

**IN RE: TIMOTHY L. SALETAN****NO. BD-2012-110****S.J.C. Order of Term Suspension entered by Justice Spina on February 20, 2013, with an effective date of March 22, 2013.¹****SUMMARY²**

A hearing committee made the following findings of fact:

In 1998, the respondent notified the board's registration department that he wished to change his status to inactive. From then until 2001, the respondent paid the reduced annual registration fee associated with inactive status. During 2001, he changed to retired status. In 2003, he sought to change his status to inactive, and claimed exemption from the trust account rules on the basis that he did not practice in Massachusetts. When the board's registration department informed him that he would have to pay additional fees to resume inactive status, he again registered as retired. In 2004, the last year the board's registration department sent registration papers to the respondent, he again claimed retired status and claimed exemption from the trust account rules because he did not practice in Massachusetts.

During 2005, the respondent responded to a demand made on him personally using letterhead that identified him as "Timothy L. Saletan, Esquire." During early 2009, the respondent assisted a client in preparing papers in the client's divorce. Also during 2012, the respondent maintained a Linked-In account in which he identified himself as an in-house counsel responsible for land court hearings.

During 2009, the respondent accepted an engagement to represent a client in litigation. In the course of doing so, he held himself out as an attorney, among other things, by providing the client with a resume on which the respondent identified himself as a "Real Estate Attorney". The respondent did not tell the client that, because he was on retired status, he was not authorized to practice law in Massachusetts.

The respondent entered his appearance in the litigation, participated in discovery, and attempted to negotiate a settlement.

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 respondent charged and collected legal fees from the client. When the client contested the respondent's second bill, the two discussed compromising the bill. Before agreement was reached, the client sent the respondent a check bearing the notation that endorsement constituted acceptance as payment in full for services to date. The respondent struck this notation and negotiated the check. He then threatened to sue for the balance of fees claimed due. Around this time, the client learned that the respondent had been on retired status, challenged the respondent's right to collect any fee, and offered to settle by allowing the respondent to keep all payments to date. The respondent continued to press for payment of his invoices in full. The client served on the respondent a demand letter under G.L. c. 93A, based on the respondent's unauthorized practice; he also filed a complaint with bar counsel.

The respondent then changed his registration status back to active, and paid the required fee.

During March 2010, the respondent and the client exchanged demands, and the respondent finally withdrew in March 2010. He turned the file over a few days later.

The committee found that the respondent's representations of his status as a lawyer, unaccompanied by disclaimers about his retired status, were misleading.

By agreeing to represent the a client in litigation and engaging in the practice of law while he was in retired status, the respondent violated Mass. R. Prof. C. 1.16(a)(1) (declining representation that would violate MPRC's) and 5.5(a) (unauthorized practice). By holding himself out as a lawyer and by engaging in the practice of law when he knew that he was not authorized to do so, the respondent violated S.J.C. Rule 4:02, § 5 (lawyer on retired status not authorized to practice), and Mass. R. Prof. C. 3.4(c) (knowing disobedience of obligation under rules of a tribunal), 7.1 (false or misleading statements about lawyer or lawyer's services), and 8.4(c) (fraud, deceit, misrepresentation, or dishonesty) and (d) (conduct prejudicial to the administration of justice). By collecting a fee for legal services when he was not entitled to do so, the respondent violated Mass. R. Prof. C. 1.5(a) (illegal or excessive fees). The committee found that these violations were knowing and intentional.

The board adopted the hearing committee's report and recommendation for a suspension of six months and a day. The Court so ordered on February 20, 2013, effective March 22, 2013.