

**NO. BD-2011-025****S.J.C. Order of Term Suspension entered by Justice Duffly on August 4, 2011.<sup>1</sup>****SUMMARY<sup>2</sup>**

On December 14, 2010, the respondent, Mary Anne Mullen Nagy, was suspended from the practice of law by the Supreme Court of California for one year, with said suspension stayed; the respondent was actually suspended for 90 days and until the State Bar Court grants a motion to terminate the actual suspension. The circumstances resulting in the respondent's discipline involved her noncompliance with conditions of a prior reproof, as follows.

The respondent had initially entered into an agreement in lieu of discipline that contained conditions with which she failed to comply. In April of 2009, the respondent entered into a stipulation with the State Bar for a private reproof for failure to comply with the conditions of the agreement in lieu of discipline and for misconduct in two client matters. In the reproof order, the respondent was ordered to comply with a number of conditions for three years, including that she submit written quarterly reports certifying her compliance with the conditions.

In February of 2010, the State Bar filed a notice of disciplinary charges alleging that the respondent had not complied with a number of conditions of the reproof, including that she had failed to submit the first two quarterly reports. The respondent was properly served with the notice but did not respond and was defaulted. The State Bar Court found on the record that the respondent had failed to comply with the conditions of the reproof. In aggravation, it found that the respondent had a disciplinary history for similar misconduct—the private reproof for failure to comply with the conditions of the agreement in lieu of discipline.

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

On March 16, 2011, 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 and did not appear at a hearing on July 29, 2011. On August 4, 2011, the Court (Duffly, J.) entered an order suspending the respondent for one year effective immediately, with the respondent to be actually suspended for the first three months and the remaining nine months to be stayed. The order further provided that the respondent's reinstatement to the Massachusetts bar shall be conditioned upon (1) the termination of her suspension by the California State Bar Court, (2) the respondent's compliance with any conditions of probation, if any, imposed by the State Bar Court for the same period of time established by the State Bar Court for compliance with its conditions, and (3) the respondent's passing the Multistate Professional Responsibility Examination within one year after the date of entry of this order, or the period of her suspension, whichever is longer.

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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.