

IN RE: DANIEL DeMARIA

NO. BD-2018-008

S.J.C. Order of Term Suspension entered by Justice Lowy on January 30, 2018.¹

SUMMARY²

The respondent, Daniel DeMaria, was admitted to the bar of the Commonwealth on December 8, 2008. He was suspended for six months for failing to disclose on his application for admission to the bar of New York, that the Law Society of Saskatchewan, Canada had determined, in September 2009, that the respondent had violated the spirit and letter of that jurisdiction's professional integrity policy. This matter came before the Supreme Judicial Court for Suffolk County on a stipulation of the parties recommending that the respondent be suspended for six months and the Board of Bar Overseers' vote recommending that the Court adopt that sanction.

In 2009, the respondent had commenced the process of getting admitted to the practice of law in Saskatchewan, Canada. The process involved the completion and submission of several Online Modules, which evaluated competency in a variety of legal areas. In submitting the completed Online Module, the applicant had to certify that it was his or her own original work and that he or she had complied with the Professional Integrity Policy. The Professional Integrity Policy prohibited collaboration on the modules with other applicants.

The respondent and another applicant collaborated in completing two of the Online Modules. On February 3, 2009, the collaboration came to the attention of the director of the Canadian Center for Professional Legal Education ("CPLED") program. CPLED launched an investigation of the collaboration and suspended the respondent's participation, pending completion of the investigation and hearing before the Admissions and Education Committee for the Law Society of Saskatchewan.

On September 8, 2009, the Committee issued a decision finding that that respondent had violated "the spirit and the letter of the Professional Integrity Policy." The Committee thus required the respondent to re-take the Online Modules and competency tests, pay a fine and costs, and wait not less than three months after successfully completing the modules before he applied for admission.

On December 6, 2009, the respondent filed an Application for Admission questionnaire in connection for his application to the bar of New York. In response to a question about the disposition of any application for admission to the bar of other jurisdictions, the respondent failed to disclose the Saskatchewan investigation into his collaboration with another applicant or the decision of the Committee.

The respondent was admitted to the bar of New York on January 12, 2010. However, in January 2017, the New York disciplinary authorities filed a petition against the respondent alleging that he violated New York Rule of Professional Conduct 8.1(a) due to his lack of candor in the bar application process. On October 19, 2017, the New York Grievance Committee for the Third Judicial Department revoked the respondent's admission to the New York bar without prejudice to his submission of a new application for admission.

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.

By failing to disclose on his New York bar application, in response to a specific question about the disposition of his application to the bar of other jurisdictions, that the Saskatchewan Law Society had determined that he had violated “the spirit and the letter of the Professional Integrity Policy” by collaborating on the Online Modules, the respondent violated Mass. R. Prof. C. 8.1(b) and 8.4(c) and (d).

On January 8, 2018, the Board voted to accept the parties’ stipulation of facts and joint recommendation to file an information with the Supreme Judicial Court recommending that the respondent be suspended for six months. On January 26, 2018, the Board filed the information, and on January 30, 2018, the Court issued an Order of Term Suspension, suspending the respondent for six months commencing thirty days from the date of the Order. On February 8, 2018, the Court issued an amended order, making the suspension effective on January 30, 2018.