

**IN RE: ERIC R. JAROSZ****NO. BD-2016-036****S.J.C. Order of Term Suspension/Stayed entered by Justice Botsford on April 7, 2016.¹****SUMMARY²**

The respondent, Eric R. Jarosz, was admitted to the practice of law in Massachusetts on December 20, 1994. On April 7, 2016, the respondent was suspended by the Supreme Judicial Court for six months for misconduct involving neglect and collection of an excessive fee in an immigration matter. The suspension is stayed for two years subject to the conditions described below.

In 2008, the client hired an attorney to prepare and file on her behalf with the United States Immigration Court an application for Temporary Protected Status (TPS). When that attorney was disbarred in 2011, the respondent took over the representation of the client, who was by then in a removal proceeding. The client paid the respondent between four and five thousand dollars.

The respondent filed a Freedom of Information Act request but was unable to obtain necessary documentation of the client's TSP application in time to present it at the removal hearing. The respondent sought a continuance of the hearing, but the judge did not grant the continuance and ruled that the TPS application had been abandoned.

The respondent then charged the client an additional \$1500 to appeal from the judge's ruling, but failed to file the appeal timely and filed it with the wrong adjudicative body. After the appeal was rejected, the respondent did no further legal work of substance on behalf of the client. The respondent failed to refund the portion of the legal fee that he had not earned.

By failing to file a timely appeal from the court's adverse decision with the proper court, the respondent violated Mass. R. Prof. C. 1.1 and 1.3.

By charging his client for work that he did not competently perform and which was therefore of no value to his client, the respondent charged a clearly excessive fee, in violation of Mass. R. Prof. C. 1.5(a).

By failing to refund unearned fees at the termination of the representation, the respondent violated Mass. R. Prof. C. 1.16(d), as in effect prior to July 1, 2015.

The matter came before the Board of Bar Overseers on the parties' stipulation of facts and joint recommendation for discipline. On March 7, 2016, the board voted to accept the

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.

stipulation and recommend to the Court that respondent be suspended from practice for a period of six months, stayed for two years, on certain conditions. The conditions included that the respondent abstain from alcohol and non-prescription drug use during the term of the stated suspension, obtain an evaluation from LCL, comply with any treatment plan recommended by LCL, and notify LCL of any changes in his treatment or providers.

On April 7, 2016, the Court, Botsford, J., issued an order adopting the board's recommendations.