BELLE SOLOWAY

Public Reprimand No. 2013-20

Order (public reprimand) entered by the Board on October 17, 2013.

SUMMARY[1]

In June 2009, the respondent was retained to represent an incarcerated client in connection with a Department of Children and Families matter involving the termination of his parental rights. The client was in custody awaiting trial in a criminal case; the respondent did not represent the client in the criminal matter.

In the course of her representation of the client in the DCF matter from June 2009 to June 2011, the respondent met with her client approximately eighteen times at Middlesex Jail, two times at Bridgewater State Hospital, and two or three times at Souza-Baranowski Correctional Center. Also during this period, the respondent communicated with members of her client's family on a regular basis.

On June 9, 2011, at a time when the client was incarcerated at SBCC, the respondent planned to meet with her client and his criminal defense attorney at SBCC to discuss the pending cases. On her way to the facility on June 9, 2011, the respondent met briefly with her client's brother who had asked the respondent to deliver letters from family members abroad to the client. At that meeting, the client's brother gave the respondent an envelope sealed with tape, which the respondent understood contained letters to the client from family members. The respondent placed the sealed envelope into a large manila envelope she was bringing to the meeting.

When she arrived at SBCC, the respondent entered the lobby carrying the large manila envelope, a legal pad, and a pen. The respondent understood that a correctional officer would inspect the contents of the large manila envelope and the sealed envelope. The respondent did not intend to conceal either envelope from the prison officials. After filling out the "Request to Visit Inmate" form, the respondent went through a metal detector. One of the admitting correctional officers present asked her for the large envelope, and the respondent handed it to him. The admitting officer looked inside the large manila envelope and removed and opened the sealed envelope from the client's brother. The contents of the

[1] Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

sealed envelope included handwritten letters and a plastic bag containing soil, which subsequently tested negative for the presence of narcotics.

Attorneys are permitted to bring papers and writing materials into the attorney-inmate interview area of SBCC, subject to inspection, pursuant to 103 CMR 486.09(1). To deliver any other items to an inmate, an attorney must obtain the permission of the superintendent or commissioner, pursuant to 103 CMR 483.13(1). The rules and regulations regarding visits and the types of materials a visitor is permitted to deliver to an inmate or bring into an institution are posted in the lobby of SBCC and are found in 103 CMR 483 and 486.

The respondent had not read the rules and regulations posted in the lobby or published in the CMR regarding visits and materials that may be delivered to an inmate or brought into an institution. As a result, the respondent was not aware that she was required to obtain the permission of the superintendent or commissioner to deliver the contents of the sealed envelope from the client's brother to her client, and she had not obtained permission. The contents of the sealed envelope were confiscated, and the respondent was not permitted to meet with her client that day. The respondent was barred from all Department of Correction institutions and facilities for one year, pursuant to 103 CMR 483.16(5)(d).

The respondent's conduct in failing to read the pertinent rules and regulations and in attempting to deliver to her client material from his family without the permission of the superintendent or commissioner was in violation of Mass. R. Prof. C. 1.1 and 8.4(h).

In aggravation, the respondent received an admonition in 2007 for unrelated conduct. *Admonition No. 07-30*, 23 Mass. Att'y Disc. R. 1006 (2007).

The matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by a public reprimand. On September 23, 2013, the board voted unanimously to accept the stipulation and impose the recommended discipline.