COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No: BD-2025-031

IN RE: ALBERTINA CERVEIRA-HAJJAR

ORDER OF PUBLIC REPRIMAND AND CONDITIONS IN ACCORDANCE WITH MEMORANDUM OF DECISION

This matter came before the Court, Georges, J., on an information and record of proceedings pursuant to S.J.C. Rule 4:01, § 8(6), with the recommendation and vote of the Board of Bar Overseers filed on April 15, 2025. A hearing was held on July 16, 2025, attended by the parties.

Upon consideration thereof, and in accordance with the Memorandum of Decision of this date;

It is **ORDERED** that the Respondent, Albertina Cerveira-Hajjar, is hereby publicly reprimanded.

It is **FURTHER ORDERED** that Respondent shall:

(a) enter into a one-year mentorship agreement with an experienced trusts and estates attorney; and

(b) complete at least three hours of approved education in estate administration.

By the Court, (Georges, Jr., J.)

Allison S. Cartwright

Allison S. Cartwright, Clerk

Dated: October 17, 2025

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SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2025-031

IN RE: ALBERTINA CERVEIRA-HAJJAR

MEMORANDUM OF DECISION

This matter is before me on an information and record of proceedings submitted by bar counsel concerning attorney Albertina Cerveira-Hajjar. The petition for discipline arises from her conduct while serving in several fiduciary capacities: as guardian and conservator for an elderly woman, Mary Gifford; as personal representative of Gifford's estate following her death; and as personal representative of the estate of Veronica Noren.

Following a hearing on July 16, 2025, and upon a careful review of the record, I conclude that Cerveira-Hajjar should be publicly reprimanded, required to enter into a one-year mentorship agreement with an experienced trusts and estates attorney, and required to complete at least three hours of approved education in estate administration.

1. Factual background. I summarize the pertinent facts as found by the hearing committee and adopted by the Board of Bar

Overseers (board), mindful that the "findings and recommendations of the board are entitled to great weight." Matter of Brauer, 452 Mass. 56, 65-66 (2008), quoting Matter of Fordham, 423 Mass. 481, 487 (1996), cert. denied, 519 U.S. 1149 (1997).

a. The Gifford conservatorship. In August 2011, the Probate and Family Court Department (Probate Court) appointed Cerveira-Hajjar as guardian and conservator for Gifford. She obtained a conservator's bond and filed an initial, temporary conservator's inventory, but failed subsequently to file any required annual reports. See G. L. c. 190B, §§ 5-417 & 5-418. She likewise failed to submit an initial care plan or any annual updates. See G. L. c. 190B, § 5-309 (b). Even after the Probate Court issued a notice of noncompliance, Cerveira-Hajjar took no corrective action.

While acting as conservator, Cerveira-Hajjar located an annotated 1986 will in Gifford's home. It was Cerveira-Hajjar's understanding, based on a subsequent conversation with Gifford, that Gifford had revoked the 1986 will, after Gifford told Cerveira-Hajjar that she and her friend Noren had later executed reciprocal wills leaving their estates to each other. Cerveira-Hajjar never located the newer will. Gifford died on May 29, 2014. As guardian and conservator, Cerveira-Hajjar was required to complete final accountings and file a death certificate, but

she did neither for approximately seven years. During that period, she filed no inventories or accountings necessary to close the conservatorship or distribute its remaining assets.

b. The Noren estate. Noren died in August 2012, leaving the bulk of her estate -- including her South Boston home -- to Gifford. Attorney Frederick Barry petitioned for formal probate of Noren's will and was appointed special personal representative to sell the home, which sold in July 2013 for $823,483.07. The proceeds were deposited in an estate account.

After Barry notified Cerveira-Hajjar of Noren's death and that her will named Gifford as executor, Cerveira-Hajjar filed her own petition seeking formal probate of the Noren estate and requesting appointment as personal representative. Barry's petition was dismissed by agreement. A Probate Court judge then appointed Cerveira-Hajjar as personal representative for Noren's estate, and in May 2014 Barry transferred $829,054.70 in estate proceeds to Cerveira-Hajjar's control.

Barry was "not always prompt or careful" in providing records or information to Cerveira-Hajjar, but Cerveira-Hajjar also failed to exercise diligence. Between late 2013 and early 2014, she contacted Barry only three times, and not at all in 2015. Eventually, in September 2016, Cerveira-Hajjar retained attorney Matthew Beaulieu to assist her attempts to have Barry

furnish the necessary documentation. Beaulieu testified that Barry was "very disorganized" and "never provided anything."

Barry filed his final account as special personal representative for the Noren estate on January 5, 2017. Concluding the account contained material errors,[1] Beaulieu filed an appearance and objection on February 13, 2017, promising an affidavit of objections within thirty days. For about two and one-half years -- during which time Cerveira-Hajjar "did little" to advance the administration of the Noren estate -- no affidavit was filed, until September 6, 2019.

In October 2019, Barry emailed Beaulieu conceding that "the check [he] turned over to [Cerveira-Hajjar] was $50,000 short" and that approximately $50,000 from the Noren home sale appeared to be unaccounted for. Beaulieu then moved to attach Barry's real property. In lieu of attachment, a Probate Court judge ordered Barry not to encumber his real estate. The matter was transferred to the Probate Court's fiduciary litigation session, in which a judge ordered Barry to file an amended first and final account. He did so on February 12, 2020.

c. The Gifford estate. As noted, Gifford died in May 2014. At her funeral, Cerveira-Hajjar told Jane Eagan --

[1] Such irregularities included the unexplained appearance of a new bank account, unsupported charges for legal fees, and a $50,000 discrepancy in the reported proceeds from the sale of Noren's home.

Gifford's niece and the complainant in this matter -- that there was "no money left in Gifford's estate."[2] In truth, about $829,000 from the Noren estate and about $40,000 from the Gifford conservatorship remained in her control.

In 2020, an asset recovery company notified Eagan that, as an heir, she might be entitled to nearly $145,000 in unclaimed funds that had escheated to the Commonwealth. When Eagan contacted Cerveira-Hajjar, Cerveira-Hajjar confirmed for the first time that Gifford had inherited money from Noren. Until that point -- six years after Gifford's death -- Cerveira-Hajjar had not informed any heirs that she held substantial assets belonging to the Gifford estate.

Eagan then retained attorney Jamie Kelaher, who discovered that no Gifford estate had ever been opened. In August 2020, Kelaher petitioned for late and limited formal probate and was appointed personal representative of the Gifford estate. She contacted Barry, who proved "very responsive," and together they corrected and finalized the estate's accountings. Within a month, Kelaher secured a partial distribution of $750,000 for the heirs and recovered the almost $145,000 in escheated funds.

[2] The committee did not credit Cerveira-Hajjar's inconsistent testimony that she had merely told Eagan she did not yet know the remaining balance in the Gifford estate.

In September 2021 -- over seven years after Gifford's death -- Cerveira-Hajjar finally filed the required conservatorship inventories and accounts, along with a petition for complete settlement. Barry filed an amended final account for the Noren estate the following month. Cerveira-Hajjar and Beaulieu then withdrew their objections, and the court allowed Barry's petition for complete settlement. Cerveira-Hajjar transferred the remaining Noren estate proceeds to Kelaher, who made the final distribution to Gifford's heirs in May 2022. The Gifford estate was formally closed by court decree on November 18, 2022.

2. Prior proceedings. On March 1, 2023, bar counsel filed a single-count petition for discipline alleging that Cerveira-Hajjar mishandled the Gifford and Noren estates, as well as the Gifford guardianship and conservatorship, in violation of Mass. R. Prof. C. 1.1, 1.15 (c), 1.15 (d) (1), 1.3, 3.4 (c), and 8.4 (d). Specifically, bar counsel alleged that Cerveira-Hajjar failed to file required inventories and accountings for the Gifford guardianship and conservatorship, neglected to collect funds from joint bank accounts prior to Gifford's death, and took no meaningful action for more than seven years to advance the Gifford estate, including contacting heirs or petitioning the Probate Court. As to the Noren estate, bar counsel alleged that she failed to timely initiate probate and did not promptly deliver the estate funds to the Gifford conservatorship.

After a four-day evidentiary hearing, the hearing committee found that bar counsel proved nearly all the charged rule violations.[3] The committee identified no mitigating factors. In aggravation, it cited Cerveira-Hajjar's substantial experience, the multiple rule violations, the significant harm to Gifford's heirs (including thousands of dollars in unnecessary billing, as well as the deprivation of their inheritance for years), and her failure to appreciate the nature and consequences of her misconduct.[4] The committee was divided on the appropriate sanction; a majority recommended a six-month suspension, while one member favored a public reprimand.[5]

On appeal, the board largely adopted the committee's findings and conclusions but rejected two aggravating factors: that the misconduct involved multiple disciplinary violations (reasoning that it arose from a single course of conduct) and that Cerveira-Hajjar failed to recognize the implications of her

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[3] The committee concluded, and the board did not disturb, that bar counsel did not prove that Cerveira-Hajjar violated Mass. R. Prof. C. 1.15 (d) (1).

[4] One committee member dissented, interpreting Cerveira-Hajjar's testimony as "an acceptance of some responsibility for her acts and her failures to act."

[5] The division between the committee members turned on the proper application of Matter of Kane, 13 Mass. Att'y Discipline Rep. 321 (1997): whether Cerveira-Hajjar's conduct reflected isolates lapses or a broader pattern of neglect.

misconduct. The board recommended a six-month suspension, conditioned on: (1) participation in a one-year mentorship with an experienced trusts and estates attorney, with monthly meetings; (2) periodic reports from the mentor to bar counsel addressing Cerveira-Hajjar's cooperation and competence; (3) completion of at least three hours of continuing legal education in estate administration, pre-approved by bar counsel. One board member dissented, recommending that Cerveira-Hajjar also be required to pay the heirs approximately $61,000 as restitution for legal fees and bond payments attributable to her negligence, and disagreeing that she had acknowledged the seriousness of her misconduct.

3. Discussion. The underlying facts and rule violations are undisputed. The only issue before me is the appropriate sanction. My review is de novo, though I afford substantial deference to the board's recommendation. Matter of Jackman, 444 Mass. 1013, 1013 (2005). The central inquiry is whether the recommended sanction is "markedly disparate from those ordinarily entered by the various single justices in similar cases," recognizing that each case must turn on its own facts and that every attorney is entitled to the sanction most fitting to the particular circumstances (citation omitted). Matter of Pudlo, 460 Mass. 400, 404 (2011). The disciplinary rules serve a singular purpose: to protect the public and preserve

confidence in the integrity of the bar and the fairness of our legal system. Matter of Foster, 492 Mass. 724, 770 (2023). The sanction must therefore be measured not by retribution, but what is necessary to protect the public and deter similar misconduct. Matter of Laroches-St. Fleur, 490 Mass. 1020, 1023-1024 (2022).

a. Application of Matter of Kane. The presumptive sanction for neglect is guided by Matter of Kane, 13 Mass. Att'y Discipline Rep. 321 (1997), which directs attention to two considerations: (1) the degree of harm caused by the neglect and (2) whether the neglect is repeated or reflects a pattern. Id. at 327-328. Neglect causing "serious injury or potentially serious injury to a client or others" ordinarily warrants a public reprimand,[6] while neglect marked by "repeated failures to

[6] See, e.g., Matter of Gormley, 35 Mass. Att'y Discipline Rep. 228, 228 (2019) (public reprimand by stipulation for, among other reasons, failing to file inventories or annual account, and not placing real estate proceeds in separate interest-bearing account); Matter of Harvey, 31 Mass. Att'y Discipline Rep. 254, 257-258 (2015) (public reprimand by stipulation for, among other reasons, failure to keep beneficiaries informed about estate, and failure to act with reasonable diligence in disbursing deceased's personal property); Matter of Tierney, 28 Mass. Att'y Discipline Rep. 850, 850-851, 853 (2012) (public reprimand by stipulation for, among other reasons, failure to conduct prompt and diligent search for heirs, failure to promptly distribute estate assets, and failure to act with reasonable diligence and promptness in filing fiduciary income tax returns); Matter of Vidette, 23 Mass. Att'y Discipline Rep. 737, 738-739, 741 (2007) (public reprimand with two-year probation agreement for, among other reasons, failure to collect social security payments on behalf of ward, failure to retrieve ward's assets escheated to Commonwealth, failure to timely file inventory or accounts); Matter of Norton, 19 Mass.

act with reasonable diligence," or "a pattern of neglect," generally merits suspension.[7] Id. Yet, experience teaches that such determinations are rarely mechanical. Sanctions for neglect, particularly when accompanied by other misconduct, have varied based on the totality of the circumstances. Matter of Anderson, 33 Mass. Att'y Discipline Rep. 8, 11 (2017).

This case lies close to the line. Multiple rules violations, standing alone, do not compel a finding of a pattern of neglect. See Matter of the Discipline of an Attorney, 489 Mass. 1018, 1023 (2022) (no pattern of neglect where attorney failed to act diligently in several fiduciary roles; private admonition imposed). The Gifford and Noren matters are so tightly bound in fact that they are best regarded as a single,

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Att'y Discipline Rep. 333, 333-336 (2003) (public reprimand by stipulation for, among other reasons, delay in filing will, failure to timely carry out duties as executor, including failure to pay estate taxes that caused interest and penalties, and failure to render accounts at least once per year).

[7] See, e.g., Matter of Lansky, 22 Mass. Att'y Discipline Rep. 446, 451 (2006) (six-month suspension for neglect of two estates involving "substantial injury to the client" and conflict of interest on top of neglect, where respondent previously had received admonition for neglect in administration of two other estates); Matter of O'Connor, 21 Mass. Att'y Discipline Rep. 525, 525-527, 527-528 (2005) (six-month suspension where respondent engaged in neglect for two unrelated clients); Matter of Barrat, 20 Mass. Att'y Discipline Rep. 27, 30 (2004) (six-month suspension where respondent neglected one client in her personal injury suit and different client in probate matter).

continuous representation. The rule violations across both, while regrettable, do not establish a broader pattern of disregard or indifference.

Two considerations underscore my conclusion. First, Cerveira-Hajjar's progress in both matters was impeded in part by Barry's recalcitrance, which necessitated engaging separate counsel to obtain necessary documents and information required to proceed.[8] Misconduct by another attorney cannot be bootstrapped onto Cerveira-Hajjar's own to manufacture a "pattern." Second, Cerveira-Hajjar's involvement in the Noren estate was derivative of her work on behalf of Gifford -- Noren's principal beneficiary and named personal representative. Accordingly, her actions in the Noren estate were directed exclusively toward effectuating the transfer of assets to Gifford and, ultimately, to Gifford's estate and heirs. Her obligations in both estates were thus intertwined, and her efforts, though imperfect, reflected a continuity of purpose rather than serial neglect.

Viewed in this light, the Gifford and Noren matters are functionally one case, and pursuant to Matter of Kane, 13 Mass.

[8] I give little weight to the board's characterization of the litigation with Barry as "wasteful," and a "misbegotten battle," particularly where nothing in the record suggests that Cerveira-Hajjar acted in bad faith during her dealings with Barry or in the ensuing litigation.

Att'y Discipline Rep. at 327-328, the presumptive sanction is a public reprimand, not suspension. See Matter of the Discipline of an Attorney, 489 Mass. at 1023 (no pattern of neglect where attorney failed to act diligently in multiple but related fiduciary roles). Imposing a harsher sanction here would risk inconsistency and undermine the principle that discipline should be proportionate, not punitive.

b. The appropriate sanction. Independent of Matter of Kane's presumptive sanction analysis, I must ensure that the sanction imposed here is not "markedly disparate from judgments in comparable cases." Matter of Finn, 433 Mass. 418, 423 (2001). Although the board's recommendation is entitled to substantial deference, "the ultimate duty of decision rests with this court." Matter of Gordon, 385 Mass. 48, 58 (1982). In recommending a six-month suspension, the board relied on several cases involving neglect in estate administration. Each, however, is distinguishable on their facts, and I briefly address them in turn.

In Matter of Kasilowski, 31 Mass. Att'y Discipline Rep. 357, 361-363 (2015), the attorney -- serving as both executor and estate counsel -- failed to file timely estate tax returns, incurring over $11,000 in penalties across two estates, ignored follow-up requests, and took no corrective action even after successor counsel intervened. Id. at 362. The hearing

committee recommended a three-month suspension, stayed for two years on certain conditions. Id. at 368-369. The only issue before the board was whether the suspension should be stayed, not whether it should be imposed at all. Id. Even setting this procedural wrinkle aside, Matter of Kasilowski bears little resemblance to this case. The attorney there showed "considerable indifference" to the harm he caused, id. at 366, whereas Cerveira-Hajjar took responsibility for her neglect.[9] Moreover, unlike Matter of Kasilowski, the neglect here involved reliance on another attorney's work, and the Gifford and Noren estates are, in substance, a single matter. Accordingly, Matter of Kasilowski provides little guidance.

In Matter of McGuirk, 29 Mass. Att'y Discipline Rep. 449, 449 (2013), the respondent's neglect spanned seven years and concerned two unrelated guardianships, with repeated failures to file accounts, loss of Medicaid and MassHealth benefits for wards, and even contempt findings in the Probate Court. Despite some mitigation, the board recommended -- and the single justice imposed -- a one year-and-one-day suspension. By contrast, Cerveira-Hajjar has no history of discipline, no failures

[9] This is distinguishable from the recent decision in Matter of Sargent, 496 Mass. 505, 513-514 (2025), where the full court noted that an attorney's purportedly-genuine remorse is not grounds on its own to depart from a presumptive sanction (there, disbarment).

affecting public benefits, and no contempt findings. Her neglect, while prolonged, was limited to a single, related set of estates. McGuirk thus presents a level of misconduct far more serious than at issue here.

In Matter of Lansky, 22 Mass. Att'y Discipline Rep. 443, 446-447 (2006), the attorney was suspended for six months for neglect of two estates and a serious conflict of interest spanning eight years. The conflict arose from his dual role as coexecutor of an estate and director of the family business that comprised its primary asset. Id. at 448. The misconduct was compounded by prior discipline for similar neglect. Id. at 448. These facts, particularly the enduring conflict and pattern of prior neglect, render Lansky inapposite.

Matter of Barrat, 20 Mass. Att'y Discipline Rep. 27, 39 (2004), likewise involved markedly more serious misconduct. Barrat neglected two unrelated matters -- one involving missed filing deadlines and repeated misrepresentations to a client, and another involving his failure to locate and produce a client's will, coupled with nonresponsiveness to the executor's repeated inquiries. The board found aggravation from prior discipline and noncompliance with a prior reprimand. Id. at 34. Cerveira-Hajjar, by contrast, had no prior disciplinary record and did not engage in comparable deceit. Accordingly, Matter of Barrat is not a fitting analogue.

The board's closest cited case, Matter of Kydd, 25 Mass. Att'y Discipline Rep. 341 (2009), involved neglect of a single estate resulting in tax penalties exceeding $35,000, misplacement of checks, and misrepresentation regarding distributions. The single justice imposed a three-month suspension, stayed for one year, citing Kydd's inexperience and lack of personal gain. Id. at 345. Matter of Kydd thus appears to be an outlier in imposing even a stayed suspension for a single neglected estate. A single outlier bears little weight in determining whether a sanction is markedly disparate from those imposed in "comparable cases." Matter of Finn, 433 Mass. at 423. Moreover, unlike Kydd, who initially failed to cooperate with bar counsel, Cerveira-Hajjar cooperated fully. Id. at 343. While Matter of Kydd has some similarity, the disposition of that one case from over fifteen years ago, on its own, does not compel a stayed three-month suspension here, let alone the six-month suspension recommended by the board.

Recent precedent further supports this conclusion. In Matter of McLaughlin, No. BD-2023-108 (Suffolk County July 8, 2024), I ordered a three-month suspension where the respondent's misconduct was far more egregious. There, an attorney repeatedly misrepresented the status of estate and land title matters to a terminally ill client who pleaded for timely action, ultimately depriving her intended beneficiaries of their

inheritance and forcing them to pay over $100,000 to recover property that should have been conveyed to them. Id. The gravity and human cost of McLaughlin's neglect far exceed those present here.

Here, while Cerveira-Hajjar's delay in notifying heirs was unreasonable, it was materially distinct from McLaughlin's sustained misrepresentations to a dying client. Moreover, I give greater weight than did the board to Cerveira-Hajjar's reliance on Barry's deficient accounting and the ensuing litigation -- context that meaningfully mitigates her culpability. See Matter of Saab, 406 Mass. 315, 328 (1989) (disciplinary analysis must consider totality of circumstances).

The harm here, though real and quantifiable, does not approach that in Matter of McLaughlin. The modest depletion of estate funds caused by the respondent's decision to pursue litigation pales in comparison to the substantial financial and emotional harm in that case. Nor do the aggravating factors identified by the board -- harm to heirs and the respondent's experience -- justify escalation to a term suspension. See Matter of Gleason, 28 Mass. Att'y Discipline Rep. 352, 356 (2012) (public reprimand imposed despite harm, protracted neglect, and experience).

Instead, Matter of Tierney, 28 Mass. Att'y Discipline Rep. 850 (2012), provides the most apt comparison. There, Tierney

received a public reprimand for neglecting to locate heirs and distribute estate assets over nearly a decade, during which time several heirs died without receiving their shares. Id. at 852. Tierney eventually rectified the neglect after bar counsel's intervention. As in Tierney, the central failing here was the prolonged delay in closing the estates and distributing assets, not any intent to deceive or self-benefit. Comparable cases need not be "perfectly analogous." Matter of Hurley, 418 Mass. 649, 655 (1994). On the core facts -- lengthy neglect without aggravating intent to deceive or conflict -- Matter of Tierney aligns most closely.

A public reprimand, coupled with conditions requiring monthly mentoring and continuing legal education in estate administration, adequately serves the twin goals of deterrence and protection of the public. Matter of Curry, 450 Mass. 503, 530 (2008). As the board has previously observed, "[t]he public reprimand remains a visible and consequential sanction," one that reinforces the profession's standards without imposing disproportionate punishment. Board of Bar Overseers, Massachusetts Bar Discipline: History, Practice, and Procedure 41 (2018).

4. Conclusion. Given the considerations detailed above, I conclude that a public reprimand, together with the conditions

recommended by the board, is the appropriate sanction.

Accordingly, an order imposing these sanctions shall enter.

By the Court,

/s/ Serge Georges, Jr.

Serge Georges, Jr.
Associate Justice

Dated: October 17, 2025