

**IN RE: JOSEPH P. BERNARDO**

**NO. BD-2017-104**

**S.J.C. Judgment of Disbarment entered by Justice Lowy on December 14, 2018.<sup>1</sup>**

*Upon the respondent's default, he was disbarred after a larceny conviction. The criminal case arose out of the respondent's misuse of his elderly mother's widow Veterans Administration benefits.*

**SUMMARY<sup>2</sup>**

On July 21, 2015, Joseph P. Bernardo (respondent) was convicted after a bench trial in the Pittsfield District Court of larceny over \$250 by a single scheme in violation of G.L. c. 266, § 30(1), a felony. He was sentenced to one year in the house of correction. His conviction was upheld by the Appeals Court on June 20, 2017.

The respondent's conviction was based on the following facts. The respondent represented his elderly mother in obtaining Veterans Administration benefits to which she was entitled as the widow of a combat veteran. The respondent became the representative payee of his mother's account into which the monthly benefit payments were deposited. From August of 2012 through January of 2013, the respondent wrote numerous checks from the account for his own benefit totaling at least \$21,000 without his mother's knowledge or consent.

On April 9, 2018, bar counsel filed with the Board of Bar Overseers a petition for discipline based upon the respondent's conviction. The respondent failed to respond and was defaulted. On October 15, 2018, the board voted to recommend that the respondent be disbarred, retroactive to November 29, 2017, the date of a temporary suspension entered pending further disciplinary proceedings. The parties waived hearing before the Court and assented to disbarment as recommended by the board. On December 14, 2018, the Supreme Judicial Court for Suffolk County (Lowy, J.) so ordered.

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

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