

IN RE: JAMES B. STANTON

NO. BD-2012-094

S.J.C. Order of Public Reprimand entered by Justice Spina on September 23, 2013.¹

Page Down to View Memorandum of Decision

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
DOCKET No. BD-2012-094

IN RE: JAMES B. STANTON

AMENDED MEMORANDUM OF DECISION

The Board of Bar Overseers has filed an Information recommending an order of public reprimand against the respondent. The board's recommendation is based on the respondent's "conviction," within the meaning of S.J.C. Rule 4:01, § 12, for (a) failing to stop for a police officer, see G. L. c. 90, § 25; (b) operating a motor vehicle on a public way under the influence of alcohol with a blood alcohol level of .08% or more, see G. L. c. 90, § 24 (2) (c); and leaving the scene of property damage (a guard rail) without making known his name, residence, and registration number of his vehicle, see G. L. c. 90, § 24 (2) (a).

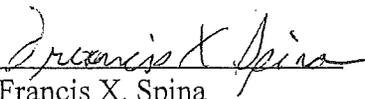
The respondent admitted to sufficient facts to warrant a finding of guilty on September 4, 2012. A judge in the Clinton District Court found sufficient facts, but continued the first and third counts without a finding of guilt until December 7, 2012, and the second (OUI) count until September 6, 2013. The three counts were ultimately dismissed. No other car was involved in the accident.

The presumptive sanction for a conviction of leaving the scene of a property damage accident is a public reprimand. Although damage (to public property) in this case was

minimal, the degree of damage or personal injury is not a significant basis to distinguish these cases. It is the nature of the crime itself that weighs most heavily. "The crime of leaving the scene of a property damage accident connotes at least an indifference to one's obligations to others whose property has been harmed by one's negligence, as well as a desire to avoid civil responsibility therefor. Where the defendant who has committed such a crime is a lawyer, this type of misconduct evidences a mindset that reflects negatively and directly on his honesty and his fitness as a lawyer." *In re: Casey*, 25 Mass. Att'y Discipline Rep. 94, 95 (2009).

The respondent's claim that his conduct was the product of a head injury is not supported by the findings of the hearing committee. The respondent's unblemished professional record does not act to mitigate the sanction – it is deemed "typical."

The interests of the legal profession and the interests of the public are best served in this case if the respondent is publicly reprimanded for his conduct, and I hereby impose that sanction, which is comparable to that imposed in similar cases. *Id.*


Francis X. Spina
Associate Justice

ENTERED: September 23, 2013