

**NO. BD 2011-043****S.J.C. Order of Term Suspension entered by Justice Duffly on May 11, 2011, with an effective date of June 10, 2011.¹**

(S.J.C. Judgment of Reinstatement entered by Justice Duffly on October 5, 2012.)

SUMMARY²

In 2002, the respondent married his first wife. There were no children of the marriage. Sometime in early 2005, the two were separated and the respondent left the marital home. In the summer of 2007, the respondent approached his first wife about a divorce but she was not cooperative.

In October of 2007, while still legally married, the respondent became engaged to another woman. The respondent told her that he had never been married. On April 11, 2008, the respondent and the other woman applied for a Notice of Intention of Marriage (commonly referred to as a marriage license) at a local town hall. On the application, the respondent falsely reported under the penalties of perjury that his contemplated marriage was to be his first marriage and that there were no known impediments to the marriage.

On May 31, 2008, the respondent married his “second wife”, knowing that he was still married to his first. The second wife was unaware that the respondent had been previously married.

On June 12, 2008, the respondent, for the first time, admitted to his second wife that he had been married before and then falsely claimed that he believed his marriage to his first wife had been annulled in 2002. Thereafter, the respondent was ultimately divorced from his first wife and the marriage to his second wife was annulled.

In marrying and subsequently seeking an annulment from the respondent, the second wife and her family incurred substantial expenses. The emotional distress caused by the respondent’s deception resulted in the second wife becoming depressed and receiving professional counseling for over one year.

The respondent’s false statement under oath to a governmental agency to gain a public benefit to which he was not entitled is conduct in violation of Mass. R. Prof. C. 8.4(c) and (h). The respondent’s false or misleading statements to and conduct toward his second wife, which reasonably led her to believe that he was free to lawfully marry, and his misrepresentations to her that he had never been married and that he believed his first marriage had been annulled in 2002, is conduct in violation of Mass. R. Prof. C. 8.4(c) and (h).

In aggravation, the respondent was experienced in the practice of law, including some experience in the field of domestic relations. In addition the respondent received an admonition in 2007, for signing a deed knowing or having reason to know that his signature

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.

on the deed would be notarized out of his presence. There were no facts in mitigation, but in context of discipline, the respondent's first marriage was compromised by serious health issues of his first wife that caused the respondent depression, anxiety and difficulty working.

On March 16, 2011, this matter came to the attention of the board with a petition for discipline and an answer and stipulation of the parties, recommending to the board a term suspension of one year, with the later six months of the suspension stayed for one year, subject to two conditions: i) the respondent's reinstatement to the practice of law is conditioned on his taking and passing the Multi-State Professional Responsibility Exam within six months of the effective date of the order of term suspension and ii) the respondent shall obtain an assessment for Lawyers Concerned for Lawyers and abide by any recommendations.

On April 11, 2011, the board voted to accept the stipulation of the parties and to file an Information with the Court recommending a one-year suspension, with the last six months stayed, subject to the conditions stated in the stipulation. On May 11, 2011, the Court so ordered, effective in thirty days.