

IN RE: CATHERINE ANN MOSCARELLO

NO. BD-2011-100

S.J.C. Order of Term Suspension entered by Justice Duffly on February 16, 2012.¹

SUMMARY²

On May 26, 2011, the respondent, Catherine Ann Moscarello, was suspended from the practice of law by the Supreme Court of California for two years, with the suspension stayed, and she was placed on probation for three years; the respondent was actually suspended for one year and until she complied with certain conditions. The circumstances resulting in the respondent's discipline were as follows.

In eight client bankruptcy matters beginning in July of 2007, the respondent neglected the matters and failed to return unearned fees. The respondent also failed to respond to letters from the State Bar requesting responses to complaints by six of the clients.

In January of 2011, the respondent entered into a stipulation with the California State Bar agreeing to her misconduct and to the discipline ultimately approved by the court. In aggravation, the parties stipulated that the respondent engaged in a pattern of misconduct that caused significant harm. In mitigation, the parties stipulated that at the time of her misconduct the respondent suffered from a non-specific seizure disorder and other medical conditions that expert testimony would establish were directly responsible for the misconduct and that the respondent is in treatment for the seizure disorder. As also agreed by the parties, the termination of the respondent's one-year served suspension was conditioned on restitution to the eight clients and a showing by the respondent of her rehabilitation, fitness to practice, and learning and ability in the general law.

The respondent did not report the California discipline to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On September 28, 2011, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The parties waived hearing and assented to an order of reciprocal discipline. On February 16, 2012, the Court (Duffly, J.) entered an order suspending the respondent for two years effective immediately, with the respondent to be actually suspended for the first year and the remaining year to be stayed. The respondent was placed on probation for three years and ordered to comply with the terms of probation set by the Supreme Court of California. The order provided that the respondent's reinstatement to the Massachusetts bar is conditioned upon the termination of her California suspension and her compliance with the California conditions of probation. The order also provided that after three years from the date of entry, the respondent may file an affidavit with bar counsel and the Court with proof of her successful completion of the above conditions and of the termination of the California suspension and probationary period, and may request an order that she is no longer subject to the two-year suspension.

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.