

**MARY LAURA TANNER GREELY****Public Reprimand No. 2012-3****Order (public reprimand) entered by the Board March 22, 2012.****SUMMARY**<sup>1</sup>

The respondent, Mary-Laura Greely, Esq., is an attorney duly admitted to the Bar of the Commonwealth on December 20, 1989. Her practice is limited to the area of private corporate transactional work.

Prior to April 6, 2006, an aunt of the respondent had had all of her estate planning needs, including a series of wills and a pour-over trust first executed in 1999 and amended in 2002, prepared by an estate-planning lawyer. The last will nominated the respondent and the estate-planning lawyer as co-executors.

Sometime before April 6, 2006, the aunt asked the respondent to prepare documents to nominate the respondent as the sole executor of her estate in order to save administration costs. The respondent prepared a codicil to the aunt's will that removed the estate-planning lawyer as a nominated co-executor and instead nominated only the respondent as executor.

The respondent prepared the codicil as a favor to her aunt. She understood that proper execution of the codicil required that the aunt sign in the presence of two witnesses and a notary. The codicil contained the statutory language required for a self-proving will, by which the testatrix stated that she was signing in the presence of two witnesses; the witnesses affirmed that the testatrix had signed in the presence of both of them; that they had signed in the presence of one another; that, to the best of their knowledge, the testatrix had signed willingly, was of sound mind, and under no constraint or undue influence; and that the notary public had signed acknowledging that the statements were "subscribed, sworn to and acknowledged before me by the testatrix and witnesses . . . ."

On the date appointed for the execution of the codicil, the respondent made arrangements for her father, who was the aunt's brother-in-law, to meet her at the aunt's

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.

apartment to act as a witness. The respondent had also planned to bring two secretaries from her office, one of whom was a notary. However, at the last minute, one of the secretaries was unable to attend. Therefore, at the time of the execution of the codicil, those present (besides the aunt and the respondent), were the respondent's father and the notary.

The respondent caused or permitted her aunt to execute the codicil in the presence of her father as the only witness, caused or permitted her father to sign the codicil as a witness despite the fact that only one witness was present, and caused or permitted the notary to notarize the document, even though one of the witnesses was absent when the aunt executed the codicil.

The notary and the respondent later returned to the office and met with the other secretary, who signed as the second witness at that time. The secretary was personally familiar with the signatures of both the aunt and the respondent's father.

The aunt died on May 20, 2009. The respondent retained a lawyer to represent her as executor and provided the lawyer with the relevant documents. The respondent's lawyer submitted the codicil and a copy of the will for probate on May 28, 2009.

Thereafter, a dispute arose between the aunt's estate and a woman who had been the aunt's paid caretaker, who claimed one-third of the aunt's estate. As a result of this dispute, the improprieties in the execution of the codicil came to light.

Following this revelation, and before the probate court acted on the petition to approve the will and codicil, the respondent, through counsel, withdrew her petition insofar as it related to the codicil. Subsequently, the person nominated in the will as co-executor filed a declination, leaving the respondent as the sole executor of the estate.

The respondent's conduct, in permitting the aunt, her father, the notary and the secretary to sign the codicil in the above circumstances, was in violation of Mass. R. Prof. C. 1.1, 1.2(a) and 1.3.

The respondent's conduct, in causing the notary and the secretary to sign the codicil in the above circumstances was in violation of Mass. R. Prof. C. 5.3(b) and 5.3(c)(1).

In mitigation, the codicil implemented the wishes of the respondent's aunt.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On February 13, 2012, the board voted to accept the parties' stipulation and to impose a public reprimand.