



IN RE: WILLIAM E. SCANNELL

NO. BD-2011-078

S.J.C. Judgment of Reinstatement entered by Justice Spina on June 1, 2015.¹

Page Down to View Hearing Panel Report

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

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT**

_____)
In the Matter of)

WILLIAM E. SCANNELL,)

Petition for Reinstatement)
_____)

SJC No. BD-2011-078

HEARING PANEL REPORT

I. Introduction

On November 10, 2014, represented by counsel, William E. Scannell filed with the Supreme Judicial Court a petition seeking reinstatement from term suspension. Following our allowance of a motion to amend the petition, we have before us a single petition for reinstatement addressing two suspensions, which we describe below. See Matter of Scannell, S.J.C. No. BD-2011-078 (June 26, 2012) and Matter of Scannell, S.J.C. No. BD-2011-078 (January 7, 2013) (both decisions disclosed in, and copies attached to, the petitioner's original responses to the reinstatement Questionnaire, Part One, and included in Ex. 2).

We received evidence under the petition at an evidentiary hearing on February 13, 2015. The petitioner testified on his own behalf and called three additional witnesses – two lawyers and his non-lawyer sponsor in Alcoholics Anonymous. Bar counsel called no witnesses. Eleven exhibits (Nos. 1-7; 9; and 12-14. See Tr. 69-71) were admitted into evidence. The petition was

not opposed by Bar Counsel, who recommended – with the petitioner’s assent (Tr. 177-178) -- that the petitioner’s reinstatement be conditioned on his consultation with the Law Office Management Assistance Program within ninety days of reinstatement.

After considering the documentary evidence and the testimony, this panel finds that the petitioner has met his burden in these proceedings. He has demonstrated the required competence and learning in the law. He has demonstrated moral reform, as well as a support system to assist in maintaining his recovery from the alcoholism that was at the root of his misconduct. He has provided ample assurance he is again worthy of the public trust. Based on these findings and our conclusion that the petitioner’s reinstatement will not be detrimental to the public welfare, the standing of the bar, and the administration of justice, we recommend that the petition of William E. Scannell for reinstatement be allowed, on certain conditions.

II. Standard

A petitioner for reinstatement to the bar bears the burden of proving that he possesses “the moral qualifications, competency, and learning in the law required for admission to practice law in this Commonwealth,” and that his “resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest.” S.J.C. Rule 4:01, § 18(5); Matter of Daniels, 442 Mass. 1037, 1038, 20 Mass. Att’y Disc. R. 120, 122-123 (2004) (rescript). See Matter of Dawkins, 432 Mass. 1009, 1010, 16 Mass. Att’y Disc. R. 94, 95 (2000) (rescript); Matter of Pool, 401 Mass. 460, 463, 5 Mass. Att’y Disc. R. 290, 293 (1988). Rule 4:01, § 18(5) establishes two distinct requirements, focusing, respectively, on (i) the personal characteristics of the petitioner; and (ii) the effect of reinstatement on the bar and the public. Matter of Gordon, 385 Mass. 48, 52, 3 Mass. Att’y Disc. R. 69, 73 (1982).

In making these determinations, a panel considering a petition for reinstatement “looks to ‘(1) the nature of the original offense for which the petitioner was [suspended], (2) the

petitioner's character, maturity, and experience at the time of his [suspension], (3) the petitioner's occupations and conduct in the time since his [suspension], (4) the time elapsed since the [suspension], and (5) the petitioner's present competence in legal skills." Daniels, 442 Mass. at 1038, 20 Mass. Att'y Disc. R. at 122-123, quoting Matter of Prager, 422 Mass. 86, 92 (1996), and Matter of Hiss, 368 Mass. 447, 460, 1 Mass. Att'y Disc. R. 122, 133 (1975).

III. Disciplinary Background

The first suspension: On June 26, 2012, the petitioner received a suspension for a year and a day, with three months of the suspension to be served and the balance stayed for two years on conditions, and with the petitioner eligible for "automatic reinstatement" at the end of the three months of served suspension.¹ The order of suspension was based on the petitioner's criminal convictions for separate incidents over the course of twelve years of: assault and battery (1999); operating a motor vehicle under the influence of alcohol (2003); OUI, second offense, and related child endangerment during OUI (2011); and negligent operation of a motor vehicle (2011). In addition, the petitioner initially failed to report to bar counsel his convictions in 1999 and 2003. He reported them after he learned that the first two criminal dispositions -- admissions to sufficient facts that were disposed by continuance without a finding on conditions -- were by definition included in the disciplinary concept of "conviction" and, therefore, subjects of mandatory reporting. Tr. 20-22 (Scannell); Ex. 2, at 000014-000021; S.J.C. Rule 4:01, §§ 12(1), 12(8).

The second suspension: On January 7, 2013, the petitioner received a suspension for a year and a day retroactive to October 26, 2012, the expiration date of his three months of served

¹ The panel in that matter found that since achieving his current sobriety, the petitioner had "followed diligently" the terms of his criminal probation. Ex. 2, at 000019. Based on the panel's report the board recommended, and the Court ordered, that the stay of the balance of his suspension be conditioned on continued sobriety and attendance at meetings of alcoholics anonymous as required by his criminal probation; and obtaining an evaluation from Lawyers Concerned for Lawyers and entering into a monitoring agreement with it. Matter of Scannell, S.J.C. No. BD-2011-078 (June 26, 2012). The petitioner's criminal probation ended on February 1, 2013. Tr. 34 (Scannell).

suspension in the first matter. During 2010, the petitioner filed a bankruptcy petition that asserted his client had attended mandatory credit counselling. The petitioner affixed his client's signature to a certification that this assertion, along with others in the petition, was true. In fact, the petitioner had told the client he would "take care of" the credit counselling requirement. With his knowledge and consent, his secretary posed as the client during an online counselling session. The petitioner's sanction in this matter took into account his first suspension.

We credit the petitioner's testimony about this second matter, as follows: The petitioner's misrepresentations to the bankruptcy court occurred when his client faced an imminent wage garnishment and needed immediate bankruptcy protection. Tr. 38-39 (Scannell). His misconduct came to light when his client, dissatisfied with him, discharged him as counsel and complained to the United States Trustee. Tr. 34, 36-38 (Scannell). When the United States Trustee contacted the petitioner, the petitioner made full disclosure and apologized. At the Trustee's suggestion, the petitioner refunded the client's \$5,000 fee. Tr. 34-35, 36, 40-41, 42-44 (Scannell). The matter was put before the bankruptcy judge, who neither sanctioned the petitioner nor reported the matter to bar counsel. Tr. 41 (Scannell). As bar counsel and the petitioner agreed in mitigation when presenting the board with their stipulation for discipline concerning this matter, the petitioner reported the incident to bar counsel. *Id.*

IV. Findings

A. Moral Qualifications

The petitioner met his burden under S.J.C. Rule 4:01, § 18 to demonstrate that he now has the moral qualifications for admission to practice in Massachusetts.

The petitioner is a recovering alcoholic. The connection between the petitioner's alcoholism and his criminal convictions is as evident to this panel as it was to the hearing panel in his first suspension. There, while the hearing panel found that the petitioner's alcoholism substantially contributed to or caused his misconduct, it also found he had not yet sufficiently

demonstrated a sustained recovery to warrant more than a moderate downward departure in sanction. Therefore, we discuss the more recent evidence of his sustained recovery from alcoholism. As we do so, the relevance of his recovery to his eligibility for reinstatement from his second suspension will become clear.

The petitioner, admitted to the bar in February 1994, Tr. 12 (Scannell), has long struggled with alcoholism. He first participated in Alcoholics Anonymous as a seventeen year old high school senior, and he maintained sobriety for a year. Tr. 14 (Scannell). He had periods of sobriety and relapse during college and until around 1991, when he was about twenty-four years old. Tr. 14-15, 26-27 (Scannell). At that point, he managed to attain and maintain sobriety until his relapse around mid-1998, after he had opened his own firm. Tr. 14-15, 27 (Scannell). By then he was married and a father. Tr. 15 (Scannell).

Because of his relapse, he ultimately lost everything he had worked for over the previous eighteen years. Tr. 97-98 (Scannell).

After about eleven and a half years of alcohol abuse, Tr. 27 (Scannell), the petitioner regained sobriety on January 31, 2011, and he has maintained it since then. Tr. 19 (Scannell); Ex. 7, at 000096. He has done so despite personal hardships, including a catastrophic back injury and the death of a friend. Tr. 98-99 (Scannell); Ex. 7, at 000098, 000107.

The event initiating the petitioner's sustained sobriety was his trial and conviction on February 1, 2011, for child endangerment, negligent operation, and operating a motor vehicle under the influence of alcohol while his son – then fourteen years old – was in the car. Tr. 22 (Scannell). This incident was part of the basis for his first suspension. The petitioner credibly described that trial and conviction as “the beginning of ... the best transformation in my life,” Tr. 22-23 (Scannell), as a result of which he is “not the person [he] was four and a half, four years ago.” Tr. 26 (Scannell); see also Tr. 76 (Scannell); Tr. 129-130 (Souza); Tr. 151-152 (Tobin); Ex. 7, at 000106.

To effectuate the transformation, the petitioner for the first time undertook seriously the recovery program sponsored by Alcoholics Anonymous. Tr. 23 (Scannell); Ex. 7, at 000111-112. His earlier participation with AA had been somewhat perfunctory. Tr. 24-25 (Scannell). Sobriety had been merely a means to his primary goal of material success. Tr. 23, 76 (Scannell); Questionnaire, Part One [Ex. 1], at 000012; Ex. 7, at 000111. Having achieved material success as a lawyer, therefore, he relapsed into alcohol abuse. Tr. 24 (Scannell). Since February 2011, in contrast, the petitioner's "entire life revolves around sobriety." Tr. 28 (Scannell). It is his first priority, Tr. 77 (Scannell); Tr. 129-130 (Souza), because if he does not keep sobriety "in the number one position then [he does not] have anything else ... a relationship with [his] children ... the ability to be a lawyer ... a son to [his] parents. [He] can't do anything." Tr. 33-34 (Scannell); see also Tr. 150-151 (Tobin).

The petitioner's commitment to his sobriety -- and the support he receives from others committed to sobriety -- is evident from the corroborating testimony (Tr. 170, 173-174 (Galligan)) and his extraordinary efforts to continue his participation in AA notwithstanding his back injury. In September 2013, while the petitioner was driving an all-terrain vehicle, one of the tires on the petitioner's ATV blew out, and in the resulting accident the petitioner's back was broken in three places. Tr. 48 (Scannell); Ex. 7, at 000098. The petitioner emerged from more than ten hours of surgery with his spine fused and braced by two titanium rods and thirteen screws. Tr. 48-49 (Scannell); Ex. 7, at 000098. He was bed-ridden for about two months. *Id.* During this time, fellow members of AA came to the petitioner's hospital room and his home to conduct meetings, providing petitioner with the support he credits for getting him through his recovery. Tr. 49 (Scannell); Ex. 7, at 000098.

The changes in the petitioner's life and outlook include a new focus on work-life balance, spirituality, and helping others. Tr. 77-78 (Scannell); Ex. 7, at 000104, 000106, 000111. He has been an active, engaged member of Alcoholics Anonymous. Tr. 28 (Scannell); Tr. 162-163 (Galligan); Ex. 7, at 000096-97, 000105; Ex. 1, Answer 3B, at 3. He has surrounded himself

with a network of sober people, including alcoholics in recovery, who support him in his recovery, Tr. 30-31 (Scannell); Ex. 7, at 000096, and who help him handle the challenges of his professional and personal life. Tr. 100-101 (Scannell). He has completed the twelve-step recovery program implemented by AA, Tr. 28 (Scannell); Tr. 137-141, 142-147 (Tobin), including the tasks of making amends for his personal and professional misconduct. Id., Tr. 24-25 (Scannell). He sponsors other alcoholics seeking recovery. Tr. 28, 32, 78 (Scannell); Tr. 167-169 (Galligan); Ex. 7, at 000101.

The petitioner also assists more broadly in others' recovery. He conducts study groups in his home and speaks at AA meetings, hospitals and detox centers in eastern Massachusetts and at treatment facilities in Brockton and Plymouth. Tr. 28-30 (Scannell); Tr. 162-165 (Galligan); Ex. 7, at 000097, 000106; Ex. 1, Answer 3B, at 3. In addition, he has been an active participant at Lawyers Concerned for Lawyers, attending regular monthly meetings and workshops and successfully completing a two-year monitored probationary period. Tr. 31, 65-66 (Scannell); Ex. 1, Answer 3B, at 3; Ex. 7, at 000100, 000101.

The petitioner recognizes how his alcoholism harmed his family; he escaped his workaholic tendencies through his solitary alcohol abuse at home. Tr. 31-32, 93-94 (Scannell); Ex. 7, at 000110, 000113. He thanks his sobriety for recovering his family. Tr. 74 (Scannell); see also Ex. 7, at 000102. The petitioner now has an excellent relationship with his ex-wife, who wholeheartedly supports his reinstatement and confirms his full commitment to sobriety. Ex. 7, at 000110-000112. The petitioner's recovery has enabled him to become a better, fully committed father. Tr. 32, 74, 90-93 (Scannell); Ex. 7, at 000110-111. Within two years of his sobriety date both his sons had asked to come to live with him, and his ex-wife agreed with that arrangement. Tr. 60, 73 (Scannell); Ex. 7, at 000111.

Further, his participation in others' recovery has shown him the reward of helping other people. Tr. 32-33, 74-75 (Scannell); Ex. 1, at 000013; Ex. 7, at 000097, 000102.

We find, on essentially the same factual basis, that the petitioner has demonstrated reform concerning his misrepresentations to the bankruptcy court. Generally, the petitioner is remorseful for all of his misconduct, for which he takes full responsibility. Ex. 7, at 000106, 000114. The petitioner also forthrightly acknowledges the wrongfulness and intentionality of his misrepresentations to the bankruptcy court. Tr. 39-40 (Scannell). We credit that this was the only incident of such misrepresentation, and that it occurred in emergent circumstances. Tr. 38-39 (Scannell). Further, it occurred in the depths of his alcoholism, which affected his judgment. Tr. 39 (Scannell). The petitioner's disclosure to the United States Trustee and to the bankruptcy court of his misrepresentation was integrally related to his commitment to his newly-attained sobriety. His recovery requires complete honesty without regard to the consequences, in the service of pursuing sobriety with "an absolutely clean slate." Tr. 41-43 (Scannell). See also Tr. 170 (Galligan) ("[The petitioner] has an unbelievable commitment to the program ... Today it's about a way of life. It's about living an honest life"), and Ex. 7, at 000097, 000106.

Our conclusion that the petitioner is currently a person of good moral character is buttressed by other points.

In the five years leading up to his suspension, the petitioner handled almost 3,000 bankruptcy cases and as-of his suspension he had about 400 or 500 open bankruptcy cases. Tr. 16-17 (Scannell). We are favorably impressed with the petitioner's responsible and thorough-going efforts to ensure the smooth transition of his cases to competent successor counsel. Tr. 17-18 (Scannell); Tr. 117-119, 120-121, 123-124 (Souza); Ex. 7, at 000114. These efforts included refunds to clients of their retainers, Tr. 18-19 (Scannell), as well as full and forthright acknowledgment of his wrongdoing. Tr. 118, 120-121 (Souza). No claims were made against the petitioner through the Client Security Board, and no orders of repayment issued against him from any source. Tr. 19 (Scannell).

The petitioner has engaged in additional charitable and spiritual work. He is an active member in, and the treasurer of, Matt Talbot Group 5 of Easton, Massachusetts, an organization

of Christian men who assist each other to maintain sobriety and spirituality. Ex. 1 Answer 3B, at 3-4; Ex. 7, at 000097-98. A back injury compelled the petitioner to end his physical activities for My Brother's Keeper, a Christian charity based in Easton, Massachusetts, that helps the needy with food and furniture. Ex. 1, Answer 3B, at 4. Still, recently he has volunteered at the Holy Cross Retreat House where he serves meals to people on spiritual retreat. Ex. 1, Answer 3B, at 4.

A "fundamental precept of our system is that a person can be rehabilitated." Matter of Ellis, 457 Mass. 413, 414, 26 Mass. Att'y Disc. R. 158, 163 (2010). To be sure, the conduct giving rise to the petitioner's suspension is "conclusive evidence that he was, at the time, morally unfit to practice law..." Dawkins, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95 (citations omitted). That misconduct "continued to be evidence of his lack of moral character ... when he petitioned for reinstatement." Dawkins, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95, and to same effect, see Matter of Centracchio, 345 Mass. 342, 346 (1963), Matter of Waitz, 416 Mass. 298, 304, 9 Mass. Atty. Disc. R. 336, 342 (1993). Nonetheless, this petitioner has persuasively and amply demonstrated the "[r]eform ... a 'state of mind' ... manifested by some external evidence" (Waitz, 416 Mass. at 305, 9 Mass. Att'y Disc. R. at 343; see also Daniels, 442 Mass. at 1038, 20 Mass. Att'y Disc. R. at 123), that "establish[ed] affirmatively that, during his suspension period, he [has] redeemed himself and become 'a person proper to be held out by the court to the public as trustworthy.'" Dawkins, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95 (citations omitted); see also Matter of Ellis, 457 Mass. at 414, 26 Mass. Att'y Disc. R. at 163-164. He has led "a sufficiently exemplary life to inspire public confidence once again, in spite of his previous actions." Matter of Prager, 422 Mass. at 92, quoting Matter of Hiss, 368 Mass. at 452, 1 Mass. Att'y Disc. R. at 126.

B. Learning in the Law

The petitioner has met his burden under S.J.C. Rule 4:01, § 18 to demonstrate that he has the “competency and learning in the law required for admission to practice law in this Commonwealth.”

Lawyers who were acquainted with the petitioner’s practice before his suspension praise him for the learning and competence he displayed and the confidence he inspired in his clients. Tr. 117-118, 120, 122, 127-129 (Souza); Ex. 7; at 000108-109, 000113-114.

The petitioner has demonstrated commitment to continued learning. From January to October 2014, the petitioner attended twenty-one continuing legal education courses in Massachusetts and studied the course materials. Ex. 1, Answer 3G, at 5-6 and 3H, at 7. These covered various topics in contract, family and probate law, litigation, elder law, and estate planning. *Id.* He continued to attend CLE after filing his reinstatement papers. Tr. 50-51 (Scannell). He maintains a subscription to MCLE Online Pass and plans to continue taking seminars either in person or on line. Ex. 1, Answer 3G, at 6. In addition, he regularly reads various materials concerning bankruptcy law and creditors’ rights, as well as materials available through MCLE. Ex. 1, Answer 3G, at 7. These materials relate to fields of law in which he practiced before his suspension, Tr. 15-16 (Scannell) (general practice including probate and domestic relations, estate planning, and bankruptcy, with a concentration in bankruptcy at the time of his suspension), and to which he would return if reinstated. Tr. 50 (Scannell); Ex. 1, Answer 4, at 9. We note that the petitioner continued his legal education during his suspension despite a terrible back injury; he subscribed to a service allowing digital attendance at legal seminars. Tr. 47-50 (Scannell).

We are also favorably impressed with the petitioner’s thoughtful approach to resuming the practice of law, Tr. 80-81, 102-104 (Scannell); Tr. 124-125 (Souza), including consultation with the Law Office Management Assistance Program, Tr. 53-55, 61, 79-80 (Scannell), and

monitoring agreements with other lawyers. Tr. 55-57, 71-72 (Scannell); Tr. 125-126 (Souza); Tr. 152-153, 156, 158 (Tobin); Ex. 13; Ex. 14.

Considering the number of continuing legal education courses the petitioner has attended and their relation to his past and proposed practice, as well as the information before us that before his suspension the petitioner was a learned and capable practitioner, we find that he has the required competence and learning.

C. Effect of Reinstatement on the Bar, the Administration of Justice and the Public Interest

The public's perception of the legal profession as a result of the petitioner's reinstatement and the effect on the bar and the administration of justice must be considered. "In this inquiry we are concerned not only with the actuality of the petitioner's morality and competence, but also on the reaction to his reinstatement by the bar and public." Matter of Gordon, 385 Mass. at 53, 3 Mass. Att'y Disc. R. at 73. "The impact of a reinstatement on public confidence in the bar and in the administration of justice is a substantial concern." Matter of Waitz, 416 Mass. at 307, 9 Mass. Att'y Disc. R. at 345.

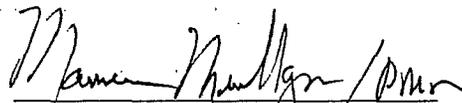
Given the quality and quantity of the petitioner's evidence of current moral fitness and learning and our findings based on that evidence, nothing more need be said to demonstrate that neither the public nor the bar nor the administration of justice would be affected adversely by the petitioner's reinstatement.

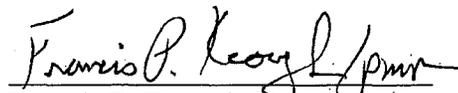
V. Conclusions and Recommendation

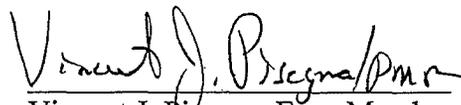
Based on the foregoing, we recommend that the petition for reinstatement filed by William E. Scannell be allowed on the following conditions:

- (a) As recommended by bar counsel and agreed by the petitioner, he shall consult with LOMAP within ninety days of his reinstatement and implement its recommendations; and
- (b) As proposed by the petitioner, he shall enter into and comply with the mentoring agreements copies of which were marked as exhibits 13 and 14 in these proceedings.

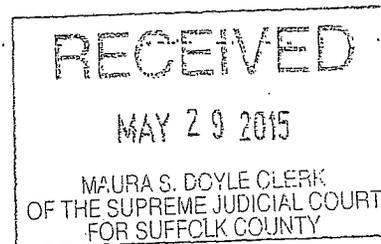
Respectfully submitted,
By the Hearing Panel,


Maureen Mulligan, Esq., Chair


Francis P. Keough, Member


Vincent J. Pisegna, Esq., Member

Filed: 3/11/15



MONITORING AGREEMENT

BD-2011-078

William E. Scannell (petitioner) and Arthur Stephen Tobin (monitor) hereby agree as follows:

1. This agreement is entered into in compliance with the conditions and terms of the petitioner's reinstatement as a member of the Massachusetts Bar.
2. The monitor is aware of the circumstances leading to the petitioner's suspension from the practice of law and has reviewed the records of the proceedings leading to the petitioner's reinstatement, the order of the Supreme Judicial Court reinstating the petitioner and the conditional terms of the petitioner's reinstatement.
3. The monitor was a witness in the reinstatement proceedings and testified that he was willing to act as a monitor for at least two years.
4. From and after the petitioner's resumption of active practice (whether full-time or part-time) and for two years thereafter, the petitioner's legal practice shall be reviewed by the monitor under the following conditions:
 - A. The monitor shall review the petitioner's cases to assure that the petitioner is maintaining adequate case management and inventory control, diligently pursuing his present cases, and maintaining appropriate communication with clients and other parties. The petitioner shall also consult with the monitor as necessary or appropriate, about any legal, factual or ethical problems and any and all matters affecting the petitioner's ethical or professional responsibility.
 - B. The monitor shall make quarterly reports to Bar Counsel on the topics set forth in subparagraph A, above. In addition and without limitation, the monitor shall report forthwith to Bar Counsel any material violation of this agreement or the terms or conditions, any illnesses, disability, problem or event that has rendered or might render the petitioner incapable of fulfilling his ethical or professional obligations.
 - C. Should the monitor become unable or unwilling to serve during the two year period, the petitioner shall notify the Bar Counsel and shall promptly propose a substitute monitor, subject to Bar Counsel's agreement, under the same terms as are set forth in this agreement.
5. The monitor shall treat as confidential all communications with the petitioner pursuant to this agreement in accordance with Mass. R. C. 1.6(c). The petitioner consents to the monitor's disclosure to Bar Counsel of any information requested by Bar Counsel and provided by the petitioner's compliance with this agreement or the conditions of reinstatement.
6. Petitioner shall use his best efforts to obtain malpractice insurance that covers errors and omissions of the petitioner in the amount of \$100,000.00 with standard deductibles.

7. All admissions made by petitioner to the monitor or Bar Counsel during the course of this agreement shall be admissible in these or any subsequent disciplinary proceedings.

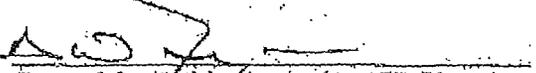
8. This agreement shall terminate at the end of two years after the petitioner's resumption of active practice, either full-time or part-time, so long as the petitioner has complied with the conditions contained herein.

Dated: 5/27/15



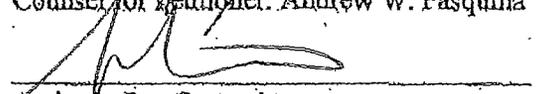
Petitioner: William E. Scannell

Dated: 5/27/15



Counsel for Petitioner: Andrew W. Pasquina

Dated: 5/29/15



Assistant Bar Counsel:

Dated:

Monitor: Arthur Stephen Tobin

MONITORING AGREEMENT

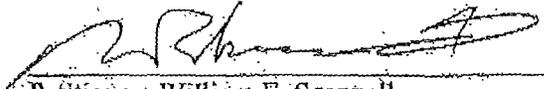
William E. Scannell (petitioner) and Thomas H. Souza (monitor) hereby agree as follows:

1. This agreement is entered into in compliance with the conditions and terms of the petitioner's reinstatement as a member of the Massachusetts Bar.
2. The monitor is aware of the circumstances leading to the petitioner's suspension from the practice of law and has reviewed the records of the proceedings leading to the petitioner's reinstatement, the order of the Supreme Judicial Court reinstating the petitioner and the conditional terms of the petitioner's reinstatement.
3. The monitor was a witness in the reinstatement proceedings and testified that he was willing to act as a monitor for at least two years.
4. From and after the petitioner's resumption of active practice (whether full-time or part-time) and for two years thereafter, the petitioner's legal practice shall be reviewed by the monitor under the following conditions:
 - A. The monitor shall review the petitioner's cases to assure that the petitioner is maintaining adequate case management and inventory control, diligently pursuing his present cases, and maintaining appropriate communication with clients and other parties. The petitioner shall also consult with the monitor as necessary or appropriate, about any legal, factual or ethical problems and any and all matters affecting the petitioner's ethical or professional responsibility.
 - B. The monitor shall make quarterly reports to Bar Counsel on the topics set forth in subparagraph A, above. In addition and without limitation, the monitor shall report forthwith to Bar Counsel any material violation of this agreement or the terms or conditions, any illnesses, disability, problem or event that has rendered or might render the petitioner incapable of fulfilling his ethical or professional obligations.
 - C. Should the monitor become unable or unwilling to serve during the two year period, the petitioner shall notify the Bar Counsel and shall promptly propose a substitute monitor, subject to Bar Counsel's agreement, under the same terms as are set forth in this agreement.
5. The monitor shall treat as confidential all communications with the petitioner pursuant to this agreement in accordance with Mass. R. C. 1.6(c). The petitioner consents to the monitor's disclosure to Bar Counsel of any information requested by Bar Counsel and provided by the petitioner's compliance with this agreement or the conditions of reinstatement.
6. Petitioner shall use his best efforts to obtain malpractice insurance that covers errors and omissions of the petitioner in the amount of \$100,000.00 with standard deductibles.

7. All admissions made by petitioner to the monitor or Bar Counsel during the course of this agreement shall be admissible in these or any subsequent disciplinary proceedings.

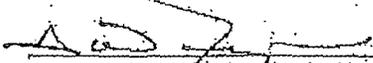
8. This agreement shall terminate at the end of two years after the petitioner's resumption of active practice, either full-time or part-time, so long as the petitioner has complied with the conditions contained herein.

Dated: 5/27/15



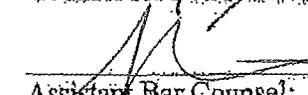
Petitioner: William E. Scannell

Dated: 5/27/15



Counsel for Petitioner: Andrew W. Pasquina

Dated: 5/29/15



Assistant Bar Counsel:

Dated:

Monitor: Thomas H. Souza

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Dated:

Petitioner: William E. Scannell

Dated: 5/27/15

Counsel for Petitioner: Andrew W. Pasquina

Dated: 5/29/15

Assistant Bar Counsel:

Dated: 5/27/15

Monitor: Thomas H. Souza