

**ANNE COYLE**

**Public Reprimand No. 2014-10**

**Order (public reprimand) entered by the Board December 30, 2014.<sup>1</sup>**

**Page Down to View Hearing Panel Report**

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

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,  
Petitioner  
v.  
ANNE L. COYLE, ESQ.,  
Respondent

HEARING PANEL REPORT

A petition for discipline was filed by bar counsel on July 1, 2011, against the respondent, Anne E. Coyle, charging that she had twice been convicted after trials by jury in the Court of Common Pleas of Lebanon County, Pennsylvania.

The first conviction, which entered on October 5, 2010, was for one count of recklessly endangering another person in violation of 18 Pa. C.S.A. § 2705, and one count of disorderly conduct in violation of 18 Pa. C.S.A. § 5503. As best we can determine, the incident arose when the respondent sprayed water from a garden hose into the street to deter excessively noisy motorcycles from passing by her house. On the first count she was sentenced to a fine and a term of fifteen months' probation; on the second count, she was sentenced to a fine and a concurrent term of twelve months' probation. As conditions of probation, she was required to undergo an anger-management evaluation and to report her conviction and sentence to the Massachusetts Board of Bar Overseers.

The second conviction, which was entered on March 8, 2011, was for disorderly conduct in violation of 18 Pa. C.S.A. § 5503. She was sentenced to pay the costs of prosecution and placed on probation for one year. As special conditions of probation, she was directed to have no contact with persons involved in the incident that gave rise to the

conviction, and she was prohibited from being in the borough of Mt. Gretna, Pennsylvania, other than at the business address of an identified client of the respondent.

Bar counsel alleges that the respondent's criminal conduct violated Mass. R. Prof. C. 8.4(b) and (h), and that her failure to report her convictions to bar counsel within ten days violated S.J.C. Rule 4:01, § 12(8).

In her second amended answer to the petition for discipline, the respondent admits the allegations that she was convicted and sentenced as alleged in the petition. As of the close of the hearing in this matter, she was still pursuing post-conviction relief regarding her convictions as well as civil actions against parties involved in the transactions that led to her convictions. The respondent denies the allegations that she violated the rules as charged.

#### **I. Findings of Fact and Conclusions of Law**

1. The respondent was admitted to the Massachusetts bar on June 2, 2003.
2. The respondent's guilty verdicts in the Pennsylvania court constitutes a conviction within the meaning of S.J.C. Rule 4:01, § 12(1), and are conclusive evidence of the commission of the crimes of which she was convicted. S.J.C. Rule 4:01, § 12(2).
3. While the respondent did not report her conviction to the Office of Bar Counsel within ten days after entry, we find that the respondent made good faith efforts to do so through counsel who represented her at the time. She did not cavalierly ignore the obligation, as often happens, but reasonably expected that her counsel would give bar counsel the required notice. Given her testimony regarding her communications with and expectations of counsel, which we credit, we find that the steps she took to give notice were adequate in the circumstances. Accordingly, we do not find that she violated S.J.C. Rule 4:01, § 12(8).
4. The offenses of which the respondent was convicted are not "serious crimes" within the meaning of S.J.C. Rule 4:01, § 12(3), because they are not felonies and do not involve "interference with the administration of justice, false swearing,

misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy, or solicitation of another, to commit a serious crime.” Nonetheless, disciplinary proceedings based on the conviction are not precluded. S.J.C. Rule 4:01 specifically provides that the Court may refer convictions not constituting a serious crime to the Board for “appropriate action.”

5. The fact that the respondent’s conduct occurred in the context of her private life and did not involve his practice of law does not preclude a finding of misconduct. Supreme Judicial Court Rule 4:01, § 3(1), specifically provides that an attorney may be sanctioned for misconduct violating the Rules of Professional Conduct “even if the act or omission did not occur in the course of a lawyer-client relationship or in connection with proceedings in court.”

6. We find that recklessly endangering another person and engaging in disorderly conduct is a criminal act that reflects adversely on the respondent’s fitness as a lawyer in other respects, in violation of Mass. R. Prof. C. 8.4(b). We reject, however, bar counsel’s argument that we also find that her conduct also violated Mass. R. Prof. C. 8.4(h) (other conduct that adversely reflects on her fitness to practice law. The latter charge (1) is largely duplicative of charge that she violated the rule 8.4(b), (2) would not affect the discipline we recommend, and (3) invokes a rule that the Court’s Standing Committee on the Rules of Professional Conduct has the Court to abolish.

## **II. Factors in Mitigation and Aggravation**

7. While the Pennsylvania court referred the respondent for anger-management evaluation, the evaluator found the respondent to be slow to anger and requiring no treatment or monitoring. The probation department apparently accepted the evaluation, as no further measures were imposed in this respect.

8. The respondent’s conduct did not involve a client or the practice of law. No injury or property loss was incurred as a result of the conduct that led to the respondent’s convictions.

9. We credit the respondent's testimony that she saw herself as a whistleblower in community that was hostile to the causes she pursued.

### **III. Recommendation for Discipline.**

Bar counsel seeks a short suspension; the respondent asks that we conclude the matter by admonition. We recommend a public reprimand.

This is not a matter of sufficient gravity to warrant suspension. The misdemeanor convictions did not involve any clients or the practice of law, evinced no dishonesty or deception, and it caused no personal injury or property damage. Plainly, this is not the stuff of suspension. Bar counsel has directed us to no precedent that would support a suspension in these circumstances.

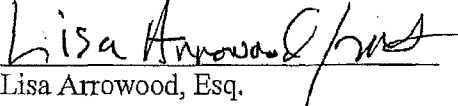
At the same time, however, admonitions are more than scarce for criminal conduct in Massachusetts. The respondent has directed us to none. Cases in which a lawyer has been given private discipline following a public conviction are rare indeed, and the most recent one dates back to 1989, one the board justified by invoking extraordinary mitigating circumstances, including a debilitating disease that prevented the lawyer from engaging in his prior business. See Private Reprimand No. 90-8, Mass. Att'y Disc. R. 403, 403 (1989). It seems clear that private discipline for conduct leading to a public conviction must involve extraordinary circumstances not present here.

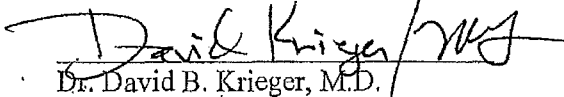
Accordingly, we recommend that the respondent, Anne L. Coyle, be publicly

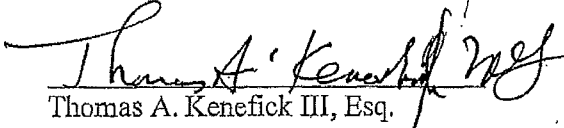
reprimanded

Respectfully submitted,

By the Hearing Panel,

  
Lisa Arrowood, Esq.  
Chair

  
Dr. David B. Krieger, M.D.

  
Thomas A. Kenefick III, Esq.

Filed: October 21, 2014