

IN RE: GAIL M. THALHEIMER

NO. BD-2008-016

**S.J.C. Memorandum and Order Denying Employment as A Paralegal entered by
Justice Cordy on October 19, 2012.¹**

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

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
BD-2008-016

IN RE: GAIL M. THALHEIMER

MEMORANDUM AND ORDER

The respondent has moved for leave to engage in employment as a paralegal. The motion comes four years after she was indefinitely suspended from the practice of law for intentionally misusing clients funds, failing to comply with record-keeping requirements, and representing clients with conflicting interests. See Matter of Thalheimer, 24 Mass. Att'y Disc. R. 684, 685-689 (2008). She proposes to work as a paralegal for her son, a solo practitioner apparently specializing in plaintiffs' tort work, an area of the respondent's former practice.

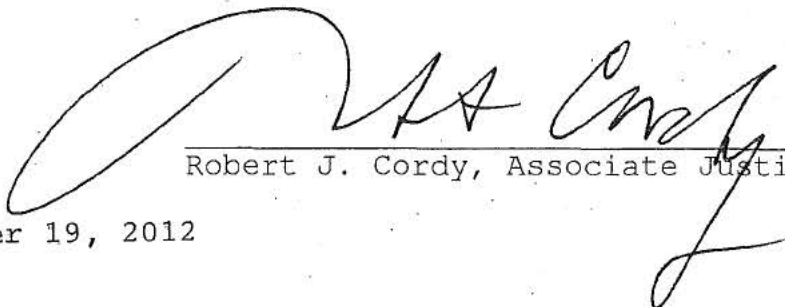
Permission to work as a paralegal is not a matter of right, and a motion for leave to engage in such employment is, in reality, "a motion for partial reinstatement of the rights and privileges the petitioner engaged before discipline." Matter of Gonick, 21 Mass. Att'y Disc. R. 307, (2005) No. BD-1999-031, slip op. at 4. The respondent "bears the burden of showing that [s]he is qualified to work as a paralegal and that her proposed employment will not harm the public interest, the integrity and standing of the bar, or the administration of justice." Matter

of Ellis, 23 Mass. Att'y Disc. R. 130 (2007).

I have reviewed the pleadings filed by the respondent and the opposition filed by Bar counsel, and held a hearing at which counsel for both parties addressed the proposed arrangement. The respondent also addressed the court at the hearing.

I do not doubt the sincerity of the respondent's desire to work her way back into the practice of law, first by assisting her son in his practice, or the honesty of her intentions regarding performing the role of paralegal consistent with any conditions that the court might set. I am not persuaded, however, that the arrangement would provide the "independent professional oversight" required to protect the public interest at this time. Matter of Ellis, supra at 131; Matter of Marani, 24 Mass. Att'y Disc. R. 469 (2008), No. BD-1998-019, slip op. at 2. Consequently, I am denying the motion without prejudice to considering other arrangements.

I also note that the respondent represents that she will be filing a petition for reinstatement next year. It may well be that a motion for employment as a paralegal would be more formally considered in conjunction with the filing of such a petition. So ordered.



Robert J. Cordy, Associate Justice

Date Entered: October 19, 2012