

**IN RE: WILLIAM E. SCANNELL****NO. BD-2011-078****S.J.C. Order of Term Suspension entered by Justice Spina on January 7, 2013.<sup>1</sup>****SUMMARY<sup>2</sup>**

On October 12, 2010, the respondent was retained to represent a client in filing a Chapter 13 bankruptcy petition. The respondent agreed to file the bankruptcy petition by October 19, 2010 to stop a pending wage garnishment action against the client. In order to file a Chapter 13 petition for bankruptcy, the client was required to personally participate in a credit counseling session and to certify that she had done so in the bankruptcy filings. During the meeting on October 12, 2010, the respondent told the client of the credit counseling requirement and that he would take care of it for her. The respondent never advised the client that her personal participation in the credit counseling was required.

On October 18, 2010, the respondent's secretary falsely presented herself as the client to the credit counselor during an online counseling session, with the knowledge and consent of the respondent. The credit counselor issued a "Certificate of Counseling" and certified that the client participated in the credit counseling session. On October 19, 2010, the respondent electronically filed a Chapter 13 petition for bankruptcy with required exhibits with the bankruptcy court. On "Exhibit D" of the filing, the respondent represented that the client complied with the credit counseling requirement knowingly and falsely. The respondent also placed the client's electronic signature on "Exhibit D" to certify, under the pains and penalties of perjury, that the information on the form was true and correct when the respondent knew the information was false.

In mitigation, the respondent self-reported the misconduct to bar counsel. In aggravation, the respondent has a prior disciplinary history which consists of a suspension in June of 2012 for a year and a day, with the first three months to be served, as a result of four criminal convictions over the course of a twelve year period, and for failing to report two of the convictions to bar counsel. *Matter of Scannell*, 28 Mass. Att'y Disc. R. \_\_\_\_ (2012). The respondent did not petition for reinstatement on October 26, 2012, the date he became eligible to apply from the prior suspension.

By causing his secretary to impersonate a petitioner in bankruptcy during a required credit counseling session, the respondent violated Mass. R. Prof. C. 4.1(a) and (b), 5.3(b) and (c), and 8.4(c) and (d). By filing a false certificate with the Bankruptcy Court stating that the client had personally received credit counseling, and by signing the client's name to the certification that she had obtained credit counseling and that all the information in the petition was true and correct, the respondent violated Mass. R. Prof. C. 3.3(a)(1) and 8.4(c) and (d).

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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> Complied by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

On November 27, 2012, a petition for discipline and respondent's answer to the petition for discipline and stipulation of the parties was filed with the board jointly recommending that the respondent be suspended from the practice of law for one year and one day, retroactive to October 26, 2012, the date when the respondent was eligible to apply for reinstatement from his prior suspension. On December 10, 2012, the board voted to accept the stipulation of the parties and their joint recommendation to file an Information with the Supreme Judicial Court. On January 7, 2013, the Court entered an order suspending the respondent from the practice of law for a period of one year and one day, retroactive to October 26, 2012.