IN RE: SUSAN FRIERY

NO. BD 2011-134

S.J.C. Order of Term Suspension entered by Justice Spina on January 3, 2012, with an effective date of February 2, 2012.[1]

SUMMARY[2]

Beginning in August 1986, the respondent began to work on a part-time basis for a law firm in its New York office as a part-time paralegal and medical consultant. By that time, the respondent had taken four semesters of medical courses in a Ph.D. program in pathology at SUNY Buffalo School of Medicine, had been placed in clinical programs at hospitals and had other medical training in pathology and as a morgue technician. However, the respondent left the program in 1985 without a degree.

After her employment commenced with the firm, the respondent falsely represented to the firm that she had graduated from the College of Physicians and Surgeons of Columbia University. In August 1989, the respondent began to attend New York Law School while remaining a medical consultant and a paralegal at the firm. The firm encouraged the respondent to seek a law degree and paid 75% of her tuition. The respondent graduated from New York Law School in May 1993 and took the Massachusetts Bar in July 1993. She passed the exam and was admitted to practice in Massachusetts on December 15, 1993. The respondent was then admitted to the District of Columbia Bar in May 1995.

In December 1993, the respondent accepted a position as an associate at the firm. Her practice focused on medical issues in personal injury and medical malpractice cases. At this time, the respondent had a home in Massachusetts with her husband, but worked primarily in New York. In 2006, the firm opened an office in Massachusetts and that office, over time, became the respondent's base of operation. The respondent remained an associate in the firm until December 2009, when she was elected as a partner.

During her tenure at the firm, the respondent made or countenanced false representations as to her credentials, including but not limited to the following particulars:

a) The respondent's name appeared as "M.D." or "Dr." on the firm's letterhead, business cards, notices of appearance, legal memorandum and other documents filed in numerous courts;

b) On divers times, the respondent was professionally addressed, introduced as, and introduced herself, both orally and in writing, to clients, colleagues, stenographers, firm employees, opposing counsel, medical providers and others as, "Dr. Friery" or as a medical doctor or as a physician;

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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.

c) The respondent held herself out to bar associations, bar association committees, and other professional groups as a doctor or physician; and

d) The respondent presented at and attended CLE trial lawyer association seminars and meetings in which she falsely represented that she had graduated from medical school and was a medical doctor.

Beginning in 1998, the firm promoted the respondent's credentials, including her alleged medical degree, her specialization and training in forensic pathology and her medical experience, in its web-based marketing. When the firm elected the respondent as partner in 2009, it lauded her alleged medical credentials in a press release, including that she had graduated from the Columbia's medical school, in the top one-percent of her class, was a licensed medical doctor and had worked as such in numerous hospitals.

In January of 2011, the respondent resigned from the firm and in August 2011, disclosed for the first time that she had not graduated from medical school and was not a medical doctor. From the time the respondent first represented to the firm that she had graduated from medical school and continuing until August 2011, the firm did not know that the respondent had not graduated from medical school and was not a medical doctor.

There is no indication that the respondent's misrepresentations had any adverse effect on the quality of the respondent's work on behalf of the firm and its clients, or that such misrepresentations caused any harm to the firm or its clients. Many of the misrepresentations made or repeated by colleagues or staff as to respondent's credentials were made without the respondent's direct participation, although she was generally aware that they were being made. In addition, many of the misrepresentations were made in a context in which they were not material to any specific pending decision or action by a client, adversary or tribunal.

The respondent's conduct of misrepresenting her credentials in her professional capacity including in the course of representing clients, and in permitting the firm to use her false credentials in its marketing, as described above, is conduct in violation of Mass. R. Prof. C. 4.1(a), 7.1 and 8.4(c) and (h).

The parties stipulated that there were no factors in aggravation or mitigation of discipline. The respondent had no disciplinary history.

On December 11, 2011, the parties filed with the Board of Bar Overseers a petition for discipline and answer and stipulation of the parties recommending a two-year suspension. On December 12, 2011, the board voted to accept the stipulation of the parties and to file an information with the Court recommending a two-year suspension. On January 3, 2012, the Court so ordered, effective in thirty days.