

In The Matter Of:
In Re: Paul M. Sushchyk

Commission Hearing Re Discipline
Vol. I
October 5, 2020



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APPEARANCES (Continued):

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for Paul M. Sushchik.

ALSO PRESENT:

Emily Deines
Hon. Paul M. Sushchik

Held via Zoom
Monday, October 5, 2020
10:01 a.m.

(Alexander Loos, Registered Diplomate Reporter)

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1 P R O C E E D I N G S

2 CHAIRPERSON BERNARD: Good morning. I am
3 calling this public hearing to order.

4 This is a public hearing in the matter of
5 Judge Paul M. Sushchyk, associate justice of the
6 Probate and Family Court, SJC Docket Number OE-0143,
7 Commission Complaint Number 2019-17 (sic). It is
8 being held pursuant to Mass. General Laws,
9 Chapter 211C, Section 7, and Commission on Judicial
10 Conduct Rule 11E. The sole purpose of this hearing
11 relates to the Commission on Judicial Conduct's
12 recommendation for discipline in this matter.

13 By way of background, a public hearing was
14 held July 20th through July 22nd, 2020, virtually,
15 pursuant to the Commission on Judicial Conduct
16 temporary emergency order on protocols for remote
17 formal hearings. On August 17th, 2020, retired
18 Superior Court Judge Bertha J. Josephson entered her
19 findings of fact and recommendation for sanctions in
20 this matter. This order is available for review on
21 the Commission website.

22 Notice of today's hearing was sent to all
23 interested and concerned parties, including Judge
24 Paul M. Sushchyk, associate justice of the Probate

1 and Family Court, Chief Justice John M. Casey of the
2 Probate and Family Court, Chief Justice of the
3 Massachusetts Supreme Judicial Court, and Emily
4 Deines of the Massachusetts Trial Court.

5 With no objection from Mr. Angelini, we
6 will mark for an exhibit in this matter the notice
7 that was sent to all parties giving notice of this
8 hearing, the time, the rule that it is being
9 conducted by and the substance of and purpose of
10 this -- today's hearing. That will be marked as an
11 exhibit for purposes of the hearing today.

12 (Document marked as Hearing

13 Exhibit 1 admitted into the record)

14 CHAIRPERSON BERNARD: I am now going to
15 conduct a roll call of members of the Commission on
16 Judicial Conduct, and I'm going to state their
17 status as either a judicial member, an attorney
18 member, or a lay member, and I'm going to ask every
19 member to say "present" once their name and status
20 is called.

21 Okay. As I previously stated, my name is
22 Judge Julie Bernard. I am chair, and I am a
23 judicial member.

24 Vice-chair is Kathleen M. O'Donnell, and

1 she is an attorney member.

2 VICE-CHAIR O'DONNELL: Present.

3 CHAIRPERSON BERNARD: Judge Daniel M.
4 Wrenn, judicial member.

5 Judge Wrenn, can you unmute yourself and
6 say "present."

7 JUDGE WRENN: Sorry. Present.

8 CHAIRPERSON BERNARD: Judge Kathryn A.
9 Field, judicial member.

10 JUDGE FIELD: Present.

11 CHAIRPERSON BERNARD: Edward P. Ryan,
12 attorney member.

13 MR. RYAN: Present.

14 CHAIRPERSON BERNARD: Patricia Saint James,
15 attorney member.

16 MS. SAINT JAMES: Present.

17 CHAIRPERSON BERNARD: Dr. Felicia P. Wiltz,
18 lay member.

19 DR. WILTZ: Present.

20 CHAIRPERSON BERNARD: Jacqueline A.
21 O'Neill, lay member.

22 MS. O'NEILL: Present.

23 CHAIRPERSON BERNARD: Herby Duverne, lay
24 member.

1 MR. DUVERNE: Present.

2 CHAIRPERSON BERNARD: All members of the
3 Commission are present.

4 Also present on this call are Attorney
5 Michael P. Angelini, attorney for Judge Paul M.
6 Sushchuk; Judge Paul M. Sushchuk; Ms. Emily Deines
7 of the Mass. Trial Court; and Attorney Dan M. Carey,
8 who represents Emily Deines.

9 All right. As a reminder, the only subject
10 matter for discussion for today's hearing is the
11 recommendation for discipline. We will not
12 entertain any new evidence, exhibits, witnesses or
13 cross-examination. You will have 30 minutes for
14 your presentation. The Commission members may ask
15 questions regarding your presentation.

16 We will now start this hearing.

17 I am first going to ask, Attorney Carey,
18 are you going to speak or is Ms. Deines going to
19 speak?

20 MR. CAREY: Ms. Deines would like to make
21 her own statement, Judge Bernard.

22 CHAIRPERSON BERNARD: Ms. Deines, you may
23 be heard.

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STATEMENT BY MS. DEINES

MS. DEINES: Thank you.

And thank you, Judge Bernard.

Thank you for inviting me to speak here today. As a witness in the procedure, I have not had many opportunities to have my voice heard about this procedure and the determination.

I'd like to start by saying that I'm choosing to be blunt here because I think it's important. The Commission's handling of my reported incident was unnecessarily traumatic for me and my family. I should never have had to fight to keep my name out of the press release or fight to keep my mother, with terminal cancer, out of a courthouse during a global pandemic. My recorded testimony should never have played on the local news so that when I was out with my son I was stopped and asked about it. The Commission should have listened to my valid concerns for safety and privacy of my family and done what I know lawyers do best, argued for an adapted procedure to fit the circumstances: In my case, unwanted sexual contact in the workplace.

Regarding Mr. Sushchyk, I believe the Honorable Retired Judge Bertha Johnson said it

1 perfectly when she stated in her report:

2 "The line crossed here is not a murky
3 one," and I agree with her recommendations.
4 Thank you.

5 CHAIRPERSON BERNARD: Any questions from
6 members of the Commission?

7 Mr. Angelini?

8 MR. ANGELINI: I have no questions.

9 CHAIRPERSON BERNARD: Thank you.

10 Mr. Angelini or Mr. Judge Sushchuk, do you
11 want to be heard?

12 MR. ANGELINI: I do wish to be heard on
13 Judge Sushchuk's behalf. And I'll certainly honor
14 the time requirements.

15 STATEMENT BY MR. ANGELINI

16 MR. ANGELINI: Let me say from the
17 beginning that I recognize that this would be a lot
18 easier for most of the people on this call if Judge
19 Sushchuk would simply say that he apologizes for
20 what occurred; that he was under the influence of
21 alcohol; that he did, in fact, do what he is charged
22 with; that he feels self-recrimination as a result
23 of that and, as I said, is apologetic for it; that
24 he is taking steps to rehabilitate himself, and the

1 like. And I'm aware of the fact, having previously
2 represented the Commission in a matter charging a
3 judge, that that is commonly the case and provides
4 an opportunity for resolution.

5 But I want to say to you very frankly, with
6 Judge Sushchuk's full authority, that he did not
7 have any intentional contact with Ms. Deines. We
8 are sorry for what occurred to her. I feel badly,
9 listening to her comment, of the extent to which her
10 family has unnecessarily been involved in this. But
11 Judge Sushchuk denies that he had any intentional
12 physical contact with Ms. Deines, and because he
13 denies it, and because that is his best recollection
14 and belief after intensive self-examination, he
15 cannot take what would be the easier course, because
16 that would be dishonest; and you should not want,
17 none of us should want a judge who expresses that
18 dishonesty in the interest of expediency to be
19 sitting as a judge. So I say that to you quite --
20 with great respect.

21 I also want to say that I respect
22 Ms. Deines for coming forward, as does Judge
23 Sushchuk. She has a right to do it. We believe her
24 honesty in saying that someone had physical contact

1 with her that evening. It was not Judge Sushchyk.
2 And while Judge Josephson -- Retired Judge Josephson
3 has reached some conclusions, I do want to point the
4 Commission to our objections that we filed and ask
5 that each of you carefully read those objections.

6 If you do so, and if you reflect on the
7 testimony in this matter, you will be reminded that
8 Ms. Deines' conclusion that it was Judge Sushchyk
9 who slid his hand under -- slid a hand under her
10 buttocks and lifted and squeezed and pinched her,
11 she concluded it was Judge Sushchyk because, in her
12 statement to the Commission, she said it was Judge
13 Sushchyk "because he was the only person behind me"
14 or "passing behind me at the time."

15 I respect Ms. Deines' honesty during the
16 course of this proceeding in which she acknowledged
17 that, in fact, she was -- despite her statement
18 under oath that Judge Sushchyk was the only person
19 passing behind her, she acknowledged under oath that
20 she had no knowledge whatsoever of who or how many
21 people were passing behind her or were otherwise
22 behind her. As her testimony said, quote:

23 "I cannot tell you what was going on
24 behind my back," end quote.

1 CHAIRPERSON BERNARD: Excuse me, Attorney
2 Angelini.

3 MR. ANGELINI: Yes.

4 CHAIRPERSON BERNARD: You're arguing the
5 facts. That's not --

6 MR. ANGELINI: I am.

7 CHAIRPERSON BERNARD: -- what's going to
8 happen here today. We're here regarding discipline.

9 MR. ANGELINI: I believe the facts play an
10 important role in your recommendation, and, in the
11 absence of facts, I don't know, Judge, how you can
12 make a recommendation.

13 I want -- I argue -- well, I -- sorry for
14 your reaction --

15 CHAIRPERSON BERNARD: I have --

16 MR. ANGELINI: -- but the facts, it seems
17 to me --

18 CHAIRPERSON BERNARD: We have your written
19 objections. We have your written objections and the
20 arguments that you've made, but the sole purpose of
21 today is discipline and the recommendation for
22 discipline.

23 MR. ANGELINI: Well, I suggest to you,
24 respectfully, that should not be the case; that the

1 Commission, in considering what its recommendation
2 should be, should make an evaluation. Judge
3 Josephson rendered advice to the Commission. Judge
4 Josephson's conclusions -- which I have pointed out,
5 I believe correctly, are not grounded in the
6 facts -- need to be evaluated for the Commission to
7 make a reasoned recommendation to the Supreme
8 Judicial Court.

9 If you decline to hear any more of what I
10 want to say about the facts of this case, I'll be --
11 I'll take your instruction, since you're in charge
12 of this, but I think that's a significant error. It
13 does damage to Judge Sushchuk's situation. The fact
14 of the matter is -- and I'll just say it briefly and
15 not belabor the point -- that the only percipient
16 witnesses to this act do not include Ms. Sushchuk --
17 Ms. Deines. The only percipient witnesses to this
18 alleged act -- Ms. Patsos -- Attorney Patsos,
19 Attorney Welch and Judge Sushchuk -- all stated
20 under oath facts which are entirely inconsistent
21 with any implication of Judge Sushchuk in this
22 matter, and I ask you to take that into account as
23 you consider what recommendation you make.

24 Now I'll move beyond the facts, not because

1 I think they're unimportant, but because you've told
2 me you don't want to be guided by them.

3 CHAIRPERSON BERNARD: We will consider your
4 objections to the facts as far as your written
5 submission to the Commission are heard, but today's
6 hearing is regarding discipline.

7 MR. ANGELINI: Well, I appreciate that, and
8 I believe those facts and my ability to argue those
9 facts is important to that, but I defer to you, as I
10 must, because you're in charge and I'm not, and I
11 respect your responsibility here.

12 As you do so, I'll ask you to keep in mind
13 that Judge Sushchuk has a unblemished -- an
14 unblemished record as a military record, a record of
15 community service, a record of public service as an
16 elected selectperson in the town of Sterling, as a
17 police officer, as a member of the Worcester County
18 Bar Association and the Massachusetts Bar, indeed as
19 a former president of the Worcester County Bar
20 Association. He has had, for more than 40 years,
21 experience in positions of authority and
22 responsibility.

23 There is, to the best of our knowledge and
24 to the record in this case, no other incident of any

1 wrongdoing on his part, much less any allegation of
2 wrongdoing involving intentional contact --
3 intentional contact with another person of the type
4 of -- anything close to the type mentioned here.

5 This is -- this act, which is complained
6 of, is a distinct -- distinct, short action.

7 Putting aside the fact that Judge Sushchuk did not
8 engage in this act, it is something which is alleged
9 to have occurred between 5 and 15 seconds. It is
10 not a reflection of a course of conduct. It is not
11 a reflection of the absence of character. It is not
12 a reflection of a -- of a life which is other than a
13 life which Judge Sushchuk has led. And I believe,
14 we believe that the Commission should take that into
15 account in evaluating this case.

16 From the very beginning of this case, the
17 Commission has insisted, has insisted even before
18 the hearing of this case, this matter could be
19 resolved only by Judge Sushchuk's resignation. That
20 is an extraordinary, extraordinary position. It is,
21 with respect to a person in his situation, capital
22 punishment, or the equivalent of it, and it is
23 certainly not warranted in this case given his
24 record, given what's -- given his record of service,

1 given his record of behavior, regardless of the fact
2 that it -- putting aside from his contest that this
3 act did not occur.

4 Now, I will tell you that since the time of
5 this hearing, which -- and by the way, I'm conscious
6 of Ms. Deines' comments that this became a matter of
7 public comment and of broad broadcast. I had asked
8 respectfully that this not be conducted by Zoom in
9 the interest of privacy of all kinds of people,
10 including Ms. Deines and Judge Sushchyk.

11 But since that hearing, I have been
12 contacted by tens and tens of people, including --
13 mostly including lawyers, mostly including the
14 people who have practiced law with Judge Sushchyk,
15 who have appeared before him. I've received
16 e-mails, texts, notes, cards and telephone calls
17 from many of these people, women and men, lawyers,
18 townspeople who have known him for years, expressing
19 their dismay that anyone could think that he would
20 have done anything of this nature, and shocked that
21 he's been accused of it. Some of them have
22 described to me that Judge Sushchyk is a person of
23 humility and not of ego; that he invariably gives
24 the benefit of the doubt to others; that he is, by

1 nature, an accommodating person; that he is, by
2 their experience, respectful of people and
3 respectful of all people, regardless of gender or
4 national background or any affiliation, and
5 expressing their concern that he could be accused of
6 this as being entirely inconsistent with his
7 character, and that is the record of this case.

8 I have reviewed the record of discipline
9 which has been imposed and/or recommended by the
10 Commission in preparation for this, and have
11 attempted to make as comprehensive a search as
12 possible with respect to what has happened to others
13 who have acknowledged wrongdoing -- not charged with
14 it, but who have acknowledged wrongdoing -- and
15 attempted to look at those instances of discipline
16 as a way of determining what would be fair in this
17 case even if, as is disputed, heatedly disputed,
18 Judge Sushchuk had engaged in this conduct.

19 I note that two judges -- and I'll mention
20 judges by name not because I mean anything about
21 them other than the record, but it's important to
22 the record -- have been found, by their own
23 admission, guilty of drunk driving, endangering the
24 lives of people after drinking to excess on public

1 highways -- in one case, on a major public
2 highway -- engaging in the most reckless form of
3 behavior that exposed other people, not simply to
4 harm, but to death. Those two judges received
5 virtually no punishment.

6 Judge Trainor completed a driver's alcohol
7 education program and agreed to not sit in any
8 appeal involving a charge of operating under the
9 influence of alcohol for one year. He was an
10 appeals court judge.

11 Judge Christine McEvoy -- and, by the way,
12 I know Judge Trainor and Judge McEvoy, and I respect
13 them. We all make mistakes. Judge McEvoy made a
14 seriously -- a similarly serious mistake, operating
15 a motor vehicle on Route 93, as I recall, under the
16 influence of alcohol. She completed a driver's
17 alcohol education program.

18 Those were the results of those activities.

19 Judge Lyons, Marie Lyons, in a case in
20 which I represented the Commission, probate judge
21 sitting in Hamden County, as I recall, was charged
22 with a number of offenses involving entering
23 orders -- orders that were not authorized, entering
24 orders not requested by either of the parties,

1 refusing to allow parties to be heard, refusing to
2 allow litigants, their lawyers to be heard, refusing
3 to consider matters before her, refusing to enter
4 temporary orders without considering the facts, and
5 on and on, a course of conduct over several
6 months -- indeed, as I recall, several years. Judge
7 Lyons received a public reprimand, a three months'
8 suspension without pay and two weeks of -- and a
9 two-week educational program. That's a matter in
10 which I represented the Commission.

11 There are cases in which judges have
12 been -- have resigned, or first resigned, but based
13 on my review of all of the matters involving alleged
14 wrongdoing by judges, I could not find any offense
15 close in any way to what Judge Sushchuk is charged
16 with doing which resulted in such an extraordinary
17 result, an extraordinary sanction, I should say.
18 And that -- that record, I must say, includes
19 several offenses in which there are public censures,
20 public reprimands.

21 And I will simply say -- and come close to
22 ending with where I began -- the fact that Judge
23 Sushchuk is not going to take an expedient way out,
24 the fact that he is not going to admit to something

1 that he did not do, should not mean that he gets, or
2 is suggested to receive, a stiffer penalty than he
3 might otherwise receive. That would not be justice.
4 That would not be the law. He should not be
5 compelled to admit to having done something he did
6 not do simply to get a better recommendation from
7 you with respect to reprimand.

8 Now Judge Sushchuk has asked me to read a
9 statement on his behalf, and I'm going to do so.

10 The statement is as follows:

11 "My name is Paul M. Sushchuk. I am
12 65 years of age, married, a father and a
13 grandfather. I have three adult children
14 and reside in Sterling, Massachusetts,
15 where I was born.

16 "Since the age of 19, I have worked in
17 a number of positions involving power,
18 authority and responsibility. I have been
19 a police officer, both state and local; a
20 military veteran; and have served as an
21 elected official in my home town of
22 Sterling for a number of years, including
23 on the board of selectmen. I have been a
24 member of the Massachusetts bar since 1981

1 and have been involved in leadership
2 positions in my local county bar
3 association, including as its president.

4 "I was appointed to the bench in
5 February of 2018. As a judge, I have
6 always sought to act in a fashion which
7 promoted respect for the law, respect for
8 the judiciary and respect for those
9 persons, varied and diverse, who appear
10 before me and whom I have otherwise
11 encountered.

12 "My judicial evaluation was positive.
13 It showed that I was considered to be a
14 good judge by those who appeared before me.
15 I have tried very hard to conduct myself
16 with the requisite poise and demeanor
17 befitting my office as a judge.

18 "On the night in question, on
19 April 25, 2019, while I may have been
20 compromised by the length of the day and
21 consumption of alcohol, as I have said, I
22 was not inebriated, and I was not
23 intoxicated, and I did not have any
24 nonconsensual intentional physical contact

1 with Ms. Deines. Whether someone else did
2 so, I do not know. There were others in
3 the vicinity of Ms. Deines. I did not do
4 so myself.

5 "This allegation against me stands
6 alone on what I believe to be an otherwise
7 unblemished record of service and behavior
8 over the past 46 years. During these years
9 I have been engaged in those professions in
10 which I had responsibility for other
11 people, and which other people reported to
12 me and appeared before me. There has not
13 been a single allegation of inappropriate
14 behavior by me over" that -- "over all
15 those years.

16 "My ... 2019" -- "May of 2019
17 statement, which has been the subject
18 matter of comment, was an honest
19 recollection by me at that time of the
20 events of that evening, according to what
21 was my memory at that time. I had not
22 revisited the location where the incident
23 took place or spoken with anyone else or
24 refreshed my memory in any way. I realized

1 later, during the course of my
2 investigation and recollection and
3 conversations and self-engagement, that
4 that statement was based upon an imperfect
5 memory. My best memory is the one which I
6 testified to under oath.

7 "I request that the Commission
8 recommend that I be returned for future
9 service as a judge. I have demonstrated in
10 the past my ability to act as a judge and
11 to perform with servitude the functions of
12 my office, and I believe that I deserve to
13 do so.

14 "I have learned invaluable and hard
15 lessons since this complaint was made
16 against me. I have been reminded that,
17 while serving as a judge, I must conduct
18 myself in a manner at all times befitting
19 my office, 24 hours a day and seven days a
20 week. I have been reminded that I must be
21 cognizant and mindful of all of" what --
22 "of all acts and statements and especially
23 in social settings. I have been reminded
24 that I must temper, if not abstain, from

1 all alcohol consumption, particularly in a
2 social setting. I have been reminded that
3 I must continue, without reservation, to
4 continue to respect the gender, nature and
5 rights of all persons with whom I come into
6 contact, both on the bench and off. And I
7 have been reminded that I must never put
8 myself in a position where claims of this
9 nature could ever be made against me.

10 "Respectfully, Paul Sushchuk."

11 Judge Sushchuk, in February -- in the last
12 part of February of this year was assigned
13 administrative responsibilities. He has not been on
14 the bench for all of these months.

15 In April of this past year, Judge Sushchuk
16 began monitoring the Trial Court help phone desk and
17 has spent his time receiving and dealing with and
18 providing suggestions to between 10 and 20 calls per
19 day, seeking to provide guidance, in accordance with
20 the objectives of the help phone desk, to persons
21 who had issues and needed some information regarding
22 the Trial Court.

23 He has continued his public service during
24 this time. He remains committed to public service.

1 He remains committed to the judiciary. He is
2 65 years of age. He has five more years to spend as
3 a judge. We ask you, respectfully, not to make a
4 recommendation which interferes with that objective.

5 That is all I have to say. Thank you.

6 CHAIRPERSON BERNARD: Thank you,
7 Mr. Angelini.

8 Are there any questions by Commission
9 members?

10 No questions by Commission members.

11 I'm going to state that the Commission will
12 make its final recommendation to the Supreme
13 Judicial Court within 90 days of today's hearing.

14 And with that, this hearing is adjourned.

15 MR. ANGELINI: Thank you.

16 CHAIRPERSON BERNARD: Thank you.

17 (Whereupon, the hearing was
18 adjourned at 10:32 a.m.)

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C E R T I F I C A T E

I, Alexander K. Loos, Registered Diplomate Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on October 5, 2020.



Alexander K. Loos
Registered Diplomate Reporter

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Commission Hearing Re Discipline - Vol. I - October 5, 2020

D I S C L A I M E R

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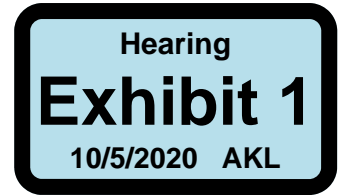
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COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT
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September 15, 2020



BY EMAIL (mangelini@bowditch.com)

Mr. Michael P. Angelini, Esq.
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615

RE: Complaint Number 2019-27/SJC OE-0143

Dear Mr. Angelini:

I am contacting you to follow-up on my September 9, 2020 letter to you in response to your request, on behalf of your client, Judge Paul M. Sushchyk, to be heard before the Commission, regarding its recommendation for discipline in the above-referenced matter, pursuant to Commission Rule 11D.

The Commission had originally scheduled that hearing for 10 a.m., on September 21, 2020. With the recent passing of Chief Justice of the Supreme Judicial Court Ralph Gants, the Commission felt that it was appropriate to postpone that hearing until Monday, October 5, 2020, at 10 a.m.

The hearing will still be public and will be subject to the requirements of Commission Rule 11E.

Because of ongoing safety concerns related to the COVID-19 pandemic, this hearing will be held remotely using the "Zoom" videoconference platform. Accordingly, Judge Sushchyk's statement/appearance before the Commission will take place through the "Zoom" platform and will be recorded on video and/or audio. No parties other than the stenographer and the Commission will be permitted to record this hearing. This hearing will also be transcribed by a stenographer from Doris Wong. The Commission is in receipt of your and Judge Sushchyk's email addresses to facilitate your participation in the hearing.

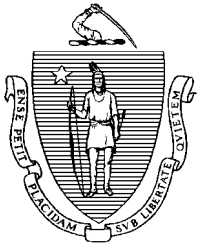
By way of reminder, pursuant to Commission Rule 11D, the purpose of the September 21, 2020 hearing will be for Judge Sushchyk to be heard regarding "[the Commission's] recommendation for discipline" to the Supreme Judicial Court, based

upon the Hearing Officer's findings of misconduct against him. The Commission will not entertain or permit Judge Sushchuk to make statements that exceed that purpose, particularly any statements revealing information or evidence that the Hearing Officer ruled inadmissible during the formal hearing.

Sincerely,

/HN/
Howard V. Neff, III
Executive Director

cc: Hon. Julie J. Bernard, Chair



**COMMONWEALTH OF MASSACHUSETTS
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September 15, 2020

BY EMAIL (dan.carey@careylegal.net)

Mr. Dan Carey, Esq.
76 Masonic Street
Northampton, MA 01060

RE: Complaint Number 2019-27/SJC OE-0143

Dear Mr. Carey:

I am contacting you to follow-up on my letter of August 17, 2020, notifying you of Ms. Deines' right to file a written request to be heard before the Commission regarding its recommendation for discipline.

The Commission received Ms. Deines' request to be heard, and then originally scheduled the Commission Rule 11E hearing for her to be heard regarding the Commission's recommendation for discipline for 10 a.m. on September 21, 2020. Such hearings are public and are subject to the requirements of Commission Rule 11E.

In light of the recent passing of Chief Justice of the Supreme Judicial Court Ralph Gants, the Commission felt that it was appropriate to reschedule that hearing for 10 a.m. on Monday, October 5, 2020.

Because of the still ongoing safety concerns related to the COVID-19 pandemic, this hearing will be held remotely using the "Zoom" videoconference platform. Accordingly, Judge Sushchik's statement/appearance before the Commission will take place through the "Zoom" platform and will be recorded on video and/or audio. This hearing will also be transcribed by a stenographer from Doris Wong. No parties other than the stenographer and the Commission will be permitted to record this hearing.

Please feel free to contact me with any questions.

Thank you.

Sincerely,
/HN/

Howard V. Neff, III
Executive Director