

**IN RE: JAMIE ANN SABINO**

Order (public reprimand) entered by the Board March 27, 2001.

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

The respondent failed to timely file an appellate brief on behalf of a defendant in a criminal matter pending in the Supreme Judicial Court. On June 1, 1999 the client received a copy of the brief that the respondent had filed late. Prior to filing the brief, the respondent did not send the client copies of either the final version or of any drafts. The respondent also never met in person with the client before filing the brief or discussed the specific contents of the brief with him.

As a result of these actions and pursuant to their performance standards, the Committee for Public Counsel Services on February 15, 2000 suspended the respondent from post-conviction certification, based on her failure to have client contact and her failure to timely file the appellate brief.

On October 28, 1999 successor counsel filed an appearance on behalf of the client and was given an extension by the court to file a new brief and to supplement the transcript. On June 9, 2000 successor counsel filed a new brief which was accepted for filing. The new brief was substantially similar in content to the respondent's brief.

The respondent's failure to discuss the contents of the client's brief with the client or to provide a copy of the brief for his review before it was filed, and her failure to timely file the brief, constituted a lack of diligent representation and inadequate client communication in violation of Mass. R. Prof. C. 1.3 and 1.4.

The client filed a complaint with Bar Counsel in July 1999. The respondent subsequently failed to reply to Bar Counsel's inquiries. On February 24, 2000 the Board of Bar Overseers authorized the service of a subpoena on the respondent, directing the respondent to appear before Bar Counsel on March 15, 2000. The respondent appeared before Bar Counsel as directed but did not file any written response to the complaint or produce a copy of the client's file as directed in the subpoena. At the meeting, Bar Counsel and the respondent agreed upon a list of information and materials that the respondent was to produce including a written answer to the complaint, reimbursement to the Board of Bar Overseers for the cost of service of the subpoena, a copy of her client's file and other items. The respondent promised to produce the written answer and materials by Monday of the following week. On March 28, 2000, the respondent requested an extension to respond to Friday April 7, 2000. The respondent did not produce the answer and documents by April 7, 2000 as promised.

On April 20, 2000 Bar Counsel sent the respondent a letter, directing the respondent to produce the answer and documents within ten days. Bar Counsel informed the respondent that the failure to respond may result in the entry of an order of administrative suspension of her license to practice law, without further hearing. Although mailed to the correct address, the respondent did not receive this correspondence. As of May 4, 2000, Bar Counsel had not heard from the respondent and on that date filed a petition for administrative suspension with the Supreme Judicial Court for Suffolk County. A copy of the petition was mailed to the

respondent at her correct address. However, the respondent did not receive the petition.

On May 10, 2000 the respondent was administratively suspended from the practice of law by order of the S.J.C. A copy of the order was mailed to the respondent at her correct address. The respondent did not receive a copy of the order.

On August 28, 2000 a copy of the order of administrative suspension was published in the Massachusetts Lawyers Weekly. Another attorney saw the notice and alerted the respondent. Shortly thereafter, the respondent retained counsel and provided the information and documents requested by Bar Counsel at the subpoena meeting. On October 13, 2000 the respondent, with the assent of Bar Counsel, was reinstated to the practice of law.

The respondent's failure to promptly reply to requests for a written answer to a pending complaint, requiring a subpoena to be served on her, and the respondent's subsequent failure to produce information and documents as promised at the subpoena meeting, constituted a failure to cooperate with an investigation of Bar Counsel in violation of S.J.C. Rule 4:01 § 3 and Mass. R. Prof. C. 8.4(g).

In aggravation the respondent had prior discipline based in substantial part on her failure to cooperate with an investigation of Bar Counsel. In mitigation, the respondent was suffering from depression due to a family illness and had taken on numerous pro bono activities that interfered with her private practice.

This matter came before the Board on February 19, 2001 on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. The Board accepted the parties' recommendation and imposed a public reprimand.

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

Please direct all questions to [webmaster@massbbo.org](mailto:webmaster@massbbo.org).

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