IN RE: ROBERT A. O'MEARA

NO. BD-2011-132

S.J.C. Order of Term Suspension entered by Justice Botsford on December 28, 2011, with an effective date of January 27, 2012.[1]

(S.J.C. Judgment of Reinstatement entered by Justice Botsford on March 21, 2012.)

SUMMARY[2]

The respondent was duly admitted to practice in the Commonwealth of Massachusetts on June 19, 1997.

From about 1997 to 2011, the respondent was an attorney who accepted appointments from the Committee for Public Counsel Services (CPCS) to represent indigent criminal defendants on appeal. The respondent knew that he was not permitted by CPCS to accept assigned counsel appointments unless he had in effect professional liability insurance with minimum coverage amounts of $100,000/$300,000 and a maximum deductible of $10,000.

Between August 27, 2009, and December 26, 2010, the respondent was not covered by professional liability insurance. Throughout the period of August 2009 through December 2010, the respondent accepted appointments from CPCS to represent indigent defendants in knowing violation of his obligation to have in effect professional liability insurance.

On or about April 13, 2010, the respondent filed with the Board of Bar Overseers his Attorney Annual Registration Statement, on which he knowingly falsely certified that he was covered by professional liability insurance.

On December 30, 2010, the respondent obtained a professional liability insurance policy.

The respondent's conduct in knowingly falsely certifying to the Board of Bar Overseers that he was covered by professional liability insurance was in violation of Mass. R. Prof. C. 8.4(c) and (h).

The respondent's conduct in accepting appointments from CPCS knowing that he did not have in effect professional liability insurance violated Mass. R. Prof. C. 8.4(c), (d), and (h).

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[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.

The matter came before the Board of Bar Overseers on a stipulation of facts and joint recommendation for a two-month suspension. On December 12, 2011, the Board of Bar Overseers voted unanimously to accept the stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. The Court so ordered on December 28, 2011.