

**IN RE: EDWARD A CAREY, JR.****NO. BD 2011-097****S.J.C. Order of Term Suspension entered by Justice Duffly on November 1, 2011.¹****SUMMARY²**

On August 25, 1974, the respondent, then living in another state, married Jacqueline. There were no children of the marriage. At some point in 1979, the couple separated and the respondent left the marital home. In 1984, the respondent moved to Boston to attend law school, ultimately cutting off all ties to Jacqueline. The respondent was admitted to practice in Massachusetts in December 1988.

By November of 1995, the respondent had met and become engaged to Sheila. On November 16, 1995, while still married to Jacqueline, the respondent signed a Notice of Intention of Marriage in a local town clerk's office falsely certifying that his proposed marriage to Sheila was his first marriage, and that there was no legal impediment to the marriage. On November 26, 1995, Sheila and the respondent went through a marriage ceremony in Massachusetts. The respondent completed the ceremony without Sheila's knowing that he was still married to Jacqueline.

On April 29, 2000, a child was born of the purported marriage between the respondent and Sheila. The respondent did not disclose to Sheila that he had been previously married at any time prior to the application for a marriage license, the marriage ceremony or the birth of their child. Sheila was unaware that the respondent had been previously married and first learned of the prior marriage in January 2001, when she was served with papers from out-of-state regarding divorce proceedings initiated by Jacqueline.

On January 23, 2003, Jacqueline obtained a final judgment of divorce by default against the respondent. In or about March of 2009, Sheila retained counsel to assist her in filing for an annulment. On or about May 17, 2010, upon Sheila's filing of a complaint for

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.

annulment and an agreement for judgment, a judgment of annulment was entered between the respondent and Sheila, declaring the marriage void. Sheila was given sole legal and physical custody of the minor child of the marriage.

The respondent's false statement under oath to a governmental agency to gain a public benefit to which he was not entitled, was 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 purported wife, which reasonably led her to believe that he was free to lawfully marry, is conduct in violation of Mass. R. Prof. C. 8.4(c) and (h).

On May 26, 2011, bar counsel filed a petition for discipline against the respondent. The respondent failed to file an answer to the petition in conformance with the requirements of the Board of Bar Overseers Rule 3.15(d) and failed to cooperate in the disciplinary proceeding. Pursuant to S.J.C. Rule 4:01, § 8(3), the allegations were therefore deemed admitted. On September 12, 2011, the Board of Bar Overseers voted to recommend to the Court that the respondent be suspended for one year and one day and on September 26, 2011, an information was filed with the Supreme Judicial Court for Suffolk County. On November 2, 2011, the Court ordered a suspension of one year and one day, effective immediately.