

IN RE: SETH T. CAREY

NO. BD-2017-004

S.J.C. Order of Term Suspension entered by Justice Budd on May 16, 2019.¹

After the respondent's law license was suspended in Maine for three years, the Massachusetts Supreme Judicial Court issued a three-year suspension of his Massachusetts license retroactive to August 9, 2018 with his readmission in this state conditioned on his readmission in Maine. The misconduct involved criminal sexual assault, which in turn violated the conditions of a stayed two-year suspension that the Maine court had imposed in 2016. In addition, the respondent attempted to interfere with the bar discipline case by promising the assault victim a car and cash if she disavowed her allegations.

SUMMARY²

The respondent, Seth T. Carey, is an attorney duly admitted to the Bar of the Commonwealth on June 22, 2005 and also admitted to practice in the State of Maine. On June 15, July 8 and August 8, 2016, the Maine Board of Bar Overseers ("Maine BBO") filed three disciplinary actions against the respondent. On November 21, 2016, the respondent was suspended for two years with the entirety of the suspension suspended subject to certain conditions, including refraining from all criminal conduct. On May 1, 2017, the respondent received a reciprocal suspended suspension in Massachusetts.

In March 2018, the Rumford District Court of Maine issued a Protection from Abuse Order entered against the respondent. The order was based on evidence that the respondent had invited a former client to move into his home and had attempted to engage in non-consensual sex with her. In April 2018, the Maine BBO sought to impose the two years suspension that had been suspended on the grounds that he had violated the November 2016 order by engaging in criminal conduct. The respondent was suspended from practice in Maine on April 10, 2018.

The Maine Supreme Judicial Court ("Maine SJC") held a full hearing on the criminal conduct and other allegations in August of 2018 and a hearing on sanctions in November 2018. The Maine SJC found that the evidence supported a finding that the respondent's sexual conduct violated Maine Rule of Professional Conduct 8.4(b), which prohibits unlawful conduct and conduct prejudicial to the administration of justice. The Maine court also found that the respondent attempted to tamper with the victim/former client in the criminal case by proposing a settlement under which she would disavow that the respondent had sexually abused her in order to vacate the Protection from Abuse Order and get the disciplinary proceeding dismissed. In exchange, the respondent agreed to give the victim a car and cash, all in violation of Maine RPC 8.4(b) and (d). Finally, the Maine SJC found that the respondent engaged in several violations of the interim suspension order. Those included running for District Attorney when he was suspended and not eligible to hold that office and attempting to file pleadings in more than one case while he was suspended, in violation of Maine RPC 3.4(c). On December 20, 2018, the Maine SJC suspended the respondent for three years, to run concurrently with the imposition of the November 2016 two-year suspension.

On August 9, 2018, on bar counsel's petition, the Massachusetts SJC temporarily suspended the respondent on the basis of the Maine interim suspension. On February 9, 2019, bar counsel filed a new petition for reciprocal discipline seeking to impose on the respondent discipline consistent with the December 2018 order of the Maine SJC. On May 16, 2019, the Court issued an order suspending the respondent from the practice of law for three years, retroactive to August 9, 2018, with the respondent's reinstatement to the practice of law conditioned on his reinstatement to the practice of law in Maine.

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

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