

IN RE: STACEY ELIN ROSSI

NO. BD-2020-039

S.J.C. Order of Term Suspension/Partially Stayed entered by Justice Budd on June 30, 2020.¹

The respondent was suspended for three months, with two months stayed for the term of a required mentoring agreement, for engaging in conduct that threatened and harassed the complainant against her client in a sexual misconduct matter, and for violating related court orders.

SUMMARY²

Smith and Doe (pseudonyms) were in a dating relationship in college. After the relationship ended, Smith alleged that Doe had engaged in sexual misconduct. Representing Doe, the respondent preemptively threatened Smith with disciplinary and criminal actions. She later sued their college after its hearing panel concluded that Doe had had non-consensual sex with Smith. The respondent repeatedly used Smith's real name in her filings against the college. She also provided personal information about Smith, including irrelevant but "extremely private potentially embarrassing" facts. Although the respondent twice agreed, and was ordered by the Court, to redact her filings, she did not do so fully. She disclosed facts to a third-party blogger through unredacted pleadings and attachments. She knew or should have known the blogger would publicize Smith's name further, and the blogger did so. As a result, this material was readily available to the public.

The respondent stipulated that her conduct violated Mass. R. Prof. C. 1.1 (competence); 1.3 (diligence); 3.4 (c) (failure to comply with obligations under the rules of a tribunal); 3.4 (h) (threatening to present criminal charges solely to obtain an advantage in a civil matter); 4.4 (a) (actions on behalf of client that have no substantial purpose other than to embarrass, delay, or burden a third person); 8.4 (a) (misconduct through the acts of others); 8.4 (d) (conduct prejudicial to the administration of justice); and 8.4 (h) (other conduct reflecting adversely on fitness to practice).

In mitigation of the respondent's failure properly to redact the pleadings, the respondent's husband suffered from a terminal illness at the time of the misconduct.

On May 11, 2020, the Board voted to accept the parties' stipulation to a three-month suspension with two months stayed for the term of the required mentoring agreement. On June 30, 2020, the Court (Budd, J.) so ordered.

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

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2020-039

IN RE: Stacey Elin Rossi

ORDER OF TERM SUSPENSION/PARTIALLY STAYED

This matter came before the Court, Budd, 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 (Board) and the stipulation of the parties filed by the Board on June 1, 2020. Upon consideration thereof, it is ORDERED that:

1. a) Stacey Elin Rossi is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of three (3) months, with two (2) months suspended for a period of time during which the lawyer is obligated to participate in a mentoring agreement under paragraph 8 of the April 28, 2020 Stipulation of the Parties, and accepted by the Board, attached hereto and incorporated herein.

b) Stacey Elin Rossi shall be actually suspended from the practice of law for the first one (1) month of the three (3) month suspension; and

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1. a) Stacey Elin Rossi is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of three (3) months, with two (2) months suspended for a period of time during which the lawyer is obligated to participate in a mentoring agreement under paragraph 8 of the April 28, 2020 Stipulation of the Parties, and accepted by the Board, attached hereto and incorporated herein.

b) Stacey Elin Rossi shall be actually suspended from the practice of law for the first one (1) month of the three (3) month suspension; and

c) the remaining two (2) months of the three (3) month suspension shall be suspended as stipulated in paragraph 8 of the April 28, 2020 Stipulation of the Parties.

In accordance with S.J.C. Rule 4:01, §17(3), the suspension shall be effective thirty days after the date of the entry of this Order. The lawyer, after the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the lawyer may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to

the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that she is disqualified from acting as a lawyer after the effective date of the suspension; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that

have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in her possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account

number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

f) the residence or other street address where communications to the lawyer may thereafter be directed.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by

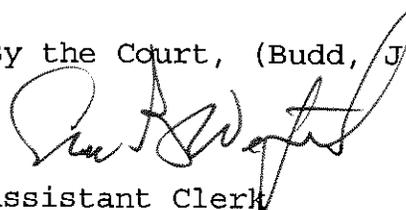
paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

5. After the lawyer has complied with her obligations referred to in paragraph 8 of the April 28, 2020 Stipulation of the Parties, the lawyer may file an affidavit with the Office of Bar Counsel and the Clerk of the Supreme Judicial Court for the County of Suffolk together with proof of her successful completion of her obligations and with the assent of the Office of Bar Counsel, the lawyer may then request issuance of an order that she is no longer subject to the three (3) month suspension for the misconduct that gave rise to the instant petition for discipline.

By the Court, (Budd, J.)


Assistant Clerk

Entered: June 30, 2020