



## **JOSEPH J. DULLEA**

### **Public Reprimand No. 2013-13**

**Order (public reprimand) entered by the Board on August 29, 2013.**

#### **SUMMARY**<sup>1</sup>

The respondent was admitted to practice law in the Commonwealth on December 15, 1993. He was administratively suspended in Massachusetts on April 29, 2010, for failing to file his annual registration statement and pay his registration fee.

The respondent was not reinstated in Massachusetts within thirty days of the order of administrative suspension, and, pursuant to S.J.C. Rule 4:03(3), he then became subject to the provisions of S.J.C. Rule 4:01 § 17. Among other things, that rule required the respondent to file an affidavit that he had complied with the order of administrative suspension. The respondent failed to file an affidavit of compliance.

At the time of his suspension, the respondent was employed as general counsel to a California software company. The company had a satellite office in Massachusetts where the respondent worked. The company had paid the respondent's registration fees for the 2008 billing cycle, and the respondent was unaware that his fees for the 2009 billing cycle had not been paid. He received notice in February 2010 from the registration department of the Board of Bar Overseers of his impending suspension and forwarded the correspondence to the company for payment, but did not confirm that payment was made. The company did not make the payment. The administrative suspension was entered by the Supreme Judicial Court on April 29, 2010, and notice was sent to the respondent at his registered address. He nonetheless continued to practice law after his suspension.

The respondent requested, and was sent, reinstatement forms and information from the registration department in November 2010. He thereafter did not take steps to be reinstated. He continued to work as general counsel to the company, including sending a demand letter on behalf of the company in the fall of 2011 to a California resident, thereby engaging in the practice of law in California. The California rules of court provide that in-house counsel not admitted in California may provide legal services in California to an employer only if registered with the state bar and in good standing where admitted. The respondent had not registered with the state bar and was not in good standing in Massachusetts.

In September 2012, the respondent submitted reinstatement forms and payment to the registration department. He was reinstated on September 27, 2012. He has no prior history of discipline.

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

By failing to comply with the requirements of the administrative suspension order and S.J.C. Rule 4:01, § 17, the respondent violated Mass. R. Prof. C. 3.4(c) and 8.4(d). By engaging in the practice of law while he was administratively suspended, the respondent violated Mass. R. Prof. C. 5.5(a).

The matter came before the Board of Bar Overseers on the parties' stipulation of facts and rule violations and an agreed recommendation for discipline by public reprimand. On July 22, 2013, the board voted to accept the parties' stipulation and to impose a public reprimand.