

**IN RE: DAVID L. BRUNELLE, JR.****NO. BD-2013-067****S.J.C. Order of Term Suspension/Stayed entered by Justice Lenk on July 1, 2013.¹****SUMMARY²**

On January 8, 2006, the client was injured when the motor vehicle she was driving was struck by a truck in Connecticut. The client was a resident of Massachusetts, the owner of the truck was a Connecticut town and the operator of the truck resided in Connecticut. At all relevant times, the respondent was duly admitted to the bars of the Commonwealth and the State of Connecticut and maintained a law office in Massachusetts. By March of 2006, the client retained the respondent to represent her in her claims for personal injuries sustained in the accident.

On January 18, 2008, the respondent filed suit in superior court in Connecticut on behalf of the client against the owner and operator of the truck. On April 7, 2008, the defendants served on the respondent discovery propounded to the client. The respondent failed to file any responses to the discovery. On April 9, 2008, the defendants filed with the court a request for the respondent to revise the complaint and served the request on the respondent. The respondent failed to file any response to the request to revise. Defendants subsequently filed motions for nonsuit for the respondent's failures to respond to discovery and the request to revise the complaint. The respondent did not oppose either motion. The respondent filed partial discovery responses in July of 2008, and another motion for nonsuit was filed by the defendants for the respondent's failure to adequately comply with discovery. The respondent did not oppose the motion or otherwise respond. All three motions for nonsuit were allowed by the court by September 29, 2008. The respondent received notices of the court's actions, but he did not review these notices and was not aware that motions for nonsuit were granted until approximately November of 2010.

Throughout 2009, the client left multiple messages for the respondent about the status of her case, and the respondent failed to promptly respond to many of these inquiries. The respondent did not notify the client that he had not responded to the requests for discovery and that motions for nonsuit had been filed. The respondent also failed to investigate whether these motions had been granted by the court. In October or November of 2010, the client learned that her case had been dismissed after calling the court on her own behalf. After the client advised the respondent that the case was closed, on November 12, 2010, the respondent filed a motion to open judgment, which was denied by the court. The respondent was discharged by the client and took no further action on her behalf. The client obtained

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.

new counsel and is pursuing a malpractice claim against the respondent, who is covered by malpractice insurance.

In aggravation, the respondent has a prior disciplinary history, a public reprimand in August of 1999 in the State of Connecticut as a result of failing to act with reasonable diligence. Grievance Complaint #97-0974. In further aggravation, the respondent's misconduct caused his client to lose her claim against the defendants.

By failing to respond to the request to revise, to fully comply with discovery, to advance client's lawsuit and to timely file a motion to open judgment, the respondent violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. By failing to keep client accurately informed of the status of her case and to notify client that motions for nonsuit had been filed a judgment of nonsuit had entered in her case, the respondent violated Mass. R. Prof. C. 1.4(a) and (b).

The case came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by a suspension of six-months, stayed for two years, on condition that the respondent contact the Law Office Management Assistance Program (LOMAP) for an evaluation by LOMAP within thirty days of the Court's order, that the respondent comply with the recommendations of LOMAP and that the respondent continue to maintain malpractice insurance for at least two years following the order of the Court. On June 3, 2013, the board voted to recommend that the Court accept the parties' stipulation and joint recommendation for discipline. On July 1, 2013, the Court ordered that the respondent be suspended from the practice of law for six months, with imposition of the suspension stayed for two years under the conditions set forth in the stipulation of the parties.