

**BRIAN M. MCCARTY**

**Public Reprimand No. 2013-22**

**Order (public reprimand) entered by the Board on October 1, 2013.**

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

The respondent, Brian M. McCarty, was admitted to the bar of the Commonwealth on June 2, 2003. On October 21, 2013, the respondent was driving under the influence of alcohol when his automobile collided with a motorcycle. The respondent left the scene of the accident without giving his name and other information to the motorcyclist. The respondent had previously been convicted on January 22, 1991, in Waltham District Court of operating under the influence, first offense.

On June 6, 2013, the respondent admitted to sufficient facts in Dorchester District Court to operating under the influence, second offense, in violation of G.L. c. 90, § 24(1)(a)(1). The case was continued without a finding until December 4, 2014, subject to conditions that the respondent abstain from alcohol and submit to random urine screens.

On September 16, 2013, bar counsel filed a petition for discipline charging that the respondent had been convicted of operating under the influence, second offense, in a matter involving his leaving the scene of an accident without giving the operator of the motorcycle required information and that the conduct violated Mass. R. Prof. C. 8.4(b) and (h). The respondent admitted the allegations of the petition, and the parties stipulated that the respondent should be sanctioned by a public reprimand with conditions that the respondent obtain an evaluation from Lawyers Concerned for Lawyers within two weeks of the order of public reprimand and follow all LCL treatment recommendations for eighteen months after the date of the evaluation. The Board of Bar Overseers voted on September 23, 2013, to accept the parties' stipulation and to issue a public reprimand subject to the agreed-upon conditions.

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