IN RE: SHARON B. ROPER
NO. BD-2016-055

S.J.C. Order of Term Suspension entered by Justice Cordy on May 20, 2016, with an effective date of June 19, 2016[1]

SUMMARY[2]

The respondent was duly admitted to practice in the Commonwealth of Massachusetts on December 20, 1990.

From about 1991 to 2013, the respondent accepted appointments from the Committee for Public Counsel Services (CPCS) for mental health and care and protection cases. The respondent knew that she was not permitted by CPCS to accept assigned counsel appointments unless she had in effect professional liability insurance with minimum coverage amounts of $100,000/$300,000 or $250,000/$250,000, and a maximum deductible of $10,000.

The respondent was required by S.J.C. Rule 4:02, § 2A, to certify on her annual registration statement filed with the Board of Bar Overseers whether or not she was covered by professional liability insurance, and to notify the board in writing within thirty days if the insurance policy providing coverage lapsed or was terminated for any reason without immediate renewal or replacement with substitute coverage. The respondent knew that CPCS confirmed that assigned counsel had malpractice coverage based on the certifications on the registration statements filed with the board.

Between June 22, 2011, and October 4, 2013, the respondent was not covered by professional liability insurance. Throughout that period, the respondent accepted appointments from CPCS and collected legal fees from CPCS in knowing violation of her obligation to have in effect professional liability insurance. She did not inform either CPCS or the board that her insurance had lapsed.

On March 13, 2012 and March 28, 2013, the respondent filed with the Board of Bar Overseers her attorney annual registration statements on which she knowingly falsely certified that she was covered by professional liability insurance.

In May of 2013, the respondent was selected by CPCS for a random audit of one of her bills. The respondent failed to comply on multiple occasions with requests by CPCS for proof of insurance coverage, which resulted in the suspension of her billing privileges on August 15,

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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.

[2] Complied by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

2013. On October 4, 2013, the respondent obtained a professional liability insurance policy and provided proof of coverage beginning on October 4, 2013. CPCS continued to request proof of insurance coverage for 2012-2013. On January 14, 2014, the respondent finally informed CPCS that her prior insurance coverage was terminated on June 22, 2011.

On February 26, 2014, the respondent again let her insurance coverage lapse. On April 24, 2014, the respondent filed with the board her attorney annual registration statement, on which she knowingly false certified that she was covered by professional liability insurance.

The respondent's conduct in failing to notify the Board of Bar Overseers that her insurance had lapsed within thirty days of the date the insurance lapsed violated Mass. R. Prof. C. 8.4(c), (d) and (h), as in effect prior to July 1, 2015.

The respondent's conduct in knowingly falsely certifying to the Board of Bar Overseers that she was covered by professional liability insurance violated Mass. R. Prof. C. 8.4(c), (d) and (h), as in effect prior to July 1, 2015.

The respondent's conduct in accepting appointments from CPCS knowing that she did not have in effect professional liability insurance violated Mass. R. Prof. C. 8.4(c), (d) and (h), as in effect prior to July 1, 2015.

In mitigation, at the time of the misconduct in issue, the respondent was suffering from anxiety and depression, which contributed to the neglect of her obligations concerning malpractice insurance. The respondent is in treatment that has alleviated her symptoms.

This matter came before the Board of Bar Overseers on a stipulation of facts and joint recommendation for a suspension for six months, with three months served and three months stayed for the period of one year on condition that the respondent consult with Lawyers Concerned for Lawyers (LCL) and follow their recommendations. On April 11, 2016, the Board of Bar Overseers voted unanimously to accept the stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. The Court (Cordy, J.) so ordered on May 20, 2016.