

IN RE: DOUGLAS A. PARIGIAN

NO. BD-2015-102

S.J.C. Order of Temporary Suspension entered by Justice Botsford on February 4, 2016.¹

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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-2015-102

IN RE: DOUGLAS A. PARIGIAN

MEMORANDUM OF DECISION

Pursuant to S.J.C. Rule 4:01, § 12(9), bar counsel has notified the court of the respondent's conviction of certain Federal crimes, and seeks an order temporarily suspending the respondent from the practice of law pending the outcome of disciplinary proceedings.

On May 12, 2015, the respondent pled guilty in the United States District Court for the District of Massachusetts to charges of conspiracy in violation of 18 U.S.C. § 371, and securities fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff(a); the charges related to the respondent's receipt of material, nonpublic information from a golfing friend concerning certain stocks or securities, and his trading on that information to his financial benefit. The respondent was sentenced on August 17, 2015, receiving a sentence of time served, three years of supervised release, and eight months of home detention.

Under S.J.C. Rule 4:01, section 12 (4), "[u]pon the filing with this court of a certificatè establishing a lawyer's conviction¹ of a

¹ "Conviction" is defined to "include . . . any plea of guilty or nolo contendere which has been accepted by the court, whether or not sentence has been imposed." S.J.C. Rule 4:01, section 12 (1).

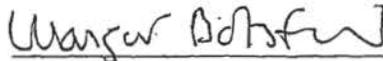
serious crime,² . . . [t]he court or a justice, after affording the lawyer opportunity to be heard, may make such order of suspension or restriction as protection of the public may make appropriate." Bar counsel seeks the entry of a suspension order effective from the date of such an order. Pointing to the definition of "conviction" in rule 4:01, § 12(1), the respondent, who has no criminal record and no disciplinary history, seeks an order that would make the temporary suspension effective nunc pro tunc to May 12, 2015, the date he pleaded guilty, stating that he has not practiced any law since that date.

I will order the temporary suspension to be effective as of the date of the respondent's sentencing. Bar counsel makes a fair point that when an order of temporary suspension is entered to be effective as of a date earlier than the order itself, it presents enforcement problems for bar counsel because without conducting at least some investigation, she has no way of verifying that a respondent did cease practicing law at an earlier date. However, it is also the case that Rule 4:01, § 12 calls for the immediate suspension of an attorney convicted of a serious crime, and conviction occurs upon entry of a guilty plea, whether or not sentence has been imposed. If bar counsel does not file notice of the conviction until a date well past a respondent's guilty plea and sentencing, a respondent who did suspend

²A "serious crime" is defined to include any felony as well as any lesser crime that includes fraud or conspiracy. S.J.C. Rule 4:01, section 12 (3). There is no dispute that the offenses to which the respondent pled guilty qualify as serious crimes.

his or her practice of law immediately upon conviction or sentencing may be disadvantaged.

The respondent is fifty-six or fifty-seven years old, has been a member of the bar of the Commonwealth since 1988, and has worked for many years as a criminal defense attorney in Middlesex County. He has no record of prior discipline and had no prior criminal history. He has very young twin sons for whom he serves currently as the primary caretaker. In the particular circumstances of this case, I accept the respondent's representation that he voluntarily ceased practicing law in May, 2015, and conclude that a fair resolution of the parties' different positions is to impose the order of temporary suspension effective from the date of the respondent's sentencing, August 17, 2015.



Margot Botsford
Associate Justice

Dated: February 4, 2016
