply for readmission after three years.

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

On February 23, 2011, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The parties waived hearing and assented to the entry of an order of a three year suspension. On May 18, 2011, the Court (Gants, J.) issued an order suspending the respondent for three years, effective immediately, with the respondent's reinstatement in Massachusetts conditioned upon her reinstatement in New Hampshire.