IN RE: MATTER OF ALBERT IRA GOULD
BBO NO. 205060

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

In the Matter of	)	
ALBERT IRA GOULD,	)	**SJC No. BD-1998-059**
Petition for Reinstatement	)	
	)	

HEARING PANEL REPORT

I. Introduction

On December 17, 1998, the petitioner, Albert Ira Gould, was indefinitely suspended after his Affidavit of Resignation was accepted by the Supreme Judicial Court ("S.J.C."). See Ex. 31[1] (Matter of Gould, 14 Mass. Att'y Disc. R. 278 (1998)). On June 16, 2023, the petitioner filed his petition for reinstatement with the S.J.C. We held an in-person hearing on August 12, 2025.[2] The petitioner, represented by counsel, testified on his own behalf and called no other witnesses. Bar counsel called no witnesses. Thirty-six exhibits were admitted into evidence. Exs. 1-36.[3] At the end of the hearing, the petition was opposed by bar counsel. Tr. 206 (Assistant Bar Counsel). After considering the evidence and testimony, we recommend that the petition for reinstatement be denied.

[1] The transcript is referred to as "Tr.[page]." and the hearing exhibits are referred to as "Ex.__." We have considered all of the evidence, but we have not attempted to identify all evidence supporting our findings where the evidence is cumulative. We credit the testimony cited in support of our findings to the extent of the findings, and we do not credit contradictory testimony. In some instances, we have specifically indicated testimony that we do not credit.

[2] As discussed infra, the petitioner testified that the two-year delay between filing his petition and the instant hearing was to give him time to demonstrate learning in the law and otherwise attempt to address other concerns with his petition that were raised by bar counsel. See Tr. 94-95.

[3] Exhibits 3-11 and 36, consisting of the petitioner's Reinstatement Questionnaire Part II, various tax returns, and a letter from a medical provider, are impounded. Exhibit 36, consisting of the petitioner's two most recent tax returns, was requested by the hearing panel at the hearing and provided by counsel the following day, August 13, 2025. Tr. 186-187.

II. Standard

A petitioner for reinstatement to the bar bears the burden of proving that he has satisfied the requirements for reinstatement set forth in S.J.C. Rule 4:01, § 18(5), namely, that he possesses "the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest." Matter of Weiss, 474 Mass. 1001, 1002, 32 Mass. Att'y Disc. R. 263, 264-265 (2016). The S.J.C.'s rule establishes two distinct requirements, focusing on (1) the personal characteristics of the petitioner and (2) the effect of reinstatement on the bar and the public. Matter of Gordon, 385 Mass. 48, 52, 3 Mass. Att'y Disc. R. 69, 73 (1982).

In making these determinations, a panel considering a petition for reinstatement "looks to '(1) the nature of the original offense for which the petitioner was [suspended], (2) the petitioner's character, maturity, and experience at the time of his [suspension], (3) the petitioner's occupations and conduct in the time since his [suspension], (4) the time elapsed since the [suspension], and (5) the petitioner's present competence in legal skills.'" Matter of Alfred C.W. Daniels, 442 Mass. 1037, 1038, 20 Mass. Att'y Disc. R. 120, 122-123 (2004), quoting Matter of Prager, 422 Mass. 86, 92 (1996), and Matter of Hiss, 368 Mass. 447, 460, 1 Mass. Att'y Disc. R. 122, 133 (1975).

III. Disciplinary History

The petitioner was admitted to the bar of the Commonwealth in 1977. Ex. 1. He joined family members in the law: his father was a judge and four of his five siblings were then, or later became, attorneys. Tr. 14-18.[4] He began practicing law at his family's law firm, Gould Law

[4] All transcript cites are to the petitioner's own testimony unless otherwise noted.

Offices, in Clinton. Tr. 23. It was a general practice which handled real estate permitting and conveyancing, wills and trusts, as well as criminal law, personal injury, and divorce cases. Tr. 23-24. In the early 1980s, the petitioner set up his own firm, The Law Offices of Albert Ira Gould, in Bolton. See Tr. 23. As a solo practitioner, the petitioner handled divorce, personal injury, tort litigation, and criminal cases (most commonly OUIs). Tr. 23-24, 27-29. He argued several cases in front of the Appeals Court and two cases in front of the S.J.C. Tr. 29.

In June of 1997, the Office of Bar Counsel ("OBC") received a complaint about the petitioner. Ex. 24. The complainant, Richard Letarte, claimed that the petitioner delayed reimbursing funds advanced by Mr. Letarte for a real estate closing until two months after the closing had occurred. Id. The petitioner then ignored Mr. Letarte's requests for an explanation. Subsequently, Mr. Letarte wrote a letter on July 18, 1997 to the OBC seeking to withdraw his complaint. Ex. 25. However, the petitioner was still required to respond to the allegations. See Ex. 26 (Letter from the Office of Bar Counsel). On July 29, 1997, the petitioner provided a written response to the complaint against him. Ex. 27. In sum, the petitioner denied the allegations, claimed the delay in reimbursing funds was caused by title issues, and explained that Judith Vaillette was his client and not Mr. Letarte, who he described as Ms. Vaillette's accountant. See Ex. 27. An investigation by the OBC followed which included the petitioner giving a recorded statement under oath. Ex. 28.

On October 29, 1998, the petitioner filed an Affidavit of Resignation with the Board of Bar Overseers ("board"). Ex. 29. Attached to the Affidavit as Exhibit 1 was Bar Counsel's Statement of Disciplinary Charges, which detailed the allegations against the petitioner (described infra). See also Ex. 31 (Summary of Discipline). The petitioner acknowledged that the facts set forth in the Statement of Disciplinary Charges would be established by a preponderance

of the evidence at a disciplinary hearing. He agreed not to contest the facts and stated, in mitigation, that he was "undergoing marital, financial and personal difficulties at the time of these events which had a significant impact on [his] behavior." Ex. 29, at BBO461, ¶ 10. On November 9, 1998, the board voted to recommend to the S.J.C. that the petitioner's Affidavit of Resignation be accepted and that an order of indefinite suspension enter. Ex. 29, at BBO470. On December 17, 1998, the Single Justice accepted the Affidavit of Resignation and ordered that the petitioner was suspended for an indefinite period immediately upon entry of the order. Ex. 18. On December 31, 1998, the Single Justice issued an Amended Order which provided that the indefinite suspension would be effective thirty days after the entry date of the order—January 30, 1999. Ex. 30.

The Summary of Discipline details the petitioner's misconduct: In the fall of 1996, the petitioner served as the closing agent on a residential mortgage loan to his client, Judith Vaillette. Ex. 31. On October 23, 1996, the bank wired $124,038.25 to the petitioner's IOLTA Account to fund the closing. Prior to receiving the funds, the balance in the petitioner's IOLTA Account was $714.70. As closing agent for the bank, the petitioner was obligated to make two distributions, totaling $87,500, to two different banks to pay off two loans. Despite recording the mortgage from Vaillette to the bank on October 23rd, the petitioner did not immediately disburse the funds as required. Instead, he paid himself a $6,513 fee and then, on November 7, 1996, he transferred $88,507.39 from his IOLTA Account to his Law Office Account, leaving a balance in his IOLTA Account of $1,658.47. Id.

Over the following month, the petitioner spent the funds from his Law Office Account for unrelated client and personal purposes, including the purchase of two cashier's checks in the amounts of $50,000 and $58,694 which were related to a different client. When asked to explain

the delay in paying off the two loans, the petitioner represented to Vaillette, Vaillette's accountant (presumably, Mr. Letarte), and the bank that the delay was "due to a problem in clearing the titles on multiple parcels." Id. Vaillette's two loans were not paid off until December 23, 1996 and January 9, 1997. The petitioner's misconduct in commingling Vaillette's funds with personal funds, his failure promptly to pay off the two loans noted on the settlement statement, his use of Vaillette's funds to pay personal and business obligations and to pay the obligations of other clients, his failure to account to Vaillette and to others regarding Vaillette's funds, and his misrepresentations, violated Canon One, Disciplinary Rules 1-102(A)(4) and (6),[5] Canon Seven, Disciplinary Rule 7-102(A)(5),[6] and Canon Nine, Disciplinary Rules 9-102(A), (B), and (C).[7]

During bar counsel's review of the petitioner's bank records in the Vaillette matter, bar counsel discovered that, between September 1996 and October 1998, the petitioner "routinely used client funds to pay personal or unrelated client or business expenses." Id. at BBO478. The Summary identifies at least five additional clients (Clients A, B, C, D1 and D2, and E) and describes in detail how their funds were improperly used by the petitioner. One of those clients, Client C, was a disabled veteran, residing in a nursing home, and the petitioner had been appointed to serve as his conservator. Id. at BBO479. In another matter, the Middlesex Probate and Family Court had entered an Order directing the petitioner to hold certain funds as an escrow agent and not to release the funds without further order of the court. Id. at BBO480. Nevertheless, the petitioner deposited the money into his Law Office Account and used the funds

[5] The predecessors to Mass. R. Prof. C. 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and (h) (conduct that reflects adversely on fitness to practice).

[6] The predecessor to Mass. R. Prof. C. 4.1(a) (knowingly make a false statement of material fact or law to third person).

[7] The predecessors to various subsections of Mass. R. Prof. C. 1.15 (safekeeping property).

to make payments to other clients in unrelated legal matters or for personal and business expenses unrelated to the client matter. Id. at BBO480-81. After bar counsel's investigation, on July 24, 1998, the petitioner obtained a personal loan from his sister in the amount of $140,058.50. Id. at BBO481; Tr. 60. This loan enabled the petitioner to make restitution.[8] The petitioner's "serial misuse of clients [sic] funds and his commingling of personal and client funds in the Law Office Account, violated Canon One, Disciplinary Rules 1-102(A)(4) and (6) and Canon Nine, Disciplinary Rules 9-102(A), (B), and (C), and Rules 8.4(b) (commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer) and (c) and Rule 1.15 of the Massachusetts Rules of Professional Conduct." Ex. 31, at BBO481. The petitioner's failure to comply with the court's Order requiring that he hold certain escrow funds violated Canon One, Disciplinary Rules 1-102(A)(4), (5),[9] and (6) and Mass. R. Prof. C. 8.4(c) and (d).

IV. Findings and Conclusions

Our findings and conclusions are set forth in three sections: moral qualifications, competency and learning in the law, and the public interest.

A. Moral Qualifications

The conduct giving rise to the petitioner's suspension is affirmative proof that he lacked the moral qualifications to practice law. See Matter of Hiss, 368 Mass. at 460, 1 Mass. Att'y Disc. R. at 134. That the misconduct "continues to be evidence against . . . [the petitioner] with respect to lack of moral character at later times [is] in accordance with the principle that 'a state of things once proved to exist may generally be found to continue.'" Id. (citation omitted). "The

[8] The petitioner testified that he repaid his sister for this loan within nine months. Tr. 180. We credit that he did so although he provided no evidence.

[9] The predecessor to Mass. R. Prof. C. 8.4(d) (conduct prejudicial to the administration of justice).

act of reinstating an attorney involves what amounts to a certification to the public that the attorney is a person worthy of trust." Daniels, supra, 442 Mass. at 1038, 20 Mass. Att'y Disc. R. at 123, Prager, supra, 422 Mass. at 92; see Matter of Centracchio, 345 Mass. 342, 348 (1963). In fact, "considerations of public welfare are dominant. The question is not whether the petitioner has been punished enough." Matter of Cappiello, 416 Mass. 340, 343, 9 Mass. Att'y Disc. R. 44, 47 (1993), quoting Matter of Keenan, 314 Mass. 544, 547 (1943). Cf. Matter of Nickerson, 422 Mass. 333, 337, 12 Mass. Att'y Disc. R. 367, 375 (1996) ("To make that the test would be to give undue weight to his private interests, whereas the true test must always be the public welfare.'") (citation omitted).

To gain reinstatement, the petitioner has the burden of proving that he has led "'a sufficiently exemplary life to inspire public confidence once again, in spite of his previous actions.'" Prager, supra, 422 Mass. at 92, quoting Hiss, supra, 368 Mass. at 452, 1 Mass. Att'y Disc. R. at 126. He can do this by proving he has reformed, since a "fundamental precept of our system is that persons can be rehabilitated." Matter of Ellis, 457 Mass. 413, 414, 26 Mass. Att'y Disc. R. 162, 163 (2010). "Reform is a 'state of mind' that must be manifested by some external evidence…[and] the passage of time alone is insufficient to warrant reinstatement." Matter of Waitz, 416 Mass. 298, 305, 9 Mass. Att'y Disc. R. 336, 343 (1993).

We divide our discussion of the petitioner's moral qualifications into the following subsections: (1) Lack of Insight into Misconduct; (2) Work and Volunteer Activities; (3) Lack of Financial Transparency; (4) Witness Testimony and Supportive Letters; and (5) Conclusions as to Moral Qualifications.

1. Lack of Insight into Misconduct

In evaluating the petitioner's current moral qualifications, we must consider the

petitioner's understanding and acceptance of his underlying misconduct. We are troubled by the manner in which, in the documents and testimony before us, the petitioner purported to take responsibility for his misconduct. As we know from the Summary of Discipline, over a period of two years, the petitioner "routinely used client funds to pay personal or unrelated client or business expenses." Ex. 31. He misused over $100,000 of his clients' funds. See id. Yet, nowhere in his materials or in his testimony did he straightforwardly explain (1) what he did, and (2) why he did it. For example, when asked to describe his misconduct in his Reinstatement Questionnaire, Part I, the petitioner simply referred to an attached article containing the disciplinary order and summary. Ex. 2, at BBO004. He made no attempt to explain in his own words what had happened. In addition, in his Personal Statement, which asked that he "[p]rovide a concise statement of facts to justify your reinstatement to the Bar…", he did not address or even mention his misconduct. Instead, he described his long second marriage, the careers and academic achievements of his four youngest children, his second career (described infra), and his wish to resume the practice of law. See Ex. 2, at BBO009-010.

His testimony before us fared little better. The petitioner never forthrightly expressed to us that he had intentionally misused clients' funds. Instead, he repeatedly, and vaguely, spoke of "being out of trust." Tr. 41, 58, 109, 116. When asked on direct examination what he would like the hearing panel to know about the allegations that were made against him, he replied, in part:

> Many different things. The first point that I would like to address is that I had mixed feelings about receiving [the complaint from bar counsel in June 1997]. The shock and realization that I would no longer be able to practice law was extremely debilitating. And I also had a sense of relief that I was finally going to have to resolve the fact that I was out of trust on my trust account and correct my misconduct.
>
> I was aware at that time that I had committed wrongful acts. It wore on me. I felt great guilt about it. It contributed to my depression at that time. And I was not

> successful in making it right. That letter was a realization to me that I had to fix this at that point in time.
>
> I don't speak of anything in mitigation of what I did. There was no mitigation of what I did. What I did was wrong. I never should have committed that wrongful conduct. I was completely and solely responsible for the fact that I was not in compliance with my trust obligations.

Tr. 57-59. While expressing credible remorse and regret for his actions, and appearing to take responsibility for his misconduct, he actually explained very little.

On cross-examination, he was finally asked to explain the phrase "out of trust." The petitioner testified, "If I were to do a reconciliation, a three-way reconciliation of my IOLTA, it would not balance by a sizable amount. And that sizable amount was the amount I ended up borrowing from my sister." Tr. 117-18. Bar counsel pressed further, "When you are using the word 'trust,' are you using it to mean money? Like, when you said that you knew that you were out of trust, you were out of the client funds?" He responded,

> Yes. What I mean to say is that I was not in conformity with the requirements of maintaining client funds that I held as an attorney for the benefit of those clients. And, therefore, I was out of trust. One might say, my IOLTA account was—could not be reconciled. It was in a negative balance. That's what I mean when I say I was out of trust. I'm not referring to trust in me. I'm talking about trust funds.

Tr. 118. His verbose explanations to us concealed rather than revealed the facts of his underlying misconduct or his motivation(s) for his actions. We find that the petitioner was hiding behind his words and displayed obvious reluctance to admit the simple truth: he took his clients' money and used it for his own purposes.

We understand from our review of the exhibits (in particular, Exs. 29 and 31) that the petitioner was largely "robbing Peter to pay Paul." He was in a cycle of misusing one client's funds to resolve a shortage he had previously created in another client's account, thereby creating a new shortage that he would resolve by misusing yet another client's funds. However,

there are no details in the petitioner's Affidavit of Resignation or Summary of Discipline to explain what the petitioner was doing with the misappropriated funds to create a negative balance of over $140,000 in his IOLTA Account. See Exs. 29 and 31. In fact, it was not until the end of the hearing day, with the petitioner as the sole witness, that we finally learned what happened to his clients' funds—the petitioner used at least some of them to buy an office condominium in Westford. Tr. 200-201. In response to questioning by this hearing panel, he testified:

> It's not entirely clear to me what every element was that led to the discrepancy in my account—in my accounts. I do believe it related to the use of some client funds to purchase a condominium in Westford, where I conducted my legal affairs, and that was the most substantial portion of the problem. There were some historical errors, I think, that were being carried forward because I don't think that the IOLTA account had ever been properly reconciled…But I believe that predominantly it was as a result of that condominium purchase in Westford.

Tr. 200-201. He described this as "a very poor decision" which he attributed, at least in part, to his alcohol use. Tr. 202. It should not have taken all day, and pointed questioning from us, to hear this explanation from him. Further, this was the sum total of the testimony we heard about this condominium and there is no indication in the exhibits about the current status of the property. While the property may have been listed in the petitioner's Questionnaires, that was not made clear to us, and the petitioner bears the burden of proof in this proceeding.

In addition to misappropriating clients' funds, the petitioner was also found to have made misrepresentations to his client and others regarding the status of Vaillette's funds. Ex. 31. Again, the petitioner gave us little to no information about this aspect of his misconduct. When asked whether everything in his response letter to bar counsel (Ex. 27) was true, the petitioner stated,

> I have no idea. I have to say that I think Bar Counsel determined that there were representations—there were representations in this letter that were not true and

> that I violated a canon of ethics in the preparation of this letter on July 29 of 1997. And I accept that as being an accurate determination and finding of fact.

Tr. 114. This is insufficient. We would expect a petitioner to review all of his materials and be prepared to answer questions about them. While the petitioner is quick to admit that his actions were wrong, he gives us no real sense of what he did or why. Without that context, without some specific details or information, we are not able to determine whether his ostensible redemption and rehabilitation is real. We are not convinced that the petitioner has looked squarely at his misconduct and acknowledged it, or the reasons for his actions, in any meaningful way. See Matter of Thalheimer, 31 Mass. Att'y Disc. R. 621 (2015) (reinstatement allowed upon second petition; contrasting petitioner's first petition where that hearing panel was concerned about the "'conspicuous lack' of evidence that 'the petitioner used her suspension to face her misconduct squarely and to obtain independent advice and correction at a personal level.'").

While we heard some articulation of regret or remorse from the petitioner about his actions, which we credit, the petitioner's testimony on this subject largely centered on how his misconduct affected him and his family. Tr. 63-65 ("I am extremely ashamed and embarrassed that I have tarnished that reputation, that good reputation, of my family. Earned and I tarnished it."). We did not hear any expression of remorse for, of awareness of, how he treated his clients and put their funds at risk. The petitioner also showed no awareness that, but for the loan from his sister, he would not have been able to make restitution to his clients for the funds he misappropriated from them. Instead, more than once during his testimony, he pointed out that no awards were paid to clients on his behalf by the Clients' Security Board ("CSB"). Tr. 60-61, 179-180. While we understand that whether or not restitution was made was important information, given the circumstances, his testimony struck us as failing to acknowledge that it was simply a stroke of luck on his part that he had someone willing and able to loan him a

substantial amount of money to enable him to make restitution to his clients. Without this external support, the petitioner's clients may well have needed to seek assistance from the CSB. Further, the way in which the petitioner described obtaining the loan from his sister was troubling to us. He testified as follows:

> …I turned to my eldest sister, who is pretty well-heeled, and I remember spending literally hours upon hours on the phone with her being lectured about my misconduct, about the embarrassment I brought to the family, about the wrongful nature of my conduct, and how she was willing to help me, provided I gave her assurances and made it all properly secured, documented, and that she was appropriately compensated…"

Tr. 117. The tone of this testimony was off-putting to us and did not appear to exhibit remorse for his misconduct and the position he placed his sister in as a result.

The petitioner insisted that being disciplined has been a "transformative experience" for him and that he is a different person now because he "worked very diligently to address shortcomings of a personal nature." Tr. 64. The petitioner testified that, in or around 1995, he was having marital issues and he and his wife "basically separated" at this time. Tr. 35. They lived apart from approximately 1998 / 1999 until they divorced in 2000. See Tr. 34-36. He described the divorce as "extraordinarily contentious" and testified that those years, which coincided with his misconduct, were "very, very difficult." Tr. 38-39. We credit his testimony and find it sincere.

The petitioner further testified that he was "suffering from severe depression during the final years of [his] first marriage and [he] was self-medicating with alcohol." Tr. 49. He testified that his "misconduct was lubricated by [his] abuse of alcohol." Tr. 122-123. Although he blamed alcohol for "impaired judgment" at the time of his misconduct, the petitioner did not connect the dots for us as to how his alcohol use caused him to steal his clients' money. Tr. 194-195. In perhaps his most candid testimony, he stated, "I can't explain what took place any better than I

have done and I've tried to address my misconduct by accepting responsibility by not contesting what took place, by reforming my life, and trying to make myself a better person…" Tr. 195. However, it is not clear to us that he has *tried* to understand or explain the decisions and circumstances that led to his misconduct and, ultimately, his discipline. At a minimum, he has not shown any evidence to us of strategies he has utilized to examine his actions and gain insight into his behavior. Instead, he spoke of this time period as though it was an out of body experience that he was viewing from above.

In or about 2004, the petitioner testified that his current wife told him that he needed to stop drinking for the sake of their marriage. He testified that he has not had a drink of any kind in nineteen years.[10] See. Tr. 49-51. We credit his testimony and commend the petitioner for his long years of sobriety. See also Tr. 132-133. He openly admitted that he did not "really wrap[] [his] head around [his] misconduct and [his] personal problems until [he] got sobriety" around February of 2006. Tr. 119-121. However, we needed to hear more about what he discovered about his misconduct and personal problems at that time; we heard nothing of substance. Matter of Molloy, 34 Mass. Att'y Disc. R. 356 (2018) ("While it is obviously necessary for the petitioner to have stopped drinking, sobriety by itself falls short of establishing 'reform.'"). Similarly, the petitioner spoke of his depression only glancingly and provided sparse details of the work he has done to address his mental health. He submitted one letter from a psychologist, Dr. Mendola (Ex. 11, IMPOUNDED), which the petitioner testified stated that he "was self-medicating with alcohol for depression." Tr. 123. This is the only indication that, at the relevant time, the petitioner was diagnosed with depression or had an alcohol use disorder.

[10] The petitioner testified that he was subject to random drug and alcohol screening as a result of his position at TSA (described infra) and he was never found to have any drugs or alcohol in his system. Tr. 67-68.

Although the petitioner briefly testified that he has been under the care of at least two therapists, for depression as well as for family and marriage counseling, he did not provide any documents or testimony about what he has learned in therapy or how it has benefitted him. Tr. 195-96. We heard nothing from any medical professional about the petitioner's emotional health or his compliance with therapy and/or medication. The petitioner did not offer any expert testimony or medical records to establish the current status of his depression. We have no external evidence that the petitioner's depression is stable, improved, or recovered. See Matter of Dodge, 31 Mass. Att'y Disc. R. 157 (2015) (reinstatement allowed; hearing panel credited that the petitioner recovered from his depression and cited both the petitioner's introspective testimony about the origins and extent of his depression and the letter submitted by his treating psychologist which detailed the petitioner's disability, course of treatment, and recovery). The petitioner recently met with a support group at Lawyers Concerned for Lawyers ("LCL") which was formed for attorneys facing or dealing with discipline. Tr. 94-95. He stated that his intention is to continue meeting with that group on their regular twice monthly schedule. Tr. 95. This is a good step and we hope that he will continue with it.

As detailed supra, we expected the petitioner to confront his actions and explain to us what he did and how he has changed since then. This information is critical to our analysis of his rehabilitation and our assessment of whether or not his prior misconduct would be likely to happen again. We do not doubt that the petitioner feels remorse and regret for his misconduct and the resulting consequences he faced, however, it is clear to us that he does not yet have a full appreciation for what he did wrong and the harm that ensued to his clients and the bar. We are not convinced that the petitioner has sufficiently confronted his wrongdoing in a way that

persuades us that we can hold him out to the public as trustworthy. See Matter of Dawkins, 432 Mass. 1009, 1011, 16 Mass. Att'y Disc. R. 94, 95 (2000).

2. Work and Volunteer Activities

Following his suspension, from 1999 through 2002, the petitioner self-owned and operated a canteen truck. Tr. 65. From 2002 through the present, the petitioner has worked gainfully for the United States Department of Homeland Security – Transportation Security Administration ("TSA") at Boston Logan International Airport. Ex. 2, at BBO005; Tr. 66. He was one of the first TSA employees at Logan Airport when it became a federalized airport. He began as a Supervisor Transportation Security Officer and, in 2008, was promoted to Transportation Security Manager. Ex. 2, at BBO005; Tr. 66. In his role, the petitioner "oversee[s] the passenger and checked baggage screening operations at the JetBlue Security Checkpoint Terminal C on the PM shift. [The petitioner] has responsibility for ensuring that a staff of approximately 125 officers complies with Standard Operating Procedures…" Ex. 12 (Supplemental Response to Board of Bar Overseers, dated August 31, 2023).

In May of 2025, the petitioner accepted a retirement buyout offer from TSA. Pursuant to the offer, he went on administrative leave as of mid-May 2025 and was to remain in that paid status through October 4, 2025, if he agreed to retire as of October 4th. Tr. 68-69. He testified that he has had an "unblemished" twenty-three year career at TSA and points to that laudable career as evidence of his moral rehabilitation. Tr. 106-107; see Tr. 202-203. However, we did not hear from any witnesses from TSA, although we would have liked to, and his TSA employment file was not introduced as an exhibit.[11] We needed to see some evidence, external to the petitioner, to corroborate his testimony.

[11] We note that the petitioner disclosed an Equal Employment Opportunity ("EEO") discrimination claim that he filed against TSA and a related whistleblower case. Ex. 12, at BBO175-176; Tr. 136-139. While the

On May 29, 2025, the petitioner was granted permission by the Court to work as a paralegal. Ex. 13. For the past few months, the petitioner has worked as a paralegal for Brian E. Burke, Esq. at Burke & Associates in Littleton, Massachusetts. See id. We discuss this work infra in the Competency and Learning in the Law section of our report.

Evidence of moral reform can be found in good works that demonstrate a sense of responsibility to others. See Matter of Wong, 442 Mass. 1016, 1017-1018, 20 Mass. Att'y Disc. R. 540, 544 (2004) (Court notes approvingly physical labor, active role in church community, participation in sons' activities and community work); Matter of Sullivan, 25 Mass. Att'y Disc. R. 578, 583 (2009) ("[a] petitioner's moral character can be illustrated by charitable activities, volunteer activities, commitment to family, or community work."). In addition to his industrious employment, the petitioner has been very active in his Jewish faith both before and after his suspension. He describes his religion as "a very important component in my life." Tr. 51-52. He attends multiple religious services in multiple places on a weekly basis and is very active in his local congregations. Ex. 2, at BBO005-06; Tr. 40, 53-56. He is a member of the board of directors at Congregation Shaarei Zedeck and his family provides financial support to the Lubavitch Chabad in Worcester and the Chabad in Sudbury. See Tr. 54-56. From 1999-2016, he also prepared and served meals to approximately fifty families once per month at the Clinton Community Free Supper Kitchen. Ex. 2, at BBO006.

With respect to family life, the petitioner testified that he has been married to his second wife for almost twenty-four years. Tr. 41. They have four children together. Tr. 42-43. During the petitioner's suspension, his wife went back to school to become a certified nurse midwife. Tr. 47-49. Between 2005 and 2015, while his wife was pursuing her new career path and the

evidence and testimony about these claims was light, we heard enough to determine that they are not relevant to our analysis here.

additional education that required, the petitioner remained employed at TSA (rather than immediately seek reinstatement when eligible in 2007) to provide a steady income. Tr. 48-49. The petitioner testified briefly about his caregiving responsibilities for his four youngest children and how he and his wife juggled their schedules to accommodate their family's needs. Finally, he testified that he makes it a point to have lunch with his elderly mother every day. Tr. 21. We credit his testimony and agree that the petitioner's religious participation and family caregiving are the type of activities that demonstrate moral reform.

3. <u>Lack of Financial Transparency</u>

The petitioner testified that he did not seek reinstatement in 2015, when his wife's new career was stable, because his financial house was not "in order." Tr. 197-198. While we appreciate his awareness of his deficiencies at that time, we are not convinced that his financial house is currently in order; he has not proved that to us. We have two main concerns: (a) his present financial status, and (b) the outstanding judgment against him.

The petitioner testified that he accepted a retirement buyout package and will be retired from TSA as of October 4, 2025. Tr. 69. He further testified that his wife makes a "very substantial" income and together with his retirement and Social Security benefits (which he began collecting when he turned 67 years old) they have a "very stable economic situation" at present. Tr. 70, 72-73. He took great care in his testimony before us to establish that finances were not motivating his decision to apply for reinstatement. However, his financial status requires close scrutiny from this hearing panel due to the petitioner's misconduct which involved misappropriating clients' funds and, after the hearing, we are left with more questions than answers.

In 1998, in his Affidavit of Resignation, the petitioner represented to the court that he was "undergoing marital, financial and personal difficulties at the time of these events which had a significant impact on my behavior." Ex. 29, at ¶ 10. Although the petitioner testified about his marital and personal challenges, we heard nothing about his financial difficulties at the time of his misconduct. In addition, in his Reinstatement Questionnaire, Part I, the petitioner discussed in some detail his financial obligations during the summer of 2023 (at the time of filing his petition for reinstatement). Ex. 2. He indicated that resuming the practice of law would help

> fulfill [him] in [his] retirement and will supplement [his] retirement income as [his] financial obligations with respect to [his] family will continue unabated for the foreseeable future. The Parent Plus loans which [he has] taken to finance the education of [his] children will soon become due and payable and [he] will need to procure additional Parent Plus loans to complete the post-secondary educations of [his] children.

Ex. 2, at BBO009-010. Despite the loans being for a significant amount of money, they were not addressed in the petitioner's testimony before us. Ex. 3, at BBO014 (Reinstatement Questionnaire, Part II (IMPOUNDED)). Nor were the petitioner's materials updated or supplemented between the summer of 2023 and the date of this hearing (August 2025). See Exs. 2, 3, and 12. We have no sense of his current assets or liabilities; we were not provided with current documentation or detailed testimony. While we do have the petitioner's tax returns through 2023, we find it highly unlikely that we have a full picture of the petitioner's current finances when his responses are two years out of date. See Exs. 3 (Reinstatement Questionnaire, Part II) (IMPOUNDED), 4-10, 36 (Tax Returns) (IMPOUNDED). As one example, on his list of assets on his Reinstatement Questionnaire, Part II, it remains unclear whether or not the petitioner still owns the office condominium he purchased with his clients' funds. Ex. 3, at BBO015-016 (IMPOUNDED).

The petitioner's 2023 filings raise additional questions and concerns for us. The petitioner's materials reflect a number of small claims and other civil actions against the petitioner. They date from 1995 through 2016 and largely involve actions against him for payment for goods and services (e.g. heating oil, unpaid credit cards, etc.). The petitioner indicated in his materials that most of the balances or judgments were paid in full. Ex. 12, at BBO176-180. He explained that, in 2005, when his wife was not working and they had three children, that "money was extremely tight." Tr. 188. We credit this testimony but note that two of the matters state that settlement discussions were pending and we were not provided an update as to whether those settlements or judgments were ultimately satisfied by the petitioner. See e.g. Ex. 12, at BBO177-178. In addition, the petitioner testified briefly that, during his suspension, he built a four-unit property in Lancaster that was ultimately foreclosed upon in 2015. Tr. 192-193.

Our deepest concern, however, is the substantial judgment that is outstanding against the petitioner. He filed a complaint against Lancaster Technology Park Limited Partnership in 2005. Ex. 22, at BBO299-302. We heard no testimony describing the details of this litigation. From the docket, which is an exhibit, it is clear that the defendant in that case filed a motion to dismiss. Id. After a hearing, the defendant's motion to dismiss was allowed and the petitioner was ordered to pay the defendant's attorneys' fees in the amount of $29,500. See id. at BBO301. The petitioner appealed that judgment, lost, and was ordered to pay the original attorneys' fees, plus statutory interest, plus the defendant's appellate attorneys' fees and costs. Id. at BBO302. In 2007, a judgment in the amount of $55,566.27 entered against the petitioner as a result of the lawsuit. Ex. 12, at BBO179-180; Ex. 22, at BBO299-302. The petitioner admitted that he never paid this judgment and the obligation remains outstanding. Tr. 190. He testified that he was

deposed by counsel[12] after the judgment "and inquired of as to what assets were available and at that particular time, there wasn't very much to speak of." Id. He testified that he believes that the execution on the judgment expires in 25 or 30 years and so it will do so within a year or two.[13] Tr. 191.

We are disturbed by the fact that petitioner has ignored, or otherwise failed to address, a judgment and execution issued by a court of this Commonwealth. See Dawkins, supra, 432 Mass. at 1011, 16 Mass. Att'y Disc. R. at 95-96 (denying reinstatement because, among other things, Dawkins "failed to reimburse the clients' security board for what it had paid to a former client [and] failed to resolve outstanding Federal and State tax liabilities"); Matter of Wynn, 7 Mass. Att'y Disc. R. 316, 317 (1991) (reinstatement denied; single justice notes, among other things, that "[t]he lack of payment of moneys owed for taxes and payment of restitution to wronged clients ... pose a *substantial impediment* to a finding that reinstatement would be in the interests of the bar and the public") (emphasis added); Matter of Waitz, 7 Mass. Att'y Disc. R. 302-304 (1991) (lawyer's fourth petition for reinstatement denied[14] in part, because of his substantial debt to the IRS, his "ignorance over whether it had been discharged," and his "cavalier attitude about his duties to the Bar and to the public…"); cf. Daniels, supra (the lawyer's suspension resulted from violations of the state wage laws and federal ERISA requirements while running a company outside the practice of law; he pled guilty to criminal charges in state and federal courts and, as a result of the convictions, an outstanding order of

[12] The petitioner mistakenly refers to "plaintiff's counsel" in his testimony about this litigation when we assume he means "defendant's counsel" – the petitioner was the plaintiff. See Tr. 190; Ex. 23, at BBO299.

[13] We take administrative notice of M.G.L. c. 235, § 2 which provides, in relevant part: "…original executions shall be made returnable within twenty years after the date of the judgment." If so, the execution will expire in 2027.

[14] Waitz's fifth petition was denied, in part, because he was not candid with the hearing panel regarding his status as a tax delinquent. Waitz, supra, 416 Mass. 298.

restitution entered in the state wage law proceedings; despite this, he was reinstated because the debt was a corporate obligation attributed to the lawyer as the company's responsible corporate officer and he made regular payments toward satisfying it for more than ten years as required by the court). We find that the outstanding judgment against the petitioner casts doubt both on his economic stability and his integrity. His cavalier approach to this outstanding judgment—simply waiting for it to expire without any attempt to comply with or negotiate the judgment—reflects negatively on his moral qualifications and his fitness to practice law.

4. Witness Testimony and Supportive Letters

The petitioner offered no witnesses to speak about his good character and what he has learned from his misconduct and resulting suspension. While witnesses are not strictly required, we are hard pressed to find instances where a petitioner has been reinstated without calling at least one witness. See Dawkins, supra, 432 Mass. at 1011, n.5, 16 Mass. Att'y Disc. R. at 96, n.5 (noting that letters and character witnesses "can sometimes provide valuable evidence of a reinstatement petitioner's good character and suitability for reinstatement" but discounting evidence where it did not reflect on post-suspension character, or where writer was not aware of reasons for suspension); Matter of Diviacchi, 41 Mass. Att'y Disc. R. ___ (2025), appeal docketed, No. BD-2015-042 (Mass. July 14, 2025) (the single justice denied reinstatement and noted that "[r]egarding moral qualifications, the first required showing, the petitioner did not call a single witness to testify as to his good character."); Matter of Coffey, 32 Mass. Att'y Disc. R. 70 (2016) ("We did not hear from his wife, relatives, or friends. Additionally, although he has been employed for at least a few years…we heard nothing from any employer or colleague about his remorse or his character.") (internal citations omitted); see, e.g., Matter of Wong, 19 Mass. Att'y Disc. R. 502 (2003) (in concluding that petitioner did not satisfy the public interest prong,

the single justice wrote, "For example, there are no letters from any attorneys, bar associations, community leaders, business people, or the like. As Bar Counsel stated, the petitioner did not offer a single character witness, either in person or through letters or affidavits."). We wanted to hear from, and ask questions of, a character witness for the petitioner.

The petitioner did submit two letters in support of his petition for reinstatement from his personal friend and mentor, Rabbi Mendel Fogelman (Ex. 34), and the lawyer he works for as a paralegal, Brian E. Burke, Esq. (Ex. 35). The petitioner described Rabbi Fogelman as "my primary support person, a lifelong friend of 40 years, and my personal spiritual advisor and personal advisor." Tr. 49-50. By contrast, the petitioner only recently met Attorney Burke when he agreed to supervise the petitioner's paralegal work. Tr. 97-98, 140. The petitioner testified that he fully disclosed his misconduct to both men. With respect to Attorney Burke, the petitioner gave Attorney Burke documents to read which the petitioner described as "the entire statement of facts that is appended to the exhibit." Tr. 179. However, this testimony did not clarify for us exactly which documents Attorney Burke reviewed. With respect to Rabbi Fogelman, the petitioner stated that he gave Rabbi Fogelman the same documents as Attorney Burke, but the rabbi wanted him to explain his misconduct. The petitioner testified that he told Rabbi Fogelman that he had "committed misconduct in the handling of client funds." Tr. 179.

In his letter, Rabbi Fogelman wrote that he has known the petitioner for more than forty years and is "fully aware of the circumstances resulting in his indefinite suspension from the practice of law." Ex. 34. However, his letter lacks any detail regarding what the petitioner explained to him about the petitioner's misconduct and when that disclosure occurred. Similarly, Rabbi Fogelman vaguely confirms that the petitioner has addressed and corrected the "personal issues" that "may have contributed to his poor judgment in this matter…" but does not describe

what those issues were or how the petitioner fixed them. Id. His letter does corroborate the petitioner's testimony described supra as to his support of various religious organizations, his steady and supportive family life, and his career with TSA. We credit only this last portion of Rabbi Fogelman's letter.

Attorney Brian Burke wrote generally in his letter that he had several "very candid and humbling conversations" with the petitioner, that the petitioner was "transparent about everything," and that the suspension has had a "profound impact" on the petitioner. Ex. 35. More significantly, Attorney Burke wrote that he is satisfied with the quality of work that the petitioner has completed for him as a paralegal. We credit this evidence but note that Attorney Burke did not describe the work that the petitioner has done nor did he indicate that, as described in more detail infra, the work was for the petitioner's own family members—a point of some importance to us.

We do not discredit the letters submitted by Rabbi Fogelman and Attorney Burke but, because they were not accompanied by testimony, the letters provided little help to us in making our decision. Neither letter was sufficiently detailed to provide specific evidence or information that distinguished the petitioner's conduct before and after his underlying discipline nor did they shed light on his rehabilitation. See Dawkins, supra, 432 Mass. at 1011, n.5, 16 Mass. Att'y Disc. R. at 96, n.5; Matter of Corben, 31 Mass. Att'y Disc. R. 91, 101 (2015); Matter of Lee, 28 Mass. Att'y Disc. R. 540, 549-551 (2012). In particular, Attorney Burke did not even meet the petitioner until this year, more than twenty-five years after the petitioner was suspended. The letters also did not demonstrate that the letter writers knew and understood the full scope of the petitioner's misconduct that led to his indefinite suspension.

5. Conclusions as to Moral Qualifications

While the petitioner has clearly made headway into his moral rehabilitation, we cannot conclude that he has proven moral reformation at this time. Critically, we find he is lacking insight into, and acknowledgement of, his misconduct. We credit his testimony that he "love[s] the law" and it is "in [his] blood. It's in [his] bones. It was how [he] was raised" but practicing law is a privilege, which the petitioner abused, and it is not possible for the petitioner to take complete responsibility for the wrongfulness of his actions when he appears unable to put his conduct into words. Tr. 75. He appears to be on the right path—he has led an otherwise commendable life with a long second marriage, successful children, and dedicated involvement within his religious community—yet we are not currently convinced that he has come to terms with the nature and severity of his misconduct. In addition, in any future petition for reinstatement, the hearing panel should be provided with external evidence of his reformation (e.g. witness testimony, employment file, etc.) as well as a transparent picture of his then-current financial status.

B. Competency and Learning in Law

Under S.J.C. Rule 4:01, § 18, a petitioner must demonstrate that he has the "competency and learning in law required for admission to practice law in this Commonwealth." SJC 4:01, § 18(5). The petitioner first filed his petition in June of 2023. He explained that the two-year delay between filing the petition and the instant hearing was to give him time to demonstrate learning in the law and otherwise attempt to address other concerns raised by bar counsel (such as his meeting with LCL, discussed supra). See Tr. 94-95.

We must assess the petitioner's current legal skills after more than twenty-six years out of the practice of law; he has a heavy burden. We start with the positives: On November 4, 2017,

the petitioner earned a passing score on the Multistate Professional Responsibility Exam ("MPRE").[15] Ex. 14. He also testified that he has a subscription to Massachusetts Lawyers Weekly and he reads it weekly. Tr. 86-88. We were not provided with any documentary evidence of this subscription, nor did he describe for us anything of note that he has learned from his review, but we credit his testimony. Finally, when asked on cross-examination to describe his understanding of the ethical rules regarding safeguarding client property, the petitioner did so to our satisfaction. Tr. 167-169.

With respect to recent courses in Massachusetts law, we first noted that the petitioner appears to have taken a large amount of continuing legal education classes. He testified that he has an MCLE OnlinePass and provided a list of webcasts and eLectures that he has taken from November 2024 through July 2025 (approximately seventy-two). Exs. 15 and 16; Tr. 86-88. He also attended the Practicing with Professionalism Course for New Lawyers as well as multiple classes related to IOLTA record keeping and accounting, various civil litigation skills, personal injury, artificial intelligence, employment discrimination, workplace investigations, etc. See Ex. 15. Initially, we found this stack of courses impressive, however, on closer inspection we observe that almost all of the classes were taken in the short timeframe between November 3, 2024 and December 20, 2024. Following these two months of dedicated commitment to continuing legal education, the petitioner took only four additional classes in 2025: three in May and one in July. See Ex. 15. This is not a consistent pattern of attendance and review of current law; in fact, it appears more geared toward amassing a stack of MCLE certificates than real learning in law. While the petitioner did take more than the handful of courses that some

[15] We note that the petitioner passed this exam almost eight years ago. However, the relevant rule only requires that the exam be taken "after entry of the order of suspension…or acceptance of resignation…" See SJC Rule 4:01, § 18(4)(e).

petitioners have proffered, standing virtually alone, this brief burst of attendance followed by just a few courses in the months leading up to this hearing do not persuade us that he has satisfied this criterion. Matter of Leo, 484 Mass. 1050, 36 Mass. Att'y Disc. R. 296 (2020) (in denying reinstatement, the S.J.C. quoted the hearing panel's finding that "[t]he number of hours [the petitioner] has spent studying law equates to less than four work weeks -- a minuscule amount of time over seventeen years of not practicing law to maintain his legal competency."). When a petitioner has been away from practice for over two decades, we would expect to see a steadier pattern in attending continuing legal education courses and reviewing legal materials. We cannot conclude on this record that the petitioner's continuing legal education attendance is adequate to show that he is sufficiently current in Massachusetts law.

The petitioner's paralegal work is similarly minimal, largely due to the short time period that he has been approved for paralegal work. We note that the petitioner filed a motion for permission to engage in paralegal work on June 16, 2023. However, bar counsel did not file a response to the motion until May 15, 2025—almost two years later. See Exs. 13 and 33. The petitioner's motion was allowed on May 29, 2025, a little over two months before this hearing.[16] Ex. 13; Tr. 96.

From late-May through mid-August 2025 (the date of the instant hearing), the petitioner worked as a paralegal for Attorney Brian Burke. Tr. 99-102; see Ex. 13. He worked 20 to 30 hours per week, mostly from home, in an unpaid position. Tr. 140, 142. He testified that he worked on approximately four to five projects during this time period, although he described only two projects to us. Id.; see also Ex. 35 (Attorney Burke's Letter mentioning only the same

[16] The petitioner explained that this delay was attributable to his initial proposal that he work as a paralegal for his sister, Sherril Gould, Esq. Bar counsel was concerned about the petitioner working for a relative and, according to the petitioner, it took time for him to find a different supervising attorney. Tr. 96-97.

two projects). First, the petitioner has been working on an estate matter for his father-in-law's estate which is being handled by Attorney Burke's office. Tr. 99-100. According to the petitioner, his wife asked him to bring her father's estate to Attorney Burke's firm and he admitted that doing so "created an opportunity to begin [his] work under the supervision of Brian Burke and his associate." Tr. 145-46. The petitioner testified that he drafted and filed all of the documents related to the administration of the estate.[17]

Secondly, the petitioner prepared a Massachusetts lease agreement and reviewed security deposit issues related to that lease. Tr. 101-102. It was not until he was being cross-examined by bar counsel, however, that the petitioner first disclosed that the lease was for an in-law apartment in his own residence that is titled in his wife's name. Tr. 148-149. We were troubled that this information was not volunteered by the petitioner on direct examination and was left for bar counsel to flesh out on cross-examination. In addition, the only two projects detailed by the petitioner in his testimony were for his own family members and neither project seemed to engage the full scope of duties generally expected of a paralegal. There was no evidence that the petitioner prepared any legal memoranda and he did not submit any for our review. See Tr. 150-51. Further, although the petitioner indicated that he had completed legal research in his paralegal role, which he conducted online including through the use of the Probate and Family Court website, noticeably absent was any discussion of using an online legal research database like Westlaw or LexisNexis. Tr. 149-50. We take administrative notice of the fact that those online databases were not widely used when the petitioner last practiced.

[17] On cross-examination, the petitioner admitted that his wife could be a beneficiary of this estate but he disputed that this work presents a conflict of interest for him because he is a paralegal and not acting as an attorney for the estate or any of the parties. Tr. 146-47.

The petitioner's short stint as a paralegal does little to convince us that he presently has adequate knowledge of current Massachusetts law. Matter of Ascher, 31 Mass. Att'y Disc. R. 11 (2015) (reinstatement denied; hearing panel noted that the petitioner had worked as a paralegal for "barely two months, on three projects."). In similar cases, where a petitioner has been away from the practice of law for a long period, establishing competency and learning in the law usually includes working as a paralegal for a more significant period of time before seeking reinstatement. See Matter of Catalano, 40 Mass. Att'y Disc. R. ___ (2024) (reinstatement after disbarment; worked as a paralegal for almost seven years); Matter of Gilpatric, 39 Mass. Att'y Disc. R. __ (2023) (reinstatement after indefinite suspension; petitioner worked as a paralegal for over two years); but see Matter of Gomez, 39 Mass. Att'y Disc. R. ___ (2023) (reinstatement after indefinite suspension; petitioner worked as a paralegal for seven months).

The petitioner proffered his required training at TSA as continuing legal education in the area of federal employment law. See Tr. 77-86, 123-125. He testified that he had a monthly training requirement where he was obligated to accumulate online learning courses and attend lectures and training sessions related to, among other things, the Family and Medical Leave Act ("FMLA"), discrimination in the workplace, sexual harassment, reasonable accommodations, religious accommodation, artificial intelligence, etc. Tr. 84, 123-125. While certainly worthwhile, human resources related training, for a nonlegal role, does not qualify as the type of learning in the law that satisfies the reinstatement requirements. In addition, there is no indication that the trainings were concentrated on Massachusetts law (nor did we receive any documentation of the trainings).

The petitioner, if reinstated, intends to provide legal assistance to federal workers particularly in the realm of federal agency employment law, where he has noticed a lack of

available legal representation. Tr. 76, 102-103. He also indicated a burgeoning interest in working on immigration cases. See Tr. 103-106. While we understand that training in Massachusetts law may not be necessary for his anticipated career path(s), we cannot mandate that he follow a particular path. Therefore, our task is to evaluate whether he has the requisite competency and learning in Massachusetts law, and we are not convinced.

We further note that the petitioner did not come to this hearing with a carefully thought-out plan for practice if he is reinstated. We did not necessarily need to hear a fully-baked business plan, however he appeared to us to be unable to answer basic questions about his plans for practice. See Tr. 151-156, 158-167. For example, although the petitioner claims that, given his position at TSA, he is up to date on technology generally, he did not introduce any evidence about his technology use at TSA and we heard no testimony that he was familiar with advances in law-related technology such as online legal research databases, trust account or billing software, client management software, etc. See Tr. 149-150, 158-162. Part of maintaining legal competence is "keep[ing] abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology." Mass. R. Prof. C. 1.1, comment [8]. We expected the petitioner to demonstrate to us that he had dedicated significant time and effort to practical considerations of his path to returning to practice.

Given the above, the petitioner has not convinced us that he has the present competency and learning in the law required for admission to practice law in Massachusetts. He has done very little paralegal work and limited concentrated study, particularly in the past year. We are not persuaded that he is sufficiently competent and learned in the current law of the Commonwealth of Massachusetts that we can confidently certify to the public that he has the capability to handle legal matters.

C. Effect of Reinstatement on the Bar, the Administration of Justice and the Public Interest

"Consideration of the public welfare, not [a petitioner' s] private interest, dominates in considering the reinstatement of a disbarred applicant." Matter of Ellis, supra, 457 Mass. at 414, 26 Mass. Att'y Disc. R. at 164. The public's perception of the legal profession as a result of the reinstatement, and the effect on the bar, must be considered. "In this inquiry we are concerned not only with the actuality of the petitioner's morality and competence, but also [with] the reaction to his reinstatement by the bar and public." Matter of Gordon, supra, 385 Mass. at 52, 3 Mass. Att'y Disc. R. at 73. "The impact of a reinstatement on public confidence in the bar and in the administration of justice is a substantial concern." Matter of Waitz, supra.

Given our determinations above, we must conclude that the petitioner has not established that his reinstatement would be in the public interest. He failed to establish that he presently has the moral qualifications necessary to practice law, including by failing to forthrightly acknowledge and explain his wrongdoing, transparently detail his current financial status, and present external evidence of his moral rehabilitation. In addition, we are troubled by the outstanding judgment against the petitioner which he has not attempted to negotiate or satisfy. Finally, he has not carried his burden to prove his competency and learning in Massachusetts law. Therefore, given the magnitude of the petitioner's misconduct that led to his indefinite suspension, reinstatement at this point would be detrimental to the public interest and confidence in the integrity and standing of the bar.

V. Conclusions and Recommendation

Based upon the petitioner's written submissions and his own testimony, we recommend that the petition for reinstatement of Albert Ira Gould be denied.

We have some suggestions for the petitioner to consider if he intends to submit any subsequent petition for reinstatement. The petitioner should continue to work as a paralegal. The should take additional MCLE courses in Massachusetts law as well as the areas where he plans to practice, including federal employment law and immigration. The petitioner should continue meeting with the LCL professional conduct group as well as consult with LCL on law practice startup, management, and technology. The petitioner should continue to meet with family and/or individual therapists as needed.

Respectfully submitted,
By the Hearing Panel,

Lynne C. Soutter
Lynne C. Soutter, Esq., Hearing Panel Chair

Rita B. Allen
Rita B. Allen, Hearing Panel Member

William Kennedy
William Kennedy, Esq., Hearing Panel Member

Dated: December 10, 2025