



NO. BD-2011-023

**S.J.C. Order Modifying Effective Date of Indefinite Term Suspension entered by
Justice Cordy on July 28, 2011.¹**

Page Down to View Memorandum of Decision and Order of August 15, 2011

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
BD-2011-023

IN RE: PAUL A. GARGANO

MEMORANDUM OF DECISION

On July 6, 2011, I entered an order indefinitely suspending Paul A. Gargano (respondent) from the practice of law, which he has appealed to the full court for review in accordance with the Modified Procedure for Appeals in Bar Discipline Cases. Subsequently, the respondent filed a motion captioned as a Motion for Clarification, in which he sought permission to continue representing current clients (in which litigation has been commenced) to the conclusion of their cases. Bar counsel opposed continuing generally the effective date of the respondent's suspension until his pending cases have been tried.

A telephonic hearing was held on July 25, 2011, in which the respondent contended that his current litigation clients would be harmed if he had to withdraw from their cases because it would be difficult if not impossible to secure successor counsel for them, and, at least with respect to some, because of the history and complexity of their cases. Following the hearing, the respondent submitted a list and a brief description of cases he is handling on behalf of twenty-four clients, for which he seeks a reprieve.

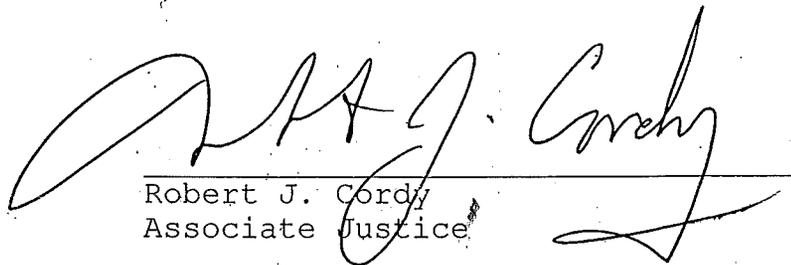
from the order of suspension.

I am not persuaded that a blanket postponement of the effective date of the respondent's suspension as to all of the cases brought on behalf of these clients is warranted. I am, however, cognizant of the difficulties that some of these clients may have in timely securing substitute counsel.

Consequently, I am modifying the order of indefinite suspension in the following respects. First, the effective date of the order of indefinite suspension shall be extended an additional sixty days to allow more time for the orderly transfer of the respondent's clients and their cases to other counsel, and/or the winding up and completion of client work in progress. That is, the effective date of the suspension will be ninety days from the entry of the original order on July 6, 2011. All of the other dates in the order are also extended sixty days. Second, if there are truly hardship cases amongst the list filed with the court, that is, cases in which, despite best efforts, successor counsel cannot be obtained, and in which the client will suffer significant and imminent prejudice in matters scheduled for trial or disposition, I will consider exempting those cases from the suspension order until the full court acts on the respondent's appeal. Provided that, no later than September 2, 2011, a list of such hardship cases identified by client and case name, docket numbers, parties, opposing counsel, and scheduled proceeding

dates, is filed with this court, along with an explanation of why successor counsel could not be obtained, and the basis for the imminent prejudice. Also to be provided is a statement from each of the clients listed that they have been made aware of the order suspending the respondent from the practice of law and his pending appeal, that they desire to have the respondent continue representing them in the particular case filed on their behalf, and that they are aware that despite their wishes, the respondent may be barred from doing so. I expect any such list of cases to be substantially shorter than the list of twenty-four recently presented.

These modifications are conditioned on the respondent not engaging any new clients during the pendency of his appeal and not filing appearances in any matters not already in litigation.



Robert J. Cordy
Associate Justice

Entered: July 28, 2011

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No: BD-2011-023

IN RE: Paul A. Gargano

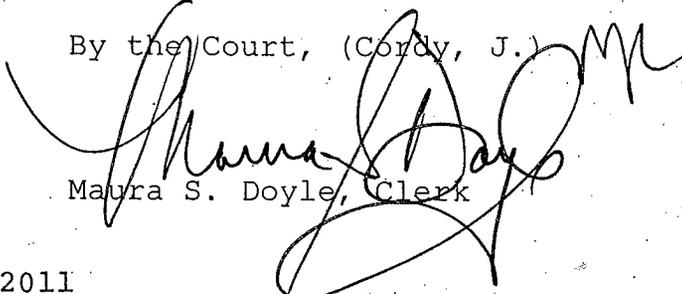
ORDER MODIFYING EFFECTIVE DATE
OF INDEFINITE SUSPENSION

This matter came before the Court, Cordy, J., presiding on Paul A. Gargano's Motion for Clarification of this Court's July 6, 2011 Order of Indefinite Suspension. Upon consideration thereof, and in accordance with the Memorandum of Decision dated July 28, 2011, it is ORDERED that:

1. PAUL A. GARGANO is hereby suspended from the practice of law in the Commonwealth of Massachusetts for an indefinite period, the effective date of which shall be October 6, 2011, ninety days after July 6, 2011, the entry date of the original Order of Indefinite Suspension.

2. The filing of all notice requirements pursuant to paragraph 2 of this Court's July 6, 2011 original Order of Indefinite Suspension is extended to September 18, 2011. The filing requirements of an Affidavit of Compliance with the Office of Bar Counsel and the Clerk of the Supreme Judicial Court for the County of Suffolk, pursuant to paragraph 3 and paragraph 4 of the July 6, 2011 Order are extended to September 26, 2011.

By the Court, (Cordy, J.)


Maura S. Doyle, Clerk

Entered: August 15, 2011