

ADMONITION NO. 25-07

CLASSIFICATIONS:

Knowingly Disobeying Rules of a Tribunal [Mass. R. Prof. C. 3.4(c)]

Conduct Prejudicial to the Administration of Justice [Mass. R. Prof. C. 8.4(d)]

Conduct Adversely Reflecting on Fitness to Practice [Mass. R. Prof. C. 8.4(h)]

SUMMARY:

On May 30, 2023, pursuant to G.L. c. 234A, § 3, the respondent was empaneled as a juror in a trial set to last into mid-June. During a break in the proceedings, the respondent recalled a work meeting out of state on June 8th, which would conflict with the jury service. At the direction of the Office of Jury Commissioner (“OJC”), the respondent disclosed the conflict to the judge who suggested that the respondent conduct the meeting remotely and continue to serve on the jury. The respondent agreed to try to change the work event, and the trial resumed. By the end of the first day of trial, the respondent and the rest of the jury heard the initial jury instructions, opening statements, and some testimony.

After trial that day, the respondent was unsuccessful in resolving the conflict as the judge suggested. Rather than contacting the court, the respondent left a message with the OJC indicating that she could no longer complete jury service. On the second day of trial, and without any attempt to contact or obtain permission from the court, the respondent failed to appear. The judge delayed the trial for approximately 30 minutes seeking to contact the respondent; those efforts were unsuccessful, and the trial resumed with an alternate juror.

A few days later, an Assistant Clerk Magistrate for the judge sent an email to the respondent instructing her to appear immediately in person before the court. The respondent did not comply. Instead, two days later, she sent an email to the Assistant Clerk Magistrate explaining her prior conflict and claiming to be unable to perform as a juror due to her personal and professional obligations. A week later, the Assistant Clerk Magistrate notified the respondent that the judge ordered her to appear that week to show cause for failing to appear and complete her jury service. The respondent did not reply or comply with the order. Two days later, the Assistant Clerk Magistrate instructed the respondent by email to appear the next day before the judge in his courtroom. The respondent did not comply.

The OJC thereafter issued two notices of delinquency against the respondent for her failure to complete jury service. It also rescheduled the respondent’s jury duty with a warning that another failure to appear could result in the filing of criminal charges against her. After receiving the second OJC notice, the respondent contacted and met in person with the judge. The matter was resolved to the judge’s satisfaction and no further action was taken regarding the OJC notices of delinquency. At around this time, the respondent obtained counseling from Lawyers Concerned for Lawyers (“LCL”) to help her address certain mental health issues that contributed to her failure to respond appropriately to the conflict between her jury service and work responsibilities and the court’s intervention into the matter.

By not appearing for jury duty after being empaneled, without leave of court, resulting in a delay of trial, the respondent violated Mass. R. Prof. C. 8.4(d) and (h). By failing to comply with the order to appear and show cause, the respondent violated Mass. R. Prof. C. 3.4(c), and 8.4(d) and (h). In mitigation, the respondent’s misconduct did not take place in the course of practicing law. Moreover, there was a causal connection between the respondent’s mental health issues, which were unmanaged at the time, and her misconduct.

The respondent was admitted to practice in 2021 and has no prior discipline. She received an admonition for the foregoing misconduct.