



IN RE: PATRICIA JEAN FLETCHER A/K/A LYNNE WALLENSTEIN

NO. BD-1992-0018

S.J.C. Judgment of Reinstatement Denied entered by Justice Duffly on April 10, 2013.¹

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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 THE COUNTY OF SUFFOLK
DOCKET NO. BD-1992-0018

IN RE: Patricia Jean Fletcher a/k/a Lynne Wallenstein¹

MEMORANDUM OF DECISION

This matter came before me on the petitioner's petition for reinstatement to the bar of the Commonwealth, and a vote of the Board of Bar Overseers (board), after a hearing, that the petition be denied. For the following reasons, I conclude that the petition for reinstatement should be denied.

Background and findings of fact. The petitioner was temporarily suspended from the practice of law in the Commonwealth in 1992, following three misdemeanor criminal convictions in New York in 1991. The convictions resulted from an Alford plea entered into by the petitioner. Although misdemeanors, the convictions included criminal possession of a forged instrument and criminal impersonation, which, because they involve deceit and forgery, are considered convictions of

¹ In September, 2004, the petitioner legally changed her name to Patricia Jean Fletcher by order of an Arkansas Court.

"serious crimes" for purposes of bar disciplinary proceedings. See S.J.C. Rule 4:01, § 12(3), as appearing in 425 Mass. 1313 (1997); In re Finneran, 455 Mass. 722, 729 n.11 (2010). In June, 2000, the petitioner was disbarred from the practice of law in the Commonwealth. Both the suspension and the disbarment were entered by default after the petitioner failed to appear or participate in the proceedings subsequent to having exchanged correspondence with bar counsel in late 1991.

Following a hearing before a hearing committee, and the petitioner's appeal to a hearing panel, the board found that the petitioner had not practiced law or worked in a law-related position since "the late 1990s," had not practiced law in the Commonwealth since the 1980s, and had failed to demonstrate her "efforts to maintain or improve her learning in the law" or that she "currently possesses the moral qualifications to practice law." The board concluded also that the petitioner had demonstrated poor memory, had failed to accept responsibility for her convictions for crimes involving dishonesty and deceit, blaming them on another, had no knowledge of any lawyers with whom she practiced in Massachusetts and did not know the names of any judges she had ever appeared before, and was unable to produce evidence of the case in which she said she had sought pro hoc vice status in Arkansas. In addition, the board found that the petitioner never paid \$7,000 in restitution ordered by the

New York court, and that the amount owed was eventually discharged.

In September, 2012, I conducted an evidentiary hearing by telephone at which the petitioner testified. At that hearing, the petitioner described her efforts to obtain records of her work in Arkansas, undertaken to address the board's concern that she had not demonstrated her current learning in the law, as well as letters of reference that she had sought from her pastor to establish her good moral character. The petitioner testified that many of the records had been stored in a garage, where they had been destroyed by damp and mold. She was not able to describe any individual client or case on which she had worked, although she asserted that she had had a number of clients. The petitioner did not dispute that she had never paid the \$7,000 in restitution ordered by the State of New York, and did not produce any documents showing attendance at any continuing legal education courses, nor did she assert that she had attended any since her move to Arkansas.

The petitioner also made various assertions regarding the accuracy of her original convictions, which she maintained involved conduct by others for which she accepted responsibility. As the convictions have not been overturned, and the petitioner stands convicted in the State of New York, I make no findings regarding any such statements, and do not consider them in

reaching my determination.

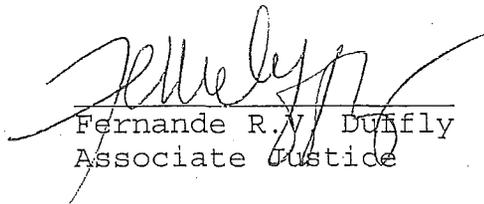
Discussion. A petitioner seeking reinstatement to the bar bears the burden of proving that the petitioner is fit for reinstatement pursuant to S.J.C. Rule 4:01, § 18(5), as appearing in 453 Mass. 1315 (1009). The petitioner must demonstrate the moral qualifications, competency, and learning in the law required for admission, and must show that her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or the public interest. S.J.C. Rule 4:01, § 18(5). See In re Shaughnessy, 456 Mass. 1021, 1022 (2010); In re Daniels, 442 Mass. 1037, 1038 (2004).

As the petitioner was unable to produce any records or to offer any testimony establishing her current learning in the law, or any law-related practice in which she has been involved over the last twenty years, I conclude that the board's findings are well-supported. Moreover, the petitioner does not dispute that she never paid the restitution ordered by the State of New York. Therefore, the petitioner, who bears the burden to do so, has not demonstrated her current fitness to practice law in the Commonwealth. Should the petitioner's circumstances change, such that she is able to meet this burden, her petition may be renewed at that time.

Disposition. An order shall enter denying, without

prejudice, the petitioner's petition for reinstatement to the bar of the Commonwealth.

By the Court,



Fernande R. V. Duffly
Associate Justice

Entered: April 10, 2013