



IN RE: ORLANDO A. DIMAMBRO

NO. BD-2015-015

S.J.C. Order of Term Suspension entered by Justice Botsford on March 20, 2015, with an effective date of April 19, 2015.¹

SUMMARY²

This matter came before the Supreme Judicial Court for Suffolk County on a stipulation of the parties that the respondent be suspended for three months. In the stipulation the respondent admitted to the following facts.

In count one, a brother and sister retained the respondent in July 2007 to represent them in a personal injury case against NSTAR Electric Company. In June 26, 2007, the brother was operating his motor vehicle in Boston when an NSTAR manhole exploded under his car. The sister was a front-seat passenger in the car. The brother and sister were injured and transported by ambulance to a hospital. The respondent took the case on a contingency basis.

In June 2010, the respondent filed a complaint in the Boston Municipal Court on behalf of the sister for injuries sustained by NSTAR's negligence. The respondent settled that matter in December 2011.

On June 23, 2010, the respondent filed a complaint in the Suffolk Superior Court on behalf of the brother for injuries and property damages. An answer was filed by the Defendant on November 1, 2010. In March of 2012, the respondent replied to some discovery requests of the defendant but took no further action on the case.

On September 18, 2012, the court dismissed the brother's case for lack of prosecution without prejudice. The respondent received notice of the dismissal but failed to inform his client and failed to take action to reinstate the case.

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.

Between 2012 and April 2014, the respondent failed to respond to the client's text messages and telephone calls for information on the status of his case.

The respondent's failure to provide competent representation, his failure to seek the client's lawful objectives, and his failure to act with reasonable diligence resulted in harm to the client and violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3.

The respondent's failure keep his client reasonably informed about the status of his case violated Mass. R. Prof. C. 1.4.

In count two, between 2013 and 2014, the respondent was not covered by professional liability insurance. In February 2013, and again in May 2014, the respondent filed with the Board of Bar Overseers his annual registration statement, on which he knowingly falsely certified that he was covered by professional liability insurance.

The respondent's conduct in knowingly falsely certifying to the Board of Bar Overseers that he was covered by professional liability insurance was in violation of Mass. R. Prof. C. 8.4(c) and (h).

In mitigation, the respondent suffered from back problems during the relevant time and had back surgery for a herniated disc in 2011.

On January 12, 2015, the Board of Bar Overseers voted to accept the parties' stipulation and recommendation for discipline. The matter came before the Supreme Judicial Court for Suffolk County, and on March 20, 2015, the county court, Botsford, J., entered an order suspending the respondent for three months.