

IN RE: PRISCILLA F. ARNOTT

NO. BD-2015-085

S.J.C. Order of Term Suspension entered by Justice Spina on October 6, 2015, with an effective date of November 5, 2015.¹

SUMMARY²

The respondent was admitted to the bar of the Commonwealth of Massachusetts in 2006. In December 2012, the respondent was retained by the children of an eighty-six-year old woman to assist in obtaining MassHealth benefits on their mother's behalf. The respondent prepared and submitted an application for benefits, which MassHealth received in late October 2013.

In November 2013, MassHealth notified the respondent that the application was incomplete and would need to be supplemented within two weeks. The respondent failed to meet that deadline and MassHealth accordingly denied the application for benefits. Thereafter, the respondent sought to appeal the denial of benefits but she failed at any point to submit a completed application. The appeal was therefore denied. The respondent subsequently missed the deadline for vacating the dismissal of the appeal. On Friday, February 21, 2014, the respondent promised one of her clients that she would deliver the missing portions of the application to the Board of Hearings the following Monday. However, the respondent failed to deliver such materials and thereafter failed to communicate with her clients for over a month. The clients ultimately retained new counsel who succeeded in obtaining the requested benefits.

Bar counsel commenced an investigation of the respondent's conduct in the MassHealth matter in May 2014. As a result of the respondent's failure to cooperate with such investigation, she was administratively suspended from the practice of law on August 19, 2014. However, the respondent failed to comply with the order of administrative suspension. Moreover, while on administrative suspension, the respondent continued to solicit, accept, or handle legal matters on behalf of clients, without notifying the clients that she had been suspended.

By repeatedly failing to exercise appropriate diligence in regard to the MassHealth matter and by failing to communicate with her clients until they were compelled to retain new counsel, the respondent violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, and 1.4(a). By failing to cooperate with bar counsel's investigation, the respondent violated Mass. R. Prof. C. 8.1(b) and 8.4(g). Finally, by continuing to practice law while under administrative suspension and by failing to comply with the order of administrative suspension, the respondent violated Mass. R. Prof. C. 3.4(c), 5.5(a), and 8.4(d) and (h) and SJC Rule 4:01 § 17.

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

In mitigation, during the period at issue in the case, the respondent had been devoting a great deal of time and energy in caring for two seriously ill siblings in another state. Those efforts significantly impaired the respondent's ability to manage her obligations to her clients.

The matter came before the Board of Bar Overseers on a stipulation of facts and rule violations and a joint recommendation that the respondent be suspended from the practice of law for six months. On September 21, 2015, the board voted to accept the joint recommendation. On October 6, 2015, the Court entered the order suspending the respondent from the practice of law for six months, effective thirty days from the date of the order.