

**CLEMENT T. DESAUTELS**

**Public Reprimand No. 2013-19**

**Order (public reprimand) entered by the Board on August 29, 2013.**

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

The respondent is an attorney duly admitted to the bar of the Commonwealth on May 11, 1965. His law office is located at 334 Main Street, Southbridge, MA 01550. In around 1992, the respondent's daughter joined his law practice located in Southbridge, MA. See In re: Diane C. Desautels, No. BD-2013-18.

From about December 31, 1999, to December 28, 2011, the respondent was on either inactive or retired status. During that period, the respondent occasionally came to the office to prepare tax returns for long-term clients and assist in the probate of estates.

Sometime in 1971, the respondent began to represent a couple, and he continued to represent them on a variety of matters over the years. In early 2007, the couple and their son decided to purchase a two-family house. The parents would occupy one unit and the son the other. Title would be taken in the name of the son, and his parents would live there for the rest of their lives. The couple asked the respondent to assist them on this project.

At the respondent's request, in May 2007, his daughter began to represent the parents and the son in connection with the purchase of property located in Auburn, MA. The closing took place in June of 2007, and the property was deeded to the son.

Shortly before the closing on the property, the respondent prepared a lease between the son, as lessor, and the parents, as lessees. The purpose of the lease was to give the parents a right to live on the property for the rest of their lives.

After the closing sometime in June 2007, the lease was signed by the son and both parents, and delivered to the respondents' office. Neither respondent saw any of the parties to the lease actually sign it. Nevertheless, the respondent notarized all three signatures.

In notarizing the signatures on the lease when he did not witness the signatures, the respondent violated Mass. R. Prof. C. 8.4(c) and (h).

By preparing a lease for the parents and son, and by assisting in the probate of estates while on inactive or retired status, the respondent violated Mass. R. Prof. C. 5.5(a).

---

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

In mitigation, the respondent did not appreciate that he could not perform occasional legal services for clients while on inactive or retired status.

On July 31, 2013, bar counsel filed a petition for discipline, and the parties filed the respondent's answer and a stipulation in which the parties agreed that the appropriate sanction was public reprimand. On August 26, 2013, the Board of Bar Overseers voted unanimously to sanction the respondent by public reprimand.