

**IN RE: GAYLE P. ELLSWORTH****NO. BD-2012-032****S.J.C. Order of Term Suspension entered by Justice Cordy on February 15, 2013.<sup>1</sup>****SUMMARY<sup>2</sup>**

The respondent, Gayle P. Ellsworth, was admitted to the bar of the Commonwealth on December 17, 1979. She was also a member of the Rhode Island bar and the Florida bar. The respondent assumed retired status in Massachusetts on September 11, 2011.

On January 7, 2011, the respondent carried a .38 caliber handgun without a license while in Providence, Rhode Island. On July 1, 2011, she pleaded nolo contendere in Superior Court for Providence County, Rhode Island, to violating § 11-47-8(a) of the General Laws of Rhode Island, a felony. The court adjudged the respondent guilty and deferred sentencing for five years. The respondent violated S. J. C. Rule 4:01, § 12(8), by not reporting the conviction to bar counsel.

Bar counsel filed a petition for discipline on May 30, 2012, alleging that the respondent had been convicted of a “serious crime” as defined by S. J. C. Rule 4:01, § 12(3); that she had not reported the conviction to bar counsel; and that her conduct had violated S. J. C. Rule 4:01, § (8), and Mass. R. Prof. C. 8.4(b) and (d). The respondent filed no answer to the petition.

The Board of Bar Overseers entered a default on July 30, 2012, and notified the respondent that she had thirty days to remove the default. The notice was sent to the address the respondent had provided to the registration division of the Board of Bar Overseers and to other addresses previously used by the respondent. Delivery was not made at any of these addresses. The respondent did not remove the default.

On August 22, 2012, bar counsel filed a memorandum on disposition requesting that the respondent be suspended for one year and one day and that she be prohibited from applying for reinstatement until one year and one day after she fully complied with the suspension order. Bar counsel served the respondent by sending the memorandum to the addresses available to her and by e-mail. The respondent did not file a memorandum or otherwise respond to bar counsel’s pleadings.

On November 19, 2012, the Board of Bar Overseers voted to recommend that the respondent be suspended for one year and one day and prohibited from applying for

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

reinstatement until one year and one day after she filed a full and truthful affidavit of compliance with the suspension order. The vote was served by mail sent to the available addresses.

The board filed an information and the record of proceedings with the Supreme Judicial Court for Suffolk County. On November 29, 2012, the county court issued an order of notice requiring the respondent to show cause on December 12, 2012, why the relief requested in the information should not be granted. At the respondent's request, the hearing was rescheduled to February 13, 2013, and a new order of notice and the information were served on the respondent at her correct address.

The respondent failed to appear at the hearing on February 13, 2013. On February 15, 2013, the county court (Cordy, J.) issued an order suspending the respondent for one year and one day effective thirty days after the entry date. The order provided that the respondent was not permitted to petition for reinstatement to the practice of law in the Commonwealth until one year and one day after she filed a full and truthful affidavit of compliance.