

**IN RE: JAMES I. DURODOLA II****NO. BD-2012-093****S.J.C. Order of Term Suspension entered by Justice Botsford on October 1, 2012, with an effective date of October 31, 2012.¹**

(S.J.C. Judgment of Reinstatement entered by Justice Botsford on February 6, 2013.)

SUMMARY²

The respondent was duly admitted to practice in the Commonwealth of Massachusetts on January 22, 2002.

From about 2002 to 2012, the respondent 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 or \$250,000/\$250,000, and a maximum deductible of \$10,000.

The respondent was required by S.J.C. Rule 4:02, § 2A, to certify on his annual registration statement filed with the Board of Bar Overseers whether or not he was covered by professional liability insurance, and to notify the Board in writing within thirty days if the insurance coverage lapsed or was terminated for any reason without immediate renewal or replacement with substitute coverage. The respondent knew that CPCS confirmed that assigned counsel had malpractice coverage based on the certifications on the registration statements filed with the Board.

Between July 21, 2010, and August 5, 2011, the respondent was not covered by professional liability insurance. Throughout the period of July 21, 2010, through August 5, 2011, the respondent accepted appointments from CPCS to represent indigent defendants in knowing violation of his obligation to have in effect professional liability insurance.

On October 22, 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.

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.

On August 5, 2011, following a random audit by CPCS of a bill submitted by the respondent for an assigned client matter, the respondent obtained a professional liability insurance policy.

The respondent's conduct in failing to notify the Board of Bar Overseers that his insurance had lapsed within thirty days of the date the insurance lapsed violated Mass. R. Prof. C. 3.4(c) and 8.4(c), (d), and (h).

The respondent's conduct in knowingly falsely certifying to the Board of Bar Overseers that he was covered by professional liability insurance violated Mass. R. Prof. C. 3.4(c) and 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).

The matter came before the Board of Bar Overseers on a stipulation of facts and joint recommendation for a two-month suspension. On September 10, 2012, 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 October 1, 2012.