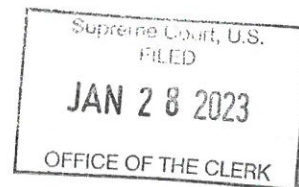


No. 22A703



In the Supreme Court of the United States

MAUDE LAROCHE-ST. FLEUR

Applicant,

v.

BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT
OF MASSACHUSETTS, et al.,

Respondents / Complainants.

EMERGENCY APPLICATION FOR STAY OF JUDGMENT
PENDING THE FILING AND DISPOSITION OF
A PETITION FOR A WRIT OF CERTIORARI

APPENDIX

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**SUPREME JUDICIAL COURT
for the Commonwealth
Case Docket**

**IN THE MATTER OF MAUDE LAROCHE-ST. FLEUR
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID
SJC-13262**

CASE HEADER

Case Status	Decided, Rescript issued	Status Date	11/25/2022
Nature	Bar discipline case	Entry Date	04/01/2022
Appellant	Defendant	Case Type	Civil
Brief Status	Awaiting blue brief	Brief Due	05/11/2022
Quorum			
Argued Date		Decision Date	10/27/2022
AC/SJ Number	<u>BD-2022-012</u>	Citation	490 Mass. 1020
DAR/FAR Number		Lower Ct Number	BD-2022-012
Lower Court	SJC for Suffolk County	Lower Ct Judge	David A. Lowy, J.
Route to SJC	Direct Entry: Rule 2:23 Appeal from Single Justice Order		

INVOLVED PARTY

Office of the Bar Counsel
Petitioner/Appellee
Awaiting red brief
Due 06/10/2022

Board of Bar Overseers
Petitioner/Appellee
Awaiting red brief
Due 06/10/2022

Maude Laroche-St. Fleur
Respondent/Appellant
Awaiting blue brief
Due 05/11/2022

ATTORNEY APPEARANCE

Robert M. Daniszewski, Ass't Bar Counsel
Rodney S. Dowell, Bar Counsel

Joseph S. Berman, Board Counsel

DOCKET ENTRIES

Entry Date	Paper	Entry Text
04/01/2022	#1	Entered. (This matter is opened conditioned upon receipt of entry fee of \$300.00 payable to Commonwealth of Massachusetts within 10 days.)
04/07/2022		Filing fee of \$300 paid by Maude Laroche-St. Fleur.
04/08/2022	#2	Copy of notice of appeal and assembly record on denial of appellant's motion to stay received from SJC for Suffolk County.
04/13/2022	#3	Motion for time extension to file memorandum and appendix pursuant to SJC Rule 2:23 filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (ALLOWED to June 7, 2022)
05/31/2022	#4	Motion for time extension to file memorandum and appendix pursuant to SJC Rule 2:23 filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (ALLOWED to June 21, 2022)
06/15/2022	#5	Motion for time extension to file memorandum and appendix pursuant to SJC Rule 2:23 filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (ALLOWED to June 30, 2022)
06/30/2022	#6	Motion for leave to file an oversized preliminary memorandum filed by Maude Laroche-St. Fleur, pro se.

(ALLOWED)

- 06/30/2022 #7 Rule 2:23 Preliminary Memorandum filed by Maude Laroche-St. Fleur, pro se.
- 06/30/2022 #8 Declaration in Support of Rule 2:23 Preliminary Memorandum filed by Maude Laroche-St. Fleur, pro se.
- 06/30/2022 #9 Declaration in Support of Rule 2:23 Preliminary Memorandum filed by Maude Laroche-St. Fleur, pro se.
- 07/05/2022 #10 MEMORANDUM IN SUPPORT filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
- 07/05/2022 #11 Motion to file memorandum filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (8/5/2022 Allowed).
- 07/05/2022 #12 Declaration filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
- 07/06/2022 #13 Appellant's demand pursuant to SJC Rule 2:23 for a responsive memorandum filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (8/5/2022 Denied).
- 07/15/2022 #14 Emergency motion for an immediate ruling on appellant's request for a stay of appeal filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (8/5/2022). The Motion for stay is Denied.
- 07/22/2022 #15 Motion to report certain accumulating harms filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (No action necessary)
- 08/05/2022 #16 Motion for a decision on emergency motion for an immediate ruling on request for a stay of pending appeal filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (No action necessary. See paper 14).
- 08/10/2022 #17 Motion for request for the findings of facts and conclusions of law this Court relied upon in denying motion for a stay pending appeal filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
- 09/06/2022 #18 Request for Clarification filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
- 09/06/2022 #19 Copy of eFileMA courtesy notice for case no. BD-2022-012 received from for Maude Laroche-St. Fleur.
- 09/06/2022 #20 Copy of online case docket entries (no. SJC-13262) received from Maude Laroche-St. Fleur.
- 09/09/2022 #21 Request for Findings of Fact and Conclusions of Law filed by Maude Laroche-St. Fleur.
- 09/09/2022 #22 Declaration in support of request for the findings of fact and conclusions of law filed by Maude Laroche-St. Fleur.
- 09/09/2022 #23 Motion to continue the hearing on the Board of Bar Overseer's Petition for Contempt filed by Maude Laroche-St. Fleur.
- 09/13/2022 #24 Motion to withdraw papers #21, #22 and #23 filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur. (Referred to the Quorum)
- 09/15/2022 #25 E-Notice of Docket Entry received from SJC for the County of Suffolk, "Respondent's Motion to Continue the Hearing on the Board of Bar Overseer's Petition for Contempt from September 20, 2002 to September 22, 2022 with Certificate of Service filed by Maude Laroche-St. Fleur, Pro Se. (September 14, 2022-Per the within motion is denied without hearing. By the Court, (Lowy, J.))".
- 09/30/2022 #26 Order of Contempt, as on file. (Lowy, J.) (See BD-2020-012)
- 10/13/2022 #27 E-Notice of Docket Entry received from SJC for the County of Suffolk, "Respondent's Request for the Findings of Fact and Conclusions of Law the Single Justice of This Court Relied Upon in Suspending Respondent's Law License with Certificate of Service filed by Maude Laroche-St. Fleur, Pro Se. (NO ACTION NECESSARY AS APPEAL IS PENDING BEFORE THE FULL COURT IN CASE SJC-13262)"
- 10/13/2022 #28 E-Notice of Docket Entry received from SJC for the County of Suffolk, "Respondent's De Novo Request for the Findings of Fact and Conclusions of Law the Single Justice of This Court Relied Upon in Suspending Respondent's Law License filed by Maude Laroche-St. Fleur, Pro Se. (NO ACTION NECESSARY AS APPEAL IS PENDING BEFORE THE FULL COURT IN CASE SJC-13262)"
- 10/13/2022 #29 E-Notice of Docket Entry received from SJC for the County of Suffolk, "Motion of Respondent to Vacate the Order of Contempt Issued on September 30, 2022 with Certificate of Service filed by Maude Laroche-St. Fleur, Pro Se. (October 13, 2022-Per the within motion is denied without hearing (Lowy, J.))"
- 10/27/2022 #30 RESCRIPT (Rescript Opinion): Judgment affirmed. (By the Court)
- 11/25/2022 RESCRIPT ISSUED to trial court.
- 12/09/2022 #31 Motion for a stay of the Court's judgment pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court of the United States filed for Maude Laroche-St. Fleur. (12/29/2022) The

		motion for stay k. filed.
12/09/2022	#32	Exhibit A and B accompanying motion for stay filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/16/2022	#33	Notice of filing petition for a writ of certiorari to the Supreme Court of the United States filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/16/2022	#34	Certificate of service filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/16/2022	#35	Certificate of service filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/16/2022	#36	Certificate of service filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/20/2022	#37	Objection to Bar Counsel's opposition to motion for stay (paper #38) filed for Maude Laroche-St. Fleur by Attorney Maude Laroche-St. Fleur.
12/21/2022	#38	OPPOSITION to motion for stay (paper #31) filed for Office of the Bar Counsel by Attorney Robert Daniszewski.

As of 12/29/2022 1:20pm

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCRreporter@sjc.state.ma.us

SJC-13262

IN THE MATTER OF MAUDE LAROCHE-ST. FLEUR.

October 27, 2022.

Attorney at Law, Disciplinary proceeding, Suspension. Board of Bar Overseers.

The respondent attorney, Maude Laroche-St. Fleur, appeals from the order of a single justice of this court suspending her from the practice of law for eighteen months. We affirm.¹

1. Procedural background. On June 25, 2020, bar counsel filed a three-count petition for discipline against the respondent, alleging that during the course of divorce proceedings in which she was self-represented, the respondent (1) filed multiple knowingly false financial statements under the pains and penalties of perjury;² (2) disobeyed various orders of the probate court resulting in multiple contempt judgments

¹ We have reviewed the respondent's preliminary memorandum and appendix, as well as the record that was before the single justice. Pursuant to S.J.C. Rule 2:23, 471 Mass. 1303 (2015), we dispense with further briefing and oral argument.

² In violation of Mass. R. Prof. C. 3.3 (a) (1), (3), as appearing in 471 Mass. 1416 (2015) (candor toward tribunal), and Mass. R. Prof. C. 8.4 (c), as appearing in 471 Mass. 1483 (2015) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

against her;³ and (3) pursued a frivolous motion for relief from judgment and frivolous appeals from the denial of that motion.⁴

The respondent, acting pro se, filed an answer in August 2020.⁵ In November 2020, prior to a hearing in the matter, bar counsel moved to preclude the respondent from relitigating certain facts alleged in the second count of the petition that bar counsel claimed were established in the respondent's divorce proceeding and related contempt proceedings. The motion was allowed, and the order also identified certain facts admitted in the respondent's answer that were not to be contested during the proceedings. The hearing committee chair also allowed a subsequent motion by bar counsel to deem certain matters admitted that were not specifically denied in the respondent's answer. See Rules of the Board of Bar Overseers § 3.15.

An evidentiary hearing was held on March 23 and 24, 2021. The hearing committee issued an amended report on October 21, 2021, recommending that the respondent be suspended from the practice of law for eighteen months. The respondent failed to object to or appeal from the hearing committee's report. After considering the record, a majority of the board voted to adopt the hearing committee's report and recommendation.

The board thereafter filed an information in the county court pursuant to S.J.C. Rule 4:01, § 8 (6), as appearing in 453 Mass. 1310 (2009), recommending that the respondent be suspended from the practice of law for a term of eighteen months. After a hearing, a single justice of this court concluded that the findings of misconduct were supported by substantial evidence -- in addition to having been established as a result of the respondent's waiver of any objection to the hearing committee's report -- and imposed the board-recommended sanction of an eighteen-month suspension. This appeal followed. Among other

³ In violation of Mass. R. Prof. C. 3.4 (c), as appearing in 471 Mass. 1425 (2015) (knowingly disobeying obligation under rules of tribunal), and Mass. R. Prof. C. 8.4 (d) (conduct prejudicial to administration of justice).

⁴ In violation of Mass. R. Prof. C. 3.1, as appearing in 471 Mass. 1414 (2015) (meritorious claims and contentions), and Mass. R. Prof. C. 8.4 (professional misconduct).

⁵ A later attempt to amend the answer failed procedurally when the respondent failed to file an amended answer in response to an order allowing in part the respondent's motion to amend.

filings in this court, the respondent filed an emergency motion seeking a stay of the imposition of the sanction in this case pending appeal. This court denied the stay.⁶

2. Factual background. We summarize the relevant facts as found by the hearing committee and adopted by the board.⁷ We agree with the single justice that these facts are supported by substantial evidence. See S.J.C. Rule 4:01, § 8 (6).

a. The respondent's filing of false financial statements. The respondent was admitted to the Massachusetts bar in 2012. In May 2014, acting pro se, the respondent filed a complaint for divorce against her husband. The primary issue in the divorce was the division of assets, including the marital home.

At various times during the divorce proceedings, the respondent filed personal financial statements with the court, which were signed under the pains and penalties of perjury. These financial statements contained material false statements; chief among them, the respondent claimed that the marital home was encumbered by a "mortgage" when, in fact, the mortgage on the property had been paid off. In another of her financial statements, the respondent claimed that she had an outstanding "loan" from a third party. This purported "loan" was the same money that the respondent had elsewhere claimed as a "mortgage" on the marital home. As the board noted, characterizing the purported debt as a "mortgage" stood to benefit the respondent, as each spouse's share of the property division would be reduced equally by the amount of a mortgage on the marital home, whereas the probate court was not bound to treat the respondent's

⁶ In subsequent filings with this court, the respondent has brought to our attention the fact that bar counsel has since filed a petition for contempt against the petitioner in the underlying disciplinary matter in the county court. As of the writing of this opinion, the single justice has held a hearing on the matter and issued an order holding the respondent in contempt of court for failure to comply with the order of term suspension at issue in this appeal. Our decision in this appeal does not rely in any way on the single justice's recent contempt order, and we express no view on the findings and conclusions contained therein.

⁷ We therefore refer to the hearing committee's factual findings as those of the board. See Matter of Eisenhauer, 426 Mass. 448, 449 n.1, cert. denied sub nom. Eisenhauer v. Massachusetts Bar Counsel, 524 U.S. 919 (1998).

nonmortgage liability as debt to be borne equally by the two parties. The respondent also failed to disclose certain bank accounts on her financial statements, including accounts that she owned separately from her husband.

The respondent eventually revealed to the court and to her husband's counsel that she had falsely listed the third party's purported loan as mortgage debt. However, by the time of this disclosure, the respondent had on five prior occasions submitted financial statements to the court with the false claim of a mortgage on the marital home.⁸

b. Contempt judgments against the respondent. The respondent acknowledged to the hearing committee that there were up to six contempt judgments against her in her divorce and related matters. The second count of the petition for discipline was premised on three of these, dated April 17, 2015; December 23, 2015; and February 22, 2018, respectively.

The April 2015 contempt judgment was based on the respondent's repeated refusal to cooperate with a special discovery master appointed by the probate court in the respondent's divorce proceeding. As part of that judgment, the probate court ordered the respondent to pay the discovery master's fees and to pay her husband's reasonable attorney's fees in litigating the underlying discovery disputes. In December 2015, after the respondent failed to pay any fees to the discovery master, the probate court again found the respondent in contempt.

⁸ The respondent claimed that her motive for doing so was to protect the third party from a risk of kidnapping in Haiti. When considering this as a potential mitigating factor, the hearing committee credited that the respondent had this "generalized concern," but it did not credit that "this was the primary motivating factor" for the respondent's mischaracterization of the purported loan as a mortgage. As discussed infra, we do not revisit the hearing committee's credibility determinations, see Matter of Diviacchi, 475 Mass. 1013, 1018-1019 (2016), S.C., 480 Mass. 1016 (2018), and we find adequate support in the record for the hearing committee's ultimate conclusion that the respondent "knowingly and intentionally misrepresented her financial condition on her financial statements in an effort to obtain a more favorable outcome in the divorce case."

On December 30, 2015, after a two-day trial, the probate court issued a judgment of divorce nisi requiring, among other things, that the respondent sell the marital home so that the proceeds could be divided between the parties. The respondent moved for, and was denied, relief from the divorce judgment. The Appeals Court affirmed the denial of the respondent's motion, and this court denied further appellate review. After the respondent failed to sell the marital home, her former husband filed a further complaint for contempt against her. The February 2018 contempt judgment entered as a result of the respondent's failure to sell the marital home. As part of the February 2018 contempt judgment, the court appointed a master to sell the marital home; the respondent has since continually refused to cooperate with the master's efforts to sell the home.

c. The respondent's frivolous Mass. R. Dom. Rel. P. 60(b) motion and appeal. On February 12, 2018, the respondent filed a motion pursuant to Mass. R. Dom. Rel. P. 60(b) in the probate court, in which she once again sought relief from the divorce judgment. This motion did not raise any issue that was not or could not have been raised in the respondent's 2016 motion for relief from the judgment. The motion was also filed over a year late. See Mass. R. Dom. Rel. P. 60(b) (requiring that such motions be brought within one year of entry of judgment). The probate court denied the respondent's motion and awarded attorney's fees to her husband. The respondent appealed, and the Appeals Court affirmed the denial. The respondent sought reconsideration from the Appeals Court, which was denied, and then she sought further appellate review from this court, which was also denied. During this time, the marital home remained unsold. Based on the foregoing, the board concluded that the respondent's February 2018 rule 60(b) motion was frivolous and that the respondent's appeals from its denial were intended merely to "hamper and delay her husband from receiving the benefit of the judgment of divorce."

3. Discussion. The case is before us on the respondent's preliminary memorandum, pursuant to S.J.C. Rule 2:23 (b), 471 Mass. 1303 (2015) (appeals in bar discipline cases). Under that rule, the appellant bears of the burden of demonstrating

"that there has been an error of law or abuse of discretion by the single justice; that the decision is not supported by substantial evidence; that the sanction is markedly disparate from the sanctions imposed in other cases involving similar circumstances; or that for other reasons the decision will result in a substantial injustice."

Moreover, "[t]he hearing committee . . . is the sole judge of credibility, and arguments hinging on such determinations generally fall outside our proper scope of review." Matter of Diviacchi, 475 Mass. 1013, 1018-1019 (2016), S.C., 480 Mass. 1016 (2018), quoting Matter of McBride, 449 Mass. 154, 161-162 (2007). "The subsidiary findings of the hearing committee, as adopted by the board, 'shall be upheld if supported by substantial evidence,' see S.J.C. Rule 4:01, § 18 (5), as appearing in 453 Mass. 1315 (2009), and the hearing committee's ultimate findings and recommendations, as adopted by the board, are entitled to deference, although they are not binding by this court" (quotation and citation omitted). Matter of Diviacchi, supra at 1019.

For the reasons discussed infra, the respondent has failed to meet her burden under rule 2:23.

a. Sufficiency of the evidence. On appeal before this court -- as well as before the single justice, as observed in his decision -- "the respondent makes some objections to the board's factual findings, but ultimately does not contest the relevant facts underlying the violations." Rather, "[i]n her defense, she chiefly offers various reasons explaining why she committed her misconduct, or impermissibly seeks to relitigate issues already decided in her divorce proceedings." We agree with the single justice that there is substantial evidence in the record to support the board's findings that the respondent committed the charged misconduct.⁹

b. Sanction. Whether the sanction imposed in this case is "markedly disparate from the sanctions imposed in other cases involving similar circumstances," see S.J.C. Rule 2:23 (b), presents a closer question. "Our primary concern in bar discipline cases is the effect upon, and perception of, the public and the bar, . . . and we must therefore consider, in reviewing the board's recommended sanction, what measure of discipline is necessary to protect the public and deter other attorneys from the same behavior" (quotations and citation omitted). Matter of Lupo, 447 Mass. 345, 356 (2006).

As the hearing committee noted in its report, "[t]he sanctions imposed for misconduct during a lawyer's own divorce

⁹ The respondent's failure to object to the hearing committee's report provides an additional, independent basis for concluding that the alleged misconduct has been established.

have fallen short of those imposed when an attorney engages in misconduct while representing others." Thus, while a two-year suspension is considered a "usual and presumptive" sanction for making false statements under oath, see Matter of Diviacchi, 475 Mass. at 1020, quoting Matter of Finneran, 455 Mass. 722, 731 n.13 (2010), similar forms of misconduct committed during the course of an attorney's own divorce typically have garnered suspensions ranging from several months to one year, see, e.g., Matter of Ring, 427 Mass. 186, 192-193 (1998) (three months); Matter of Finnerty, 418 Mass. 821, 828-830 (1994) (six months); Matter of Leahy, 28 Mass. Att'y Discipline Rep. 529, 539 (2012) (two months); Matter of Kilkenny, 26 Mass. Att'y Discipline Rep. 288, 290 (2010) (three months); Matter of Okai, 11 Mass. Att'y Discipline Rep. 187, 188-190 (1995) (one year).

This disparity may reflect a confluence of mitigating circumstances in such cases, or a commonsense understanding that infractions motivated by "deep disagreements" with an estranged spouse can be "a poor predictor of future professional misconduct, especially as regards client matters." Matter of Leahy, 28 Mass. Att'y Discipline Rep. at 535. Nonetheless, it is well established that an attorney is not "entitled to a free pass simply because 'the matter about which [he or] she testified falsely was a private one that arose in the context of a purely personal relationship.'" Id. at 537, quoting Matter of Balliro, 453 Mass. 75, 88 (2009). See Matter of Otis, 438 Mass. 1016, 1017 n.3 (2003) (declining to apply any so-called "private citizen" exception to conduct involving fraud in connection with judicial proceedings). Rather, we "must ultimately decide every case 'on its own merits [such that] every offending attorney . . . receive[s] the disposition most appropriate in the circumstances.'" Matter of Lupo, 447 Mass. at 356, quoting Matter of the Discipline of an Attorney, 392 Mass. 827, 837 (1984).

We therefore examine the particular facts of this case, along with any attendant aggravating and mitigating factors, to assess the appropriateness of the sanction imposed. Here, the board found a lack of mitigating factors and the existence of multiple aggravating factors, including the respondent's failure to accept the nature and seriousness of her misconduct; the respondent's attempts to blame others for her misconduct, including opposing counsel, the probate court, the Appeals Court, and this court; the financial and other harm caused by the respondent's misconduct, which was motivated by her pecuniary interests; the respondent's commission of multiple violations of the rules of professional conduct; and the

respondent's demonstrated lack of candor in her testimony before the hearing committee.

The facts of Matter of Okai, although not identical, are closely analogous. See Matter of Okai, 11 Mass. Att'y Discipline Rep. at 188-190 (imposing one-year suspension for "contumacious behavior" in attorney's own divorce, including four contempt judgments, disposal of assets in violation of court order, and prosecution of frivolous appeal, combined with other various misconduct in representing clients, with aggravating factors). Here, as in Matter of Okai, the respondent committed multiple forms of misconduct in her own divorce, including (1) filing false financial statements with the court, (2) noncompliance with court orders resulting in contempt judgments, and (3) the pursuit of a frivolous motion and appeal. In addition, as discussed supra, the board found a lack of mitigating factors and the existence of multiple aggravating factors.

In contrast, cases in which a lesser sanction has been imposed for similar misconduct have generally involved the presence of significant mitigating factors. See, e.g., Matter of Ring, 427 Mass. at 186, 188, 192-193 (imposing board-recommended three-month suspension for multiple forms of misconduct in attorney's own divorce, despite some misgivings that sanction was too lenient, where evidence was presented that respondent was clinically depressed after breakup of thirty-five year marriage); Matter of Leahy, 28 Mass. Att'y Discipline Rep. at 530-532, 538-539 (imposing two-month suspension for misconduct during attorney's own divorce, including contempt judgment for noncompliance with court orders and misrepresentations to court regarding wife's mental health, where misconduct was not motivated by pecuniary gain; aside from custody violations infractions were minor, and respondent timely paid most financial commitments); Matter of Patch, 20 Mass. Att'y Discipline Rep. 445, 445-446 (2004) (imposing three-month suspension, as stipulated by parties, for misconduct during attorney's own divorce, including seven contempt judgments, filing incomplete and inaccurate financial statement, and failing to timely comply with order to pay fees, where all arrearages were paid, all contempt was cleared, and respondent presented evidence of clinical depression).

Here, the hearing committee did not credit the respondent's proffered mitigating factors, and this case arguably merits a sanction even more severe than that imposed in Matter of Okai, where multiple aggravating factors are present, and, as the

hearing committee observed, "[e]ach type [of misconduct] played a different role in service of the respondent's aggressive and persistent refusal to acknowledge the authority of the probate court to resolve her divorce and the authority of the Appeals Court and [this court] to review the probate court and to put the divorce litigation to an end."

After careful review of the record, and giving due deference to the board's recommendation in light of the substantial aggravating factors and lack of mitigating factors, we conclude that the sanction imposed by the single justice in this case is not markedly disparate from sanctions imposed in similar cases.

4. Conclusion. For the foregoing reasons, we affirm the order of the single justice suspending the respondent from the practice of law for a term of eighteen months.

So ordered.

The case was submitted on the record, accompanied by a memorandum of law.

Maude Laroche-St. Fleur, pro se.

**SUPREME JUDICIAL COURT
for Suffolk County
Case Docket**

**IN RE MAUDE LAROCHE-ST. FLEUR
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID
BD-2022-012**

CASE HEADER

Case Status	Hearing scheduled	Status Date	01/06/2023
Nature	Fraudulent conduct	Entry Date	01/25/2022
Relief Sought	term suspension	Justice	Lowy, J.
Full Ct Number	<u>SJC-13262</u>	Case Type	Discipline

INVOLVED PARTY

Office of the Bar Counsel
Complainant

Board of Bar Overseers
Complainant

Maude Laroche-St. Fleur
Respondent

ATTORNEY APPEARANCE

Robert M. Daniszewski, Assistant Bar Counsel
Rodney S. Dowell, Bar Counsel

Joseph S. Berman, Board Counsel

DOCKET ENTRIES

Entry Date	Paper	Entry Text
01/25/2022		Case entered.
01/25/2022	#1	Information pursuant to SJC Rule 4:01, s.8(6), with Recommendation and Vote of Board of Bar Overseers filed by General Counsel Joseph Berman.
01/25/2022	#2	Record of Proceeding Volume(s) I.
01/25/2022	#3	Record of Proceeding Volume(s) II.
01/25/2022	#4	Record of Proceeding Volume(s) III and Exhibits.
01/25/2022	#5	Motion to Impound the following hearing exhibits filed with this Record of Proceedings as these hearing exhibits have been impounded by the Board: Exhibits 1, 6-15, 17-27, 29-33. filed by Board Counsel Joseph S. Berman. (See Order #15-Motion Denied) (See Corrected Order p. 17)
01/25/2022	#6	IMPOUNDED Exhibits 1-6-15-17,27 29-33Filed.
01/25/2022	#7	Order assigning Justice Lowy. (Budd, C.J.)
01/25/2022	#8	NOTICE Re: 1) Entry of new Bar Docket Case filed; 2) Response or further pleadings may be electronically filed; and 3) Copy of S.J.C. Rule 2:23 enclosed regarding Appeals in Bar Discipline Cases.
01/27/2022	#9	RESPONDENT'S MOTION FOR PERMISSION TO SUBMIT RESPONSE AND EVIDENCE BY AND INCLUDING FEBRUARY 25, 20 filed by Maude Laroche-St. Fleur, with attached Certificate of Service. (See Order #15-Motion Allowed in Part and Denied in Part) (See Corrected Order p. #17)
01/28/2022		bdhrg scheduled on 02/24/2022 at 10:00 AM in Courtroom 1, Second Floor.
01/28/2022	#10	Order of Notice issued returnable February 24, 2022 at 10:00 am, Courtroom 2, John Adams Courthouse, 1 Pemberton Sq., Boston, Massachusetts, filed.
01/28/2022	#11	Email Notice to counsel/parties regarding paper number 10.
01/31/2022	#12	SUPPLEMENTAL MOTION TO IMPOUND filed by Joseph S. Berman, General Counsel, with attachment. (See

Order #15-M... (Allowed.) (See Corrected Order p. #17)

- 02/01/2022 #13 BAR COUNSEL'S OBJECTION TO RESPONDENT'S MOTION FOR PERMISSION TO SUBMIT RESPONSE AND EVIDENCE BY AND INCLUDING FEBRUARY 25, 2022 filed by Assistant Bar Counsel Robert M. Daniszewski, with attached Certificate of Service.
- 02/02/2022 #14 RESPONDENT'S OPPOSITION TO BAR COUNSEL'S OBJECTION TO HER MOTION FOR PERMISSION TO SUBMIT RESPONSE AND EVIDENCE IN HER DEFENSE filed by Maude Laroche-St. Fleur with Certificate of Service.
- 02/11/2022 #15 ORDER, as on file. (Lowy, J.) This matter came before the Court (Lowy, J.) on the complainant Board of Bar Overseers's (Board) two unopposed motions to impound portions of the Board's record of proceedings and the respondent Maude Laroche-St. Fleur's "motion for permission to submit response and evidence by and including February 25, 2022." The complainant Office of Bar Counsel filed an objection to the respondent's motion. All three motions relate to the Information, previously filed by the Board reporting on its vote and recommendation as to disciplinary action concerning the respondent, and scheduled for hearing on Thursday, February 24, 2022. Upon consideration thereof, it is ORDERED that the Board's first motion to impound (paper no. 5) be, and hereby is, DENIED without prejudice. It is FURTHER ORDERED that the Board's second (supplemental) motion to impound (paper no. 12) be, and hereby is ALLOWED. Additionally, it is ORDERED that the respondent Maude Laroche-St. Fleur's "motion for permission to submit response and evidence by and including February 25, 2022," be, and hereby is, ALLOWED IN PART and DENIED IN PART as set forth below. The respondent may file a written memorandum in this matter no later than Monday, February 22, 2022. Any written memorandum filed by the respondent may include citations to the record of proceedings before the Board. See S.J.C. Rule 4:01, §8(6); Matter of Lupo, 447 Mass. 345 (2006).
- 02/11/2022 #16 Email Notice to counsel/parties regarding paper number 15.
- 02/11/2022 Status change
- 02/11/2022 #17 CORRECTED ORDER: as on file (Lowy, J.) CORRECTED ORDER[1]
This matter came before the Court (Lowy, J.) on the complainant Board of Bar Overseers's (Board) two unopposed motions to impound portions of the Board's record of proceedings and the respondent Maude Laroche-St. Fleur's "motion for permission to submit response and evidence by and including February 25, 2022." The complainant Office of Bar Counsel filed an objection to the respondent's motion. All three motions relate to the Information, previously filed by the Board reporting on its vote and recommendation as to disciplinary action concerning the respondent, and scheduled for hearing on Thursday, February 24, 2022. Upon consideration thereof, it is ORDERED that the Board's first motion to impound (paper no. 5) be, and hereby is, DENIED without prejudice. It is FURTHER ORDERED that the Board's second (supplemental) motion to impound (paper no. 12) be, and hereby is ALLOWED. Additionally, it is ORDERED that the respondent Maude Laroche-St. Fleur's "motion for permission to submit response and evidence by and including February 25, 2022," be, and hereby is, ALLOWED IN PART and DENIED IN PART as set forth below.
The respondent may file a written memorandum in this matter no later than Tuesday, February 22, 2022. Any written memorandum filed by the respondent may include citations to the record of proceedings before the Board. See S.J.C. Rule 4:01, §8(6); Matter of Lupo, 447 Mass. 345 (2006).
[1] The sole correction set forth in this order is correcting the date for the deadline that the respondent may file a written memorandum in this matter from "Monday, February 22" to "Tuesday, February 22." Monday, February 21st is a holiday and the court is closed.
- 02/11/2022 #18 Email Notice to counsel/parties regarding paper number 17.
- 02/23/2022 #19 Motion: Respondent's Motion for Leave of Court to Late File Memorandum in Opposition to the Alleged Fraudulent Misconduct Charge Leveled Against her by the Board of Bar Overseers filed by Maude Laroche-St. Fleur with attached Certificate of Service.
- 02/23/2022 #20 Respondent's Memorandum in Opposition to the Alleged Fraudulent Misconduct Charge Leveled Against Her by the Board of Bar Overseers filed by Maude Laroche-St. Fleur.
- 02/24/2022 Hearing held before Lowy, J..
- 02/24/2022 #20.5 Appearance of Robert M. Daniszewski for Bar Counsel.
- 02/24/2022 #20.6 Appearance of Maude Laroche-St. Fleur pro se.
- 02/24/2022 #21 Letter from Bank of America stating accounts closed filed by Maude Laroche-St. Fleur.
- 02/24/2022 #22 Copy of Rule 401 Financial Statement, MA Prob and Fam Ct. Supp Rule 401 filed by Maude Laroche-St. Fleur

03/25/2022 #23 Memorandum of Decision. (Lowy, J.).In accordance with the order accompanying my decision in this case, the respondent shall be suspended from the practice of law for a term of eighteen months.

03/25/2022 #24 Order of Term Suspension, in accordance with Memorandum of Decision... ..hereby suspended for eighteen months...effective thirty days from the entry date of this Order..." (Lowy, J.)

03/25/2022 #25 Email Notice to counsel/parties regarding paper number 23 and 24.

03/25/2022 #26 Notice to Dist. Ct. (Chief Justice); Clerks of U.S. Dist. Ct. (D.MA) & First Circuit Ct. of Appeals; ABA Center of Prof. Responsibility; & BBO.

04/01/2022 #27 Notice of appeal, filed by Maude Laroche-St. Fleur, with the attached Certificate of Service. (See Rescript Opinion P. 52)

04/01/2022 #28 Notice of assembly of the record.

04/01/2022 #29 Email Notice to counsel/parties regarding paper number 27 and 28.

04/01/2022 #30 Email Notice to SJC for the Commonwealth regarding paper number 27 and 28

04/01/2022 #31 Letter from SJC for the Commonwealth saying...**Notice of Entry**

Pursuant to Mass. R. A. P. 10(a)(3), you are hereby notified that, on April 1, 2022, the above-referenced case was entered on the docket of this court.

04/04/2022 #32 RESPONDENT'S MOTION, PURSUANT TO SJC RULE 2:23(a), TO STAY HON. J. DAVID A. LOWY'S MARCH 25, 2022 ORDER TO SUSPEND HER LICENSE TO PRACTICE LAW, PENDING APPEAL TO THE FULL COURT filed with attachments (April 5, 2022-Per the within motion is denied, without hearing. (By the Court, Lowy, J.))

04/05/2022 #33 Notice to counsel/parties regarding paper number 32.

04/07/2022 #34 Notice of appeal with regard to respondent's motion to stay term suspension filed. (See Rescript Opinion p. 52)

04/08/2022 #35 Notice of assembly of the record.

04/08/2022 #36 Notice to counsel/parties regarding paper number 34 and 35

04/08/2022 #37 Email Notice to SJC for the Full Court regarding paper number 34 and 35

08/31/2022 #38 Bar Counsel's Petition for Contempt with attached Exhibits A-E filed by Assistant Bar Counsel Robert M. Daniszewski.

09/06/2022 Hearing scheduled on 09/20/2022 at 10:00 AM in Courtroom 2, Second Floor before Lowy, J.

09/06/2022 #39 Order of Notice issued returnable September 20, 2022 at 10:00 am, Courtroom 2, John Adams Courthouse, 1 Pemberton Sq., Boston, Massachusetts, filed.

09/06/2022 #40 E-Notice to Counsel/Parties regarding paper #39.

09/09/2022 #41 Declaration of Respondent in Support of Her Request for the Findings of Fact and Conclusions of Law the Single Justice of This Court Relied Upon in Suspending Her Law License filed Maude Laroche-St. Fleur, Pro Se.

09/09/2022 #42 Respondent's Request for the Findings of Fact and Conclusions of Law the Single Justice of This Court Relied Upon in Suspending Respondent's Law License with Certificate of Service filed by Maude Laroche-St. Fleur, Pro Se. (NO ACTION NECESSARY AS APPEAL IS PENDING BEFORE THE FULL COURT IN CASE SJC-13262)

09/09/2022 #43 Respondent's Motion to Continue the Hearing on the Board of Bar Overseer's Petition for Contempt from September 20, 2002 to September 22, 2022 with Certificate of Service filed by Maude Laroche-St. Fleur, Pro Se. (September 14, 2022-Per the within motion is denied without hearing. By the Court, (Lowy, J.)).

09/14/2022 #44 ENotice to counsel/parties regarding paper number 43.

09/19/2022 #45 RESPONDENT'S OPPOSITION TO THE BOARD OF BAR OVERSEERS' PETITION FOR CONTEMPT, ENTERED ON THE DOCKET ON AUGUST 31, 2022 filed by Maude LaRoche-St. Fleur

09/20/2022 Hearing held before Lowy, J..

09/20/2022 Appearance of Robert M. Daniszewski for Office of the Bar Counsel.

09/20/2022 Appearance Maude Laroche-St. Fleur.

09/30/2022 #46 ORDER of Contempt, as on file. (Lowy, J.) This matter came before me on Bar Counsel's Petition for Contempt filed on August 31, 2022. The petition alleges that Maude LaRoche-St. Fleur, the respondent, has failed to comply with this Court's March 25, 2022 Order of Term Suspension by failing to file with bar counsel and the Court the required compliance affidavit and materials required by the Order and S.J.C. Rules 4:01, §§ 17(5), and 17(6).
On September 6, 2022, an order of notice issued and was served on the respondent as specified in S.J.C. Rule 4:01, § 21, directing her to appear before this Court for a hearing on the Petition for Contempt on September 20, 2022. After a hearing was held, attended by assistant bar counsel and Ms. LaRoche-St. Fleur, I find that the respondent has failed to submit the compliance affidavit and other required materials as alleged.[1] As that failure constitutes clear disobedience of an unequivocal court order, see In re Kafkas, 451 Mass. 1001 (2008), it is ORDERED that:
MAUDE LAROCHE-ST. FLEUR be, and hereby is adjudged in civil contempt of this Court for failure to effect full and timely compliance with this Court's March 25, 2022 Order of Term Suspension. It is FURTHER ORDERED that:
1. Within fourteen (14) days of the entry date of this Order Maude Laroche-St. Fleur shall issue all required notices as required by the March 25, 2022 Order of Term Suspension, effect all required withdrawals and resignations, close all trust accounts, render an accounting of all funds in said accounts, return all unearned fees and all files in pending matters, and submit to this Court and to the Office of Bar Counsel, an affidavit of compliance as set forth in S.J.C. Rule 4:01, § 17 (5) and (6), certifying her full compliance with the Order of Term Suspension and her full compliance with S.J.C. Rule 4:01, § 17. 2. Maude Laroche-St. Fleur's eligibility to apply for reinstatement to the practice of law in the Commonwealth of Massachusetts pursuant to S.J.C. Rule 4:01, § 18 shall be eighteen (18) months after she has provided proof to this Court and to the Office of Bar Counsel that she has fully complied with the March 25, 2022 Order of Term Suspension and the provisions of S.J.C. Rule 4:01, § 17, and has filed a truthful affidavit of compliance with this Court and to the Office of Bar Counsel.
If Maude Laroche-St. Fleur was to fail to comply with any of the terms of this Order, the Office of Bar Counsel may move for an order to show cause why a capias shall not issue, and a prompt show cause hearing will be scheduled.

[1] I decline to, at this time, find that the respondent violated the Term Order of Suspension by continuing to practice law. I do note that S.J.C. Rule 4:01, § 17(8) is mandatory in requiring a separate and additional term of suspension for lawyers engaging in legal work while suspended.

09/30/2022 #47 eNotice to Counsel/PartiesRe: P.# 46 filed.

10/03/2022 #48 eNotice to Maude Laroche-St. Fleur Re: P.# 43 and 46 filed. (Previous notice was not sent to respondent).

10/04/2022 #49 Motion of Respondent to Vacate the Order of Contempt Issued on September 30, 2022 with Certificate of Service filed by Maude Laroche-St.Fleur, Pro Se. (October 13, 2022-Per the within motion is denied without hearing (Lowy, J.)

10/04/2022 #50 Respondent's De Novo Request for the Findings of Fact and Conclusions of Law the Single Justice of This Court Relied Upon in Suspending Respondent's Law License filed by Maude Laroche-St. Fleur, Pro Se. (NO ACTION NECESSARY AS APPEAL IS PENDING BEFORE THE FULL COURT IN CASE SJC-13262)

10/13/2022 #51 eNotice to Counsel/Parties Re: P.# 42,49 and 50 filed.

11/28/2022 #52 Rescript from SJC for the Commonwealth (October27, 2022) ORDERED, that the following entry be made in the docket; viz., -- Judgment affirmed.

11/30/2022 #53 Judgment after Rescript Ordering Judgment affirmed. Wendlandt, J..

11/30/2022 #54 eNotice to Counsel/Parties Re: P.# 53 filed.

12/19/2022 #55 BAR COUNSEL'S OBJECTION TO MOTION FOR A STAY OF THE COURT'S JUDGMENT PENDING THE FILING DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI and CROSS-MOTION FOR AN ORDER TO SHOW CAUSE WHY A CAPIAS SHOULD NOT ISSUE FOR NON-COMPLIANCE WITH THE TERMS OF THE COURT'S ORDER OF SEPTEMBER 30, 2022 filed by Assistant Bar Counsel Robert M. Daniszewski, with attached Certificate of Service. [NO ACTION REQUIRED AS OBJECTION TO MOTION TO STAY TO BE FILED IN SJC-13262 and REQUEST FOR CAPIAS TO BE SEPARATELY FILED IN BD-2022-012. AS]

12/21/2022 #56 BAR COUNSEL'S MOTION FOR AN ORDER TO SHOW CAUSE WHY A CAPIAS SHOULD NOT ISSUE FOR NON-COMPLIANCE WITH THE TERMS OF THE COURT'S ORDER OF SEPTEMBER 30, 2022 filed by Assistant Bar Counsel Robert M. Daniszewski with attached Certificate of Service.

12/22/2022	#57	RESPONDENT'S POSITION TO BAR COUNSEL'S December 21, 2022 MOTION FOR AN ORDER TO HAVE RESPONDENT ARRESTED filed by Maude Laroche-St. Fleur, with attached Certificate of Service.
12/22/2022	#58	DECLARATION OF RESPONDENT IN SUPPORT OF HER REQUEST FOR THE FINDINGS OF FACT AND CONCLUSIONS OF LAW THE SINGLE JUSTICE OF THIS COURT RELIED UPON IN SUSPENDING HER LAW LICENSE filed by Maude Laroche-St. Fleur
12/22/2022	#59	Respondent's Request for the Findings of Fact and Conclusions of Law the Single Justice of this Court Relief Upon in Suspending Respondent's Law License filed by Maude Laroche-St. Fleur, with Certificate of Service.
01/06/2023		Hearing scheduled on 01/19/2023 at 10:00 AM in Courtroom 2, Second Floor before Lowy, J. (Regarding why a capias should not issue)
01/06/2023	#60	Order of Notice issued returnable January 19, 2023 at 10:00 am, Courtroom 2, John Adams Courthouse, 1 Pemberton Sq., Boston, Massachusetts, filed.
01/06/2023	#61	eNotice to assistant bar counsel Re: P.# 60 filed.

As of 01/19/2023 4:25pm

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
BD-2022-12

IN RE: MAUDE LAROCHE-ST. FLEUR

MEMORANDUM OF DECISION

This matter comes before me on the information and record of proceedings filed by the Board of Bar Overseers (board). The board recommends that the respondent, Maude Laroche-St. Fleur, be suspended from the practice of law for eighteen months. This recommendation is based on the board's determination that the respondent committed three types of professional misconduct related to her conduct in her divorce proceedings: knowingly filing false financial statements under oath, willful disregard of court orders resulting in multiple judgments of contempt, and engaging in frivolous litigation. After hearing, upon consideration, and for the reasons that follow, I find that substantial evidence supports the board's findings and agree with the board's recommendation. I therefore order an eighteen-month suspension from the practice of law.

Background. In 2014, the respondent filed a complaint for divorce against her husband.¹ The proceedings were focused on

¹ The respondent appeared pro se in her divorce proceeding.

the division of assets, primarily the marital home and the husband's 401(k) plan savings. Over the course of the divorce, the respondent filed personal financial statements with the court wherein she claimed to have a mortgage on the marital home and an outstanding loan from her son, and wherein she did not disclose certain bank accounts. In an attempt to gather the information required to move forward with the division of assets, the trial court, in January 2015, appointed a special discovery master. The respondent failed to cooperate with the special discovery master and in April 2015, the trial court found the respondent in contempt. As a result, the trial court ordered the respondent to pay the fees associated with the special discovery master's work, and when the respondent failed to pay the fees, the trial court, in December 2015, again held the respondent in contempt.

After a two-day trial held in November 2015, the trial court issued a judgment of divorce and ordered the respondent to sell the marital home, with her husband to share equally in the proceeds from the sale. The respondent appealed, and in 2017 the Appeals Court affirmed the trial court's judgment, with this court declining to grant further appellate review. In 2018, after the respondent failed to act to sell the marital home in accordance with the judgment, the trial court once again found the respondent in contempt. In the judgment of contempt, the

court, pursuant to Mass. R. Dom. P. 70, appointed an attorney to oversee the sale and ordered the respondent to pay his associated fees. The respondent largely refused to cooperate with him.

In February 2018, the respondent filed a motion for relief from judgment pursuant to Mass. R. Dom. P. 60(b), which the trial court denied. Upon appeal, the Appeals Court affirmed the trial court's decision and this court declined to grant further appellate review.

Disciplinary proceedings. In June 2020, bar counsel filed and served a petition for discipline against the respondent, alleging, in three counts, that:

- (1) the respondent's misrepresentations to the Probate Court constituted violations of Mass. R. Prof. C. 3.3(a)(1) (knowingly making a false statement of fact or law to a tribunal or failure to correct a false statement of material fact previously made to the tribunal), 3.3(a)(3) (knowing offer of evidence a lawyer knows to be false; failure to take remedial measures), and 8.4(c) (dishonesty, deceit, misrepresentation, or fraud);
- (2) the respondent's behavior that led to her contempt judgments constituted violations of Mass. R. Prof. C. 3.4(c) (knowing disobedience of obligation under rules of

tribunal) and 8.4(d) (conduct prejudicial to the administration of justice); and

- (3) the respondent's repeated follow-up litigation constituted violations of Mass. R. Prof. C. 3.1 (frivolous claims) and 8.4(d) (conduct prejudicial to the administration of justice).

In August 2020, the respondent filed an answer essentially admitting to the facts as alleged, but denying that the facts constituted the violations brought against her, as well as offering various explanations for her conduct. The matter was referred to a hearing committee of the board (committee). In November 2020, bar counsel filed a motion to preclude the respondent from relitigating certain facts that bar counsel argued were established in the prior divorce and contempt proceedings. In a January 2021 Final Order, the chair of the committee allowed the bar counsel's unopposed motion. Specifically, the order gave preclusive effect to the April 2015, December 2015, and February 2018 probate court contempt judgments, discussed above, that formed the basis of the second count of the petition for discipline.

On March 23 and 24, 2021, the committee conducted a two-day hearing on the petition for discipline against the respondent. On October 21, 2021, it issued a report of its findings of fact and conclusions that bar counsel had established the misconduct

alleged in the petition. The report recommended that, considering all mitigation and aggravating factors, the respondent be suspended for eighteen months. After considering the record, a majority of the board voted to adopt the findings and conclusions of the hearing committee and to recommend to the court that the respondent be suspended from the practice of law for eighteen months. One member dissented.

Discussion. "The standard of review for bar discipline cases is well-established. '[T]he findings and recommendations of the board, though not binding on [the Supreme Judicial Court], are entitled to great weight.'" Matter of Lupo, 447 Mass. 345, 356 (2007), quoting Matter of Hiss, 368 Mass. 447, 461 (1975). We uphold the board's subsidiary findings "if supported by substantial evidence, upon consideration of the record, or such portions as may be cited by the parties." S.J.C. Rule 4:01, § 8 (6).

As an initial matter, the board contends that the respondent failed to appeal from the committee's report. This assertion is supported by the record: no such appeal appears on the docket of the disciplinary proceedings, and nothing else in the record suggests that the appeal was taken. Pursuant to Section 3.50(c) of the Rules of the Board of Bar Overseers, a party who fails to properly appeal from a committee's report "will be conclusively deemed to have waived all objections to

the findings, conclusions and recommendations of the hearing committee." On this basis alone, I consider the board's findings and conclusions that the respondent committed the alleged violations, which were based on the committee's report, to be established. See In the Matter of Daniel Boyce, 25 Mass. Att'y Disc. R. 74 (2009).

Although the respondent's waiver is sufficient grounds to establish her violations, her arguments on the merits also fail. The board found that bar counsel had established the violations laid out in the three counts discussed supra. In her brief on appeal the respondent makes some objections to the board's factual findings, but ultimately does not contest the relevant facts underlying the violations. In her defense, she chiefly offers various reasons explaining why she committed her misconduct, or impermissibly seeks to relitigate issues already decided in her divorce proceedings.

As to count one, the board found that the respondent made misrepresentations on financial statements submitted to the trial court during her divorce proceedings. The respondent admits to falsifying personal financial statements submitted to the trial court. Specifically, she admits entering a mortgage amount into the financial statement despite knowing that the mortgage on the family house had been paid in full. Her assertion that her misrepresentations were justified -- e.g.,

that the reason she entered a mortgage amount was to conceal the money she owes her son so he would be less of a target for kidnapers in Haiti -- may have possible relevance as a mitigating factor, but does not change the fact that the misrepresentations occurred. I therefore find that there is substantial evidence to support the board's finding that the respondent knowingly and intentionally misrepresented material facts regarding her finances, in violation of Mass. R. Prof. C. 3.3(a)(1), 3.3(a)(3), and 8.4(c).

On count two, the board found that the respondent had been adjudged in contempt three times for failing to obey the orders of the probate and family court. In response, the respondent argues various reasons why each contempt judgment was wrongly entered. Regarding the April 2015 contempt judgment, the respondent argues that opposing counsel falsely claimed that she failed to cooperate. Additionally, she argues that the trial court's order was ambiguous as to when payment needed to be made. Regarding the December 2015 contempt judgment, the respondent admits that she failed to pay the fees related to the special discovery master. She asserts that her disobedience is a result of being unable to pay the fees, as she is the sole caretaker of her son and is also a sole practitioner. Regarding the final contempt judgment, February 2018, the respondent admits to not selling the family house. However, she asserts

that the contempt judgment is based on factual findings not supported by the record and takes issue with the trial court's refusal to allow supplemental fact finding.

Based on the Final Order by the committee chair from January 2021, the three contempt judgments at issue are precluded from further litigation and appeal. See Bar Counsel v. Board of Bar Overseers, 420 Mass. 6 (1995) (attorneys are precluded from relitigating issues in a disciplinary proceeding that have already been litigated in prior court proceedings). In any event, the violations of the court orders that led to the three contempt judgments each have ample support in the record, and I therefore find that there is substantial evidence to support the board's finding that the respondent violated Mass. R. Prof. C. 3.4(c) and 8.4(d).

On count three, the board found that the respondent's various and repeated attempts to challenge the outcome of the divorce proceedings constituted frivolous litigation and that her motion for relief under 60(b) was untimely. The respondent admits to raising her arguments on this issue in prior proceedings and also admits that the probate court had proper jurisdiction over her divorce proceeding. However, she alleges that errors by the divorce trial judge make her continued litigation meritorious and her motion for appeal timely. She asserts that that trial court allowed her to submit additional

documents to the record but failed to consider them, so the final judgment is inequitable. The record reveals no support for the respondent's contention that her Rule 60 motion is timely, and her arguments therein have already been repeatedly heard and rejected, by both trial and appellate courts. Consequently, I find that there is substantial evidence to support the board's finding that the respondent violated Mass. R. Prof. C. 3.1 and 8.4(d).

Disposition. "We generally afford substantial deference to the board's recommended disciplinary sanction," upon determination that it is not "markedly disparate" from the sanction imposed in other similar cases. Matter of Griffith, 440 Mass. 500, 507 (2003).

In Matter of Finnerty, 418 Mass. 821 (1994) the board recommended a six-month suspension for willful failure to disclose financial information during a divorce proceeding. Beyond the divorce context, in Matter of Diviacchi, 475 Mass. 1013 (2016), the board recommended no less than a two-year suspension for an attorney who misrepresented financial statements to the tribunal. In Matter of Okai, 11 Mass. Att'y Disc. R. 187 (1995) (Board Memorandum), the board found that four contempt judgments, a frivolous appeal, and attempts to hide assets warranted a one-year suspension.

Here, the respondent engaged in financial misrepresentation, was found in contempt several times, and engaged in frivolous litigation, as in Finnerty, Diviacchi, and Okai, respectively. Given that the respondent in this case did more than just fail to disclose financial statements, like in Finnerty, a suspension closer to the recommendations in Diviacchi and Okai is warranted.

The board in this case recommends an eighteen-month suspension, and the respondent does not offer any specific arguments against that recommendation. To inform their decision, the board considered aggravating and mitigating circumstances, finding support for five of the former: (1) refusal to acknowledge the seriousness of the respondent's financial misrepresentation; (2) blaming others for the respondent's misconduct, including opposing counsel, the probate court, the Appeals Court, the Supreme Judicial Court, and Bar Counsel; (3) continued harm against her ex-husband, opposing counsel, the attorney in charge of selling the marital home, and the administration of justice; (4) violations of the rules of professional conduct; and (5) lack of candor in the respondent's testimony at the disciplinary hearing. The board did not credit any of the respondent's proffered mitigating factors: (1) the safety concerns as a motivation for financial misrepresentation; (2) the respondent's insistence that she did not receive notice

of hearings; and (3) seeking justice as an explanation for her serial challenges to the judgment of divorce. Having reviewed the record, I agree with the board's findings as to the aggravating and mitigating factors.

Giving the board the substantial deference it is due, and considering the presence of aggravating factors and absence of mitigating factors, I conclude that an eighteen-month suspension is appropriate.

Conclusion. In accordance with the order accompanying my decision in this case, the respondent shall be suspended from the practice of law for a term of eighteen months.

By the Court,

/s/ David A. Lowy
Associate Justice

Dated: March 24, 2022

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. BD-2022-012

IN RE MAUDE LAROCHE-ST. FLEUR

JUDGMENT AFTER RESCRIPT

This matter came before the Court, and in accordance with the Rescript Opinion that was entered in the Full Court in SJC-13262 on October 27, 2022, it is ORDERED and ADJUDGED that the following entry of Judgment be, and the same hereby is, made:

"Judgment affirmed."

By the Court, (Wendlandt, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

ENTERED: November 30, 2022

Volume: I
Pages: 1-14
Exhibits: 0

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

PROBATE AND FAMILY COURT

* * * * *
*
MAUDE LAROCHE-ST. FLEUR *
*
Plaintiff *
*
*
v. *
*
JAMES ST. FLEUR, SR. *
*
*
Defendant *
*
* * * * *

Docket No. SU14D1029DR

HEARING

HELD IN THE

SUFFOLK PROBATE AND

FAMILY COURT

ON DECEMBER 17, 2019

APPEARANCES:

Maude Laroche-St. Fleur Pro se
Attorney Denzil D. McKenzie

Caitlin M. Sheils
Approved Court Transcriber

P R O C E E D I N G S

- - -

(Proceedings begin at 2:17 p.m.)

COURT CLERK: Laroche St. Fleur matter, 14B1029.

THE COURT: Let's have everyone's name, starting with you, Counsel.

MS. LAROCHE-ST. FLEUR: Maude Laroche-St. Fleur.

THE COURT: Thank you.

MR. MCKENZIE: Good afternoon, Your Honor. Denzil D. McKenzie, the court-appointed agent or master to settle the real estate at 19 Marco Road, West Roxbury.

THE COURT: All right. And, Counsel, I believe you had sought today's date, so I'll hear from you first, and then, Counsel, I'll hear from you.

MR. MCKENZIE: Thank you, Your Honor. Your Honor, as the court records will show, the order entered -- the order in which (indiscernible 2:17:48) was entered on February 22, 2018. Since then, we have had an extraordinary series of litigation that they've put the matter all the way up to an application for further appellate review to the SJC. All of the post judgment litigation has failed. I was appointed in March of 2018. I wrote an introductory letter to Attorney Laroche-St. Fleur, introducing myself and requesting permission to enter the property to conduct an inspection. I also requested from her a statement as to the mortgage status and the real estate

1 tax statement status. The purpose of those requests was to
2 position me to carry the orders of this Court.

3 Attorney St. Fleur has not given me access, has not told
4 me anything about the tax payment and has not told me anything
5 about the mortgage. I learned from her former husband that
6 there was no mortgage when they got divorced. So I do not --
7 still do not know whether or not there is any mortgage.
8 Because the mere fact that there was none when he got out does
9 not mean that there is none today.

10 In any case, Your Honor, realizing that this matter was
11 long overdue, and the Court might be wondering why is this
12 still open on this docket, I filed a status report. I chose a
13 status report as opposed to a report, although, I threatened to
14 file a contempt complaint, I chose not to do so because I saw
15 where I would be opening the door for another round of
16 litigation. So I filed a report aimed at simply informing the
17 Court of my intention to go forward on the basis of which I
18 propose to go forward.

19 Specifically, Your Honor, in my report I indicated to the
20 Court that since I'm not able to get access to the premises and
21 the Court had given me the option of selling the property by
22 public auction or private sale, I would seek out three CMAs of
23 comparable properties in the neighborhood and that I would then
24 commission the services of an auctioneer. And I may not have
25 mentioned it, that I would seek a reservation of the lowest

1 CMA, the lowest price of the three and would put the property
2 up for auction and (indiscernible 2:20:57), and then I would
3 ask, in case we fall short of the highest, I would ask the
4 Court to charge Attorney Laroche St. Fleur for any difference
5 between the low -- between the bid that's accepted and the
6 highest bid -- and the highest value expressed by the real
7 estate broker.

8 My concern here, Your Honor, is that Attorney Laroche-St.
9 Fleur is looking for an opportunity to spawn another round of
10 litigation, because she has not responded favorably or even
11 acknowledging the circumstances under which she has placed
12 herself. And I understand that the Court has threatened to
13 make a referral to the Board of Bar Overseers, and that does
14 not seem to alert any deterring effect on her.

15 So to the extent that the Court does not object to my
16 proposal, I would just simply ask the Court to refrain from
17 making a ruling so that we will not open a door for more
18 injunctive relief of any further litigation stemming from my
19 presence here today.

20 THE COURT: All right.

21 MR. MCKENZIE: Thank you, Your Honor.

22 THE COURT: Counsel?

23 MS. LAROCHE-ST. FLEUR: Yes, Your Honor. There was
24 supplemental documents that were allowed and offered in
25 February of 2018, and those were, as you state, supplemental

1 documents, so they were post trial. Actually, they were
2 allowed and offered in January of 2016. Then the case went to
3 appeal. The appeal was denied. And then we came back to you
4 again to the Court. Because I was -- despite of the fact that
5 there were supplemental documents in the record that would
6 prove that certain findings of fact by the Court were not
7 accurate. I was willing to settle with --

8 THE COURT: Let's talk -- I'll tell you what I'm not going
9 to do is -- you appealed that. You lost; right? So that's
10 done. So that's over. So -- you disagree?

11 MS. LAROCHE-ST. FLEUR: Your Honor --

12 THE COURT: Yeah.

13 MS. LAROCHE-ST. FLEUR: -- you have supplemental documents
14 in the record.

15 THE COURT: Okay. So I guess the answer is you disagree.
16 Wouldn't you agree that there was a judgment entered in this
17 court; you appealed that judgment, and that judgment was
18 upheld? And that's the judgment of divorce; correct?

19 MS. LAROCHE-ST. FLEUR: That is the judgment of divorce
20 that is void, because --

21 THE COURT: Oh, oh, oh, oh, I'm going to stop you.

22 MS. LAROCHE-ST. FLEUR: Mm-hmm.

23 THE COURT: Can you tell me how that judgment of divorce
24 is void?

25 MS. LAROCHE-ST. FLEUR: Because there are supplemental

1 documents in the record that are relevant and material and
2 outcome determinative.

3 THE COURT: Oh, so -- I'm sorry. Because when I read the
4 appeals court, I thought they upheld that judgment, and they
5 didn't say it was void; they actually affirmed it. Am I
6 wrong?

7 MS. LAROCHE-ST. FLEUR: The first time, they affirmed it.

8 THE COURT: What did they do the second time?

9 MS. LAROCHE-ST. FLEUR: The second time, I appealed again,
10 and I filed the second time in March of -- no, in June of 2018.
11 I filed a Rule 60 motion.

12 THE COURT: Yeah.

13 MS. LAROCHE-ST. FLEUR: Rule 60. And then --

14 THE COURT: What happened with that motion?

15 MS. LAROCHE-ST. FLEUR: When I filed that motion, you
16 denied it.

17 THE COURT: Yeah.

18 MS. LAROCHE-ST. FLEUR: When you denied the motion, I
19 said, "Your Honor, there are some supplemental documents in the
20 record --

21 THE COURT: So, well, now, let's not say what you said or
22 I said. So I denied it. And then did you take that to the
23 appeals court?

24 MS. LAROCHE-ST. FLEUR: Yes, I did.

25 THE COURT: What was the result of that?

1 MS. LAROCHE-ST. FLEUR: When I took --

2 THE COURT: Did they find the judgment -- you said the
3 judgment was void. So I want -- because here's the thing;
4 Attorney McKenzie indicated -- well, he thought I threatened to
5 report you to the BBO, and I didn't threaten. As you know, I
6 reported you to the BBO in the first part of this case, because
7 your financial statement was not accurate, by your own
8 testimony. So you got reported for that. You've been found in
9 contempt, and I believe that was reported to the BBO, but
10 certainly I'm going to clear this up today. But I want --
11 you're on the record, and you're making representations that
12 this judgment that we're talking about, the underlying
13 judgment, is void.

14 MS. LAROCHE-ST. FLEUR: Yes, Your Honor --

15 THE COURT: And I want it to be clear --

16 MS. LAROCHE-ST. FLEUR: Yes.

17 THE COURT: -- when you talk, if you materially misstate
18 facts, I will be reporting that to the Board of Bar Overseers.
19 So if you're telling me the judgment is void, that's a fact --

20 MS. LAROCHE-ST. FLEUR: Yes --

21 THE COURT: Is that what you're telling me?

22 MS. LAROCHE-ST. FLEUR: Yes, Your Honor.

23 THE COURT: Okay. So explain to me then -- I'm going to
24 give you an opportunity to go one way or the other with this.
25 Explain to me how a judgment that has been affirmed by the

1 appeals court after is now void?

2 MS. LAROCHE-ST. FLEUR: Yes, Your Honor. First of all,
3 when I -- when I stated on my financial statement that --

4 THE COURT: No. We're not talking about that anymore. I
5 just was --

6 MS. LAROCHE-ST. FLEUR: You mentioned that, so I have to
7 clarify.

8 THE COURT: Well, I reported you to the BBO; we both know
9 this.

10 MS. LAROCHE-ST. FLEUR: So I have to clarify.

11 THE COURT: No. No. No.

12 MS. LAROCHE-ST. FLEUR: You don't want me to say anything
13 about my entry on my financial statement?

14 THE COURT: I heard your testimony; you clarified your
15 financial statement was incorrect. That was your testimony.

16 MS. LAROCHE-ST. FLEUR: No. I said it was -- what I said
17 was inaccurate was the amount of money that is owed to my son;
18 that is what I said was inaccurate, and I have the transcript.

19 THE COURT: So what about Attorney Surprenant's four or
20 five questions of accounts that you didn't list? So that was
21 accurate? So you listed all of your financial accounts?

22 MS. LAROCHE-ST. FLEUR: Your Honor, you have all of those
23 bank accounts. You have all of them.

24 THE COURT: Wait a minute. Wait a minute. Wait a minute.

25 MS. LAROCHE-ST. FLEUR: You have all of them.

1 THE COURT: So when you listed your trial financial
2 statement, did your trial financial statement include all of
3 your bank accounts?

4 MS. LAROCHE-ST. FLEUR: Your Honor, what happened was the
5 bank accounts were under my name and my son's name. I didn't
6 know what became of them, so I listed only the account that was
7 under my name. And you have the documents in the record that
8 showed where my son closed the accounts and opened new ones
9 with his father. You have all of those documents in the
10 record, Your Honor.

11 THE COURT: All right. Let's address -- let's address
12 what's on today; it's the contempt.

13 MS. LAROCHE-ST. FLEUR: Okay. Your Honor, now I have to
14 go back to the supplemental documents, if you would allow me
15 before we move on.

16 THE COURT: The answer is no. No. The answer would be
17 no. Please deal with the contempt and Attorney McKenzie's
18 request to his -- actually his report of what his plan his.
19 I'd like to hear of what your option is regarding his plan.

20 MS. LAROCHE-ST. FLEUR: Your Honor, but you have to allow
21 -- you have to allow me the opportunity to be heard, because
22 you have a void judgment. I filed a Rule 60 motion, and under
23 60 --

24 THE COURT: I thought you said I acted on that.

25 MS. LAROCHE-ST. FLEUR: You denied, but you disregarded --

1 THE COURT: Okay. So it's done.

2 MS. LAROCHE-ST. FLEUR: -- the supplemental documents;
3 that would show that multiple findings of fact are inaccurate.

4 THE COURT: So how -- if a motion for Rule 60B denied,
5 isn't there an appellate court that hears if I make a mistake?

6 MS. LAROCHE-ST. FLEUR: What happened, Your Honor -- I
7 have an old testimony, and the Chief Justice asked me if I
8 filed a Rule 63B motion, and by accident, I said, "yes, I did."
9 But what in fact, what I filed was a Rule 60 motion. And under
10 a Rule 60 motion, if a judgment is void, you cannot act on it.
11 You have to consider all of the documents in the record, which
12 the supplemental documents in the record (indiscernible
13 2:28:42) a lot of the findings, of your findings, Your Honor.

14 THE COURT: All right. So here's what I'm going to do --

15 MS. LAROCHE-ST. FLEUR: That's what I'm saying to you.

16 THE COURT: Here's what I'm going to do. You have three
17 minutes right now. You can use your three minutes any way you
18 want. When that clock hits 2:32, you are done. Go ahead.

19 MS. LAROCHE-ST. FLEUR: I don't have the ability to comply
20 with the judgment of divorce nisi. That is void, because there
21 are supplemental documents in the record that are still
22 disregarded to this day. And when I had the old testimony
23 before the appeals court, I was asked whether I filed a Rule
24 60B(3) motion, I said yes by mistake. And then when I realized
25 I made a mistake, I went back; I filed a motion for

1 reconsideration to say that I filed a Rule 60 motion. And when
2 you have a judgment where -- that is based on findings of fact
3 that are debunked by supplemental documents, and those
4 supplemental documents are disregarded, you have a void
5 judgment that cannot stand and no action can be taken on that
6 judgment. And what the Court has to do is consider the
7 supplemental documents in the record. You have all of them in
8 the record. If you want, I can put them together for you again
9 in a way that is very easy to understand. Because when I
10 didn't know what I was up against, until after several turns of
11 appeals, two rounds of appeals, to the appeals court and to the
12 SJC, that's when I finally realized that there was this
13 information; the defendant provided this information to the
14 Court, and because of that, you have multiple findings of fact
15 that are inaccurate. And when you have supplemental documents
16 in the record, you cannot -- a judgment that is based on those
17 findings cannot stand.

18 And here I am today, I am 56 year's old. I work my butt
19 off to provide for my family, and now today, you have a
20 judgment where half of the profits will go to the former
21 husband, and half will go to me. And what will happen to that
22 half, it will go to two significant debts, marital debts, that
23 I have to pay, and I will be left with nothing and we will be
24 on the street.

25 This cannot happen, where the defendant will have

1 substantial money that he has, including a 401K where he has --
2 where he can live comfortably, and I will be in the street.
3 This would be the travesty of justice (indiscernible 2:31:17)
4 and that's why I'm saying I have the ability -- inability to
5 comply with a judgment that is void. And I have a situation in
6 my hands right now where my son is sick; he's in the hospital.
7 I don't know what to do. I cannot (indiscernible 2:31:37) this
8 case since May 2014. I spent eight months in 2018 working on
9 the briefs, trying to see if I can make headway with this case,
10 when you have supplemental documentary evidence in the record
11 that is not (indiscernible 2:31:55), they are disregarded --

12 THE COURT: All right. Your time has expired.

13 MS. LAROCHE-ST. FLEUR: Yes.

14 THE COURT: So, Attorney McKenzie, I've heard what your
15 plan is; it makes sense to me. Obviously, you have the
16 discretion to execute the plan as you see fit. I think the
17 only -- I mean the other version is I think you'd have to go to
18 housing court and have her evicted, and then those costs would
19 go to her. I think you can take whatever course you deem
20 appropriate. That seems to be -- that would be the way I see
21 it, from what your report is.

22 MR. MCKENZIE: Thank you, Your Honor.

23 THE COURT: All right.

24 MS. LAROCHE-ST. FLEUR: Okay. Your Honor, then we would
25 have a situation with you again, because I'm not going to be in

1 the street. I'm not going to be in the street while you have a
2 defendant who is -- who made a cake; he (indiscernible 2:32:41)
3 and you want to allow him to eat the cake. This should not
4 happen.

5 THE COURT: All right.

6 MS. LAROCHE-ST. FLEUR: This should not happen to anybody
7 in the Commonwealth.

8 THE COURT: Hearing is over.

9 MS. LAROCHE-ST. FLEUR: This should not happen.

10 (End of proceedings - 2:33 pm.)

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CERTIFICATE

I, Caitlin M. Sheils, an approved court transcriber, do hereby certify that the foregoing is a true and accurate transcript from the audio recording provided to me of the proceedings in the above-entitled matter. I further certify that the foregoing is in compliance with the Supreme Judicial Court Transcript Format.

I, Caitlin M. Sheils, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Caitlin M. Sheils, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

Caitlin Sheils

caitlin sheils June 25, 2020

Date

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COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

Suffolk, ss

Docket No. 14D1029

Maude Laroche-St. Fleur.
Plaintiff

v.

James St. Fleur, Sr.
Defendant

FILED
DEC 20 2019

**REQUEST OF PLAINTIFF TO REVERSE THE COURT'S ORDER TO CONVEY
PLAINTIFF'S HOME TO A COURT APPOINTED PARTITION COMMISSIONER**

Now comes Plaintiff, Maude Laroche-St. Fleur, in the above-entitled matter, and respectfully requests that the Court, (Hon. Dunn, J.), reverse its order to convey her home to a court appointed partition commissioner.

As reasons therefore, Plaintiff states the following:

1. My son was hospitalized since Thursday November 28, 2019.
2. My son was discharged on Wednesday December 18, 2019.
3. I am not in a position to secure a suitable apartment for both my son and me.
4. If he cannot live with me, my son will have to go to a shelter.
5. A team meeting was held on Monday December 16, 2019.
6. My son's treating physician warned that sending my son to a shelter would be counterproductive to his health, safety, and well-being.
7. I was trying to get through to the Probate and Family Court one last time during the hearing on December 17, 2019.

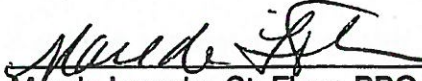
8. Why? Because there is compelling supplemental documentary evidence in the record that is relevant, material, and outcome determinative.
9. Those supplemental documents are still waiting to be studied.
10. Those supplemental documents remain unchallenged to this day.
11. The Judgment of Divorce *Nisi* and the Court's Findings of Fact predate the entry of the supplemental documents in the record. Therefore, the Judgment of Divorce is void. Under Rule 60(b)(4), a motion for relief may be granted if the judgment is void. In Uzoma v. Okereke, 88 Mass. App. Ct. 330, 330 (2015), the Court states that there is no time limit with respect to rule 60(b)(4) motions based on void judgments." And "a motion for relief from judgment which is void from its inception lies without limitation of time." Bowers v. Board of Appeals of Marshfield, 16 Mass. App. Ct. 29, 31 (1983).
12. A significant number of the Court's Findings of Fact are not supported by the entire evidence in the record.
13. I did my part, which includes 2 rounds of appeal to the Massachusetts Appeals Court and the Massachusetts Supreme Judicial Court.
14. I am in a Catch-22, and I am asking this Honorable Court to hear my plea, and render a Judgment of Divorce based on the entire evidence in the record.

For the foregoing reasons and to prevent a travesty of justice, Plaintiff respectfully requests that this Honorable Court:

- (1) Reverse the Court's Order to convey Plaintiff's home to a court appointed partition commissioner;
- (2) Amend its Findings of Fact;

- (3) Award the home to Plaintiff exclusively (there are 2 significant marital debts to be paid, and Plaintiff would be solely liable to pay these 2 debts;
- (4) Award to Defendant his 401(k), with a balance of over \$87,000 in 2015;
- (5) Award to Defendant his 2014 automobile and all of his other assets;
- (6) Order that each party is solely responsible for her or his debts; and
- (7) Award to Plaintiff any other relief that the Court deems just and proper.

Respectfully submitted,


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Date: 12/20/2019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the aforesaid Request of Plaintiff to Reverse the Court's Order to Convey Plaintiff's Home to a Court Appointed Partition Commissioner, has this day been served on the interested parties by mailing same, via *First Class Mail*, Postage Prepaid to:

- (1) Denzel D. McKenzie, McKenzie & Associates, PC, 183 State Street, Suite 6, Boston, MA 02109 & , and
- (2) Douglas Michael Surprenant, Law Office of Doug Surprenant, 40 S. Franklin Street, Holbrook, MA 02343.

Signed under the penalties of perjury.

Date: 12/20/2019


Maude Laroche-St. Fleur, Esq.

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

, ss

Docket No.

Maude Laroche-St. Fleur)
Plaintiff)
v.)
James St. Fleur, Sr.)
Defendant)

IMPOUNDED

PLAINTIFF'S MOTION TO RECUSE

Pursuant to the Massachusetts Declaration of Rights - Article 29, the Plaintiff, Maude Laroche-St. Fleur, moves to recuse the assigned judge, Hon. Brian J. Dunn, ("Judge Dunn") from this case. This motion is supported by affidavit. As such, and pursuant to Article 29 of the Massachusetts Declaration of Rights, Plaintiff requests that Judge Dunn proceed no further on this motion or in this matter, and for the reassignment of this case to another judge in a different county.

Plaintiff has great respect for all judges and the work they do as public servants on behalf of our society. So it is with uneasiness and out of deep concerns that are of public interests that Plaintiff is filing this motion for recusal. To say it bluntly, Judge Dunn rendered a judgment that will shock the conscience of a reasonable observer. A judgment that is profoundly troubling. Why? Because numerous of Judge Dunn's Findings of Fact are demonstrably false. And Judge Dunn ignored the supplemental documentary evidence in the record. In addition, certain other rulings of Judge Dunn reveal deep personal bias or prejudice against Plaintiff.

For the following reasons, this matter should be reassigned to an impartial judge.

I. INTRODUCTION

This case concerns a divorce case, where the Judgment of Divorce *Nisi* is void on its face. How so? Said judgment is dated December 30, 2015. Overwhelming supplemental documentary evidence in the record is still waiting to be studied. Those supplemental documents remain unchallenged. Those supplemental documents are relevant, material, and outcome determinative. In addition, the court's Findings of Fact predate the entry of the supplemental documents in the record. Numerous factual findings are demonstrably false. Furthermore, the Judgment of Divorce *Nisi* predates the entry of the supplemental documents in the record. Said judgment it is not based on the entire evidence in the record. On June 13, 2018, Judge Dunn stated in open court that "there is not going to be any supplemental Findings of Fact. Therefore, the Judgment of Divorce *Nisi* is void and unenforceable, and so do its progenies.

II. ARGUMENT

- A. Judge Dunn should not continue to preside over this case because a reasonable person with knowledge of all the patterns of rulings and judicial statements and conduct would conclude that Judge Dunn holds a personal bias or prejudice against Plaintiff to such a degree that fair rulings appear impossible.**

Article 29 of the Massachusetts Declaration of Rights states in salient part:
"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit."

Plaintiff is seeking recusal of Judge Dunn from this case under the following grounds: (1) preservation of her life, liberty, and property; (2) preservation of her character; and (3) impartial interpretation of the laws, and administration of justice.

1. Preservation of Plaintiff's Life, Liberty, and Property

Should the Judgment of Divorce *Nisi* stand, half of the proceeds from the sale of the home would go to Plaintiff, and the other half would go to Defendant. Separation occurred on November 14, 2013. Here is what the division of assets is under the judgment:

Plaintiff

- 1/2 of the proceeds from the sale of the home, which would be wiped out after she pays 2 significant marital debts
- her 2015 Toyota Sienna
- her ability to earn a living as a *solo* practitioner has been significantly hindered, as she has been a *pro se* litigant since May 2014.

Defendant

- 1/2 of the proceeds from the sale of the home;
- his 401(k), with a balance of over \$87,000 as of September 2015;
- his 2014 Toyota Venza, acquired in December 2013, purchase price was over \$39,000, very large payments were made toward his car note, and the balance was almost paid off by February 2015;
- very large and frequent weekly cash deposits shortly after separation;
- his 2014 tax return shows that he invested \$34,000; and
- a second job where he was earning over \$10,000 every month

Plaintiff endured significant trauma, including intentional infliction of emotional distress. When she sought to break free, she was met with victim shaming, and sophisticated forms of bullying. The actions and omissions of Judge Dunn, whether

intentional or not, worsened the situation. Numerous of the judge's factual findings are pure allegations. Stated another way, they are unsupported by evidence. Unproven stories were treated as facts. The Judgment of Divorce Nisi and its progenies are based on those flawed factual findings. A judgment that is unconscionable. The supplemental documentary evidence is in the record. Those documents should be followed, and they should speak for themselves. The personal bias or prejudice on the part of the judge against Plaintiff will jump out at a reasonable person who takes his or her time to read the entire record. And a reasonable conclusion would be that Judge Dunn needs to break away from this case.

2. Preservation of Plaintiff's Character

Plaintiff is an attorney. Defendant is in possession of the whole record, is very well versed in the facts of this case, is fully aware that numerous Findings of Fact are flawed, and the effect those particular findings have on Plaintiff's reputation. Yet, Defendant never raised a finger to correct the record. In Commissioner of Probation v. Adams, 65 Mass. App. Ct. 725, 725 (2006), the Appeals Court found that the court below has the inherent power to expunge an order that was obtained through fraud on the court.

Adams is an attorney. She was in a romantic relationship with Jones. She feared for her life and safety, terminated the relationship, and obtained a restraining order against Jones. In retaliation, Jones submitted false statements to the court and obtained a restraining order against Adams. Subsequently, Adams filed a motion to vacate the restraining order against her. In the case at bar, Plaintiff filed a Complaint for Divorce

seeking to terminate a marriage that was irretrievably broken. Defendant disarrange documents to distract from the truth, misrepresented evidence, made unsubstantiated claims, refused to cooperate with discovery, and fabricated stories to spread disinformation. As a result, Judge Dunn issued numerous scathing Findings of Fact against Plaintiff.

The Court in *Adams* warns that the order “leaves a permanent mark against Adams,” and that even sealing the record will not sufficiently protect Adams as sealed records do not disappear. *id* at 732. Likewise, those scorching Findings of Fact in the present case “leaves a permanent mark” against Plaintiff. Those findings are inextricably included in numerous filings. They will not disappear. The Appeals Court concludes that “Without expungement, Adams will suffer from a blemish on her record for the rest of her life.” *id* at 736. In the present case, the Findings of Fact need to be amended to reflect the true story of the case. Judge Dunn made it very clear that he will not amend them. Yes, an amendment of the factual findings will not erase the “permanent mark left in the record against Plaintiff.” However, an amendment will pave the way to label the Judgment of Divorce *Nisi* for what it is, which is “void.”

3. Impartial Interpretation of the Laws and Administration of Justice

On January 31, 2018, Plaintiff raised de novo misrepresentation and fraud on the court claims. Judge Dunn suggested that Plaintiff file a Rule 60(b) motion. On February 12, 2018, Plaintiff filed a Rule 60 motion, along with a document titled “Memorandum of Evidence, and a comprehensive affidavit. In the Memorandum of Evidence, Plaintiff arranged the supplements documents in a way that is easy to follow. Yet, on February 21, 2018, Judge Dunn denied the Rule 60 motion without issuing supplemental factual

findings. Moreover, on June 13, 2018, Judge Dunn said "There is not going to be any supplemental Findings of Fact." Judge Dunn did not implement the law.

In Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1117-1118 (1st Cir. 1989), the Court reasoned that "Abuse of discretion occurs when a material factor deserving significant weight is ignored..." Here, the disregarded documentary evidence in the record, if assessed, will undermine many of the findings made by Judge Dunn. Hence, Judge Dunn clearly committed a meaningful error in judgment when he ignored those documents that deserve "significant weight," and when he failed to make supplemental factual findings.

Further, in Bird v. Ross, 1984 Mass. App. Div. 7, 8 (1984), the Court reasons that abuse of discretion consists of judicial action which no conscientious judge, acting intelligently, could honestly have taken." *Bird* involved an appeal seeking the removal of a default judgment for lack of service. However, it was undisputed that notices were sent to the home address. Similarly, the documented evidence in the record is undisputed in this case. However, Judge Dunn ignored them, and left flawed findings unamended. In light of the uncontested evidence in the record, a judge, acting with conscience, could have taken actions contrary to those taken in this case. Abuse of discretion is not impartial administration of justice.

Furthermore, in Pierce v. Pierce, 455 Mass. 286, 288 (2009), the Supreme Judicial Court rules that the court below erroneously failed to make findings, and remands the case to the court below for factual findings. Pursuant to Rule 52, findings of fact, and not flawed findings, are required in a divorce case. Thus, this case should be reassigned to another judge for want of additional and amended findings of fact.

Lastly, In Arnett v. Kennedy, 416 U.S. 134, 203 (1974), the Supreme Court cautions that “an impartial decision maker is essential. Citing Goldberg v. Kelly, 397 U.S. 254, 271 (1970). Judge Dunn ignored relevant and material documentary evidence in the record, and did not amend his Findings of Fact. The more Plaintiff pushed those documents to the attention of Judge Dunn, the more his biases against Plaintiff deepened. Meritorious motions were denied on a whim. Unfavorable judgments and orders were issued with capriciousness.

In the justice system, the equation is Lex + Veritas = Justicia. There is impartial administration of justice when the equation is balanced. In this case, the legislature has spoken, and the laws are established. The facts are in the record. Yet, justice is missing. The equation is yet to be balanced.

B. This Motion to Recuse is Supported by an Established Record.

The supplemental documents, which were allowed and offered, are in the record. The entire evidence the record is waiting to be studied.

C. Timeliness of This Motion

Plaintiff is seeking relief from a final judgment and remedies. In Michael v. Williams, 13 Cal.App.2d 198, 199 (1936), the court explains that “The court has power to vacate an order void upon its face at any time upon its own motion or upon motion of a party.” And in Uzoma v. Okereke, 88 Mass. App. Ct. 330, 330 (2015), that Court states “There is no time limit with respect to rule 60(b)(4) motions based on void judgments.” Citing Bowers v. Board of Appeals of Marshfield, 16 Mass.App.Ct. 29, 31 (1983), which reasoned that “... Notwithstanding the powerful interest in finally of judgments, a motion for relief from judgment which was void from its inception lies without limitation of time.”

Here, the flawed findings of fact render the Judgment of Divorce *Nisi* void on its face. Plaintiff filed a Rule 60 motion. Therefore, the Judgment of Divorce *Nisi* can be vacated at any time.

Furthermore, in I.S.H. v. M.D.B., 83 Mass.App.Ct. 553, 557 (2013), the Court explains "A court must vacate a void judgment... No discretion is granted by the rule" (Rule 60(b)(4)). Accordingly, the judgment of divorce in this case must be vacated for voidness, but only insofar as to the G.L. c. 208, § 34 division of assets issues. The Parties did not file a statement of objections to the judgment becoming absolute. As a result, pursuant to Mass.Dom.Rel.P. Rule 58(c), the judgment became absolute 90 days from the date of entry, which was January 6, 2016.

III. CONCLUSION

For the foregoing reasons, this Motion to Recuse should be granted for the reassignment of the case to another judge in a different county.

Respectfully submitted,



Maude Laroche-St. Fleur, BBO No. 683673
Laroche Law Office, LLIC
43 Cummins Hwy, 2nd Floor
Roslindale, MA 02131
Mailing Address: PO Box 79
Roslindale, Massachusetts 02131
(857) 891-2520 (Cell)
(617) 553-2849 (Phone)
(617) 995-0889 (Fax)
mlarochest@gmail.com

Date: 01/08/2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the aforesaid Plaintiff's Motion to Recuse and Plaintiff's Declaration in Support of Said Motion, have this day been served on the interested parties by mailing same, *via First Class Mail*, Postage Prepaid to:

- (1) Denzel D. McKenzie, McKenzie & Associates, PC, 183 State Street, Suite 6, Boston, MA 02109 & , and
- (2) Douglas Michael Surprenant, Law Office of Doug Surprenant, 40 S. Franklin Street, Holbrook, MA 02343.

Signed under the penalties of perjury.

Date: 01/08/2020



Maude Laroche-St. Fleur, Esq.

McKenzie & Associates, P.C.
Counselors at Law

PERSONAL & CONFIDENTIAL

March 5, 2020

Via Certified Mail, Return Receipt Requested and
First Class Mail and
Hand Delivery via Constable

Maude Laroche-St. Fleur
[REDACTED]

Maude Laroche-St. Fleur, Esq.
Laroche Law Office, LLC
43 Cummins Highway, 2nd floor
Roslindale, MA 02131

Maude Laroche-St. Fleur, Esq.
P.O. Box 79
Roslindale, MA 02131

Re: **NOTICE TO QUIT & VACATE**
[REDACTED]

Dear Ms. Laroche-St. Fleur:

You are hereby notified to quit and deliver up at the expiration of fourteen (14) days after your receipt of this notice, the premises which you occupy, to wit:

The entire premises located at [REDACTED] together with all appurtenances thereto belonging (the "Premises").

This Notice is being served by our client, Denzil D. McKenzie (the "Special Master"), a disinterested party appointed per Rule 70 of Mass. R. of Domestic Proc. 70 as Special Master Real Estate per Order of the Suffolk County Probate & Family Court (Dunn, J.) related to: [1] a Judgment on Complaint for Contempt, dated February 22, 2018; [2] a Supplemental Judgment on Complaint for Contempt, dated February 22, 2018; and [3] a Second Supplemental Judgment on Complaint for Contempt, dated January 9, 2020. Copies of each of the aforementioned Orders are attached for your reference.

The aforementioned fourteen-day period is granted to you by the Special Master solely as an accommodation to allow you time to dispose of your belongings and arrange for alternative housing. This notice states grounds for your eviction and is not intended to instate you to tenancy or grant you any rights. If you fail so to vacate, the Special Master will commence the appropriate action in court, which may include a summary process action and/or a request for equitable relief. You may be required to pay court costs and attorneys' fees if such an action is instituted.

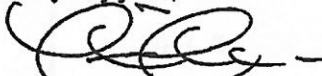
You have the right to discuss the proposed termination of your occupancy with the undersigned at any time prior to the termination date set forth in this notice. Persons with disabilities have the right to request

183 State Street, Suite 6 • Boston, MA 02109 • Tel. 617-723-0400 Fax 617-723-7234 • www.mckenzieassociatespc.com

Ms. Maude Laroche-St. Fluer
NOTICE TO QUIT & VACATE
March 5, 2020
Page 2 of 2

reasonable accommodations to participate in the hearing process. You are hereby notified to produce this notice at any court where this case may be heard. Thank you for your attention to this matter.

Very truly yours,



Timothy A.M. Fraser, Esq.

Enclosures

cc: Denzil D. McKenzie, Esq.
Douglas Michael Surprenant, Esq.

NOTICE OF IMPORTANT RIGHTS

Pursuant to the federal Fair Debt Collection Practices Act (15 USCS sec. 1692), a consumer debtor is required to be sent the following notice: (1) unless the consumer, within thirty days after receipt of this notice, disputes the validity of the debt or any portion thereof, the debt will be assumed to be valid by the debt collector; (2) if the consumer notifies the debt collector in writing within the thirty-day period that the debt or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and copy of such verification or judgment will be mailed to the consumer by the debt collector; and (3) upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor. We are acting as a debt collector, pursuant to the federal Fair Debt Collection Practices Act. Any information obtained will be used for that purpose. The Federal Trade Commission has ruled that the federal Fair Debt Collection Practices Act does not preclude the institution of legal action prior to the expiration of the thirty-day period.

Commonwealth of Massachusetts

Suffolk, ss.

On this day, I served the within named Maude Laroche-St. Fluer a notice, (by giving to her in hand) (by leaving at her last and usual place of abode) (With any adult member of the household) the (original) (copy) of the within notice. Said service was made on the ____ day of March 2020.

By:
Title:

McKenzie & Associates, P.C.
Counselors at Law

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

BAR COUNSEL,

Petitioner

vs.

MAUDE LAROCHE-ST. FLEUR, ESQ.

Respondent

B.B.O. File No. C1-16-0004

BAR COUNSEL'S LIST OF UNOBJECTED-TO EXHIBITS

<u>Ex. No.</u>	<u>Description</u>
1	Suffolk Probate and Family Court Docket No. SU14D1029 (through 9/15/2020) - Impounded
2	8/29/02 Wells Fargo Mortgage (recorded 9/3/02)
3	12/7/02 Fleet National Bank Mortgage (recorded 2/21/03)
4	1/23/03 Discharge of Wells Fargo Mortgage (recorded 3/10/03)
5	01/4/12 Discharge of Mortgage recorded 1/11/12 at Suffolk Registry of Deeds
6	05/13/14 Respondent Financial statement - Impounded
7	08/18/14 Respondent Financial statement (<i>page 4-signature page- missing</i>)- Impounded
8	09/22/14 Respondent Financial statement (re-signed 10/10/14) - Impounded
9	12/30/14 Respondent Financial statement (re-signed 1/4/15 and 4/15/15) - Impounded
10	10/13/15 Respondent Financial statement - Impounded
11	11/05/15 Respondent Financial statement - Impounded
12	11/5/15 Divorce Trial Transcript, pages 1 - 3, 137 - 142; p. 189, 235 - Impounded
13	11/6/15 Divorce Trial Transcript, pages 1 - 3, 33 - 36 - Impounded
14	12/30/15 Judgment of Divorce and Findings of Fact - Impounded
15	1/19/16 Plaintiff's Motion to Reconsider and Amend Findings of Fact and Conclusion of Law with endorsement denying motion - Impounded

<u>Ex. No.</u>	<u>Description</u>
16	02/16/16 Respondent letter to Assistant Bar Counsel Susan Weissberg (without attachments)
17	12/20/16 Appeals Court Brief of Appellant - Impounded
18	06/19/17 Appeals Court Order Affirming Lower Court Decision - Impounded
19	01/31/18 Motion hearing transcript - Impounded
20	02/12/18 Respondent Rule 60 motion and affidavit in support - Impounded
21	02/18/18 Defendant's Opposition to Plaintiff's Rule 60 Motion (filed 3/27/18) - Impounded
22	02/21/18 Endorsement denying Rule 60 motion - Impounded
23	06/24/19 Appeals Court Memorandum and Order affirming order denying motion for relief and affirming judgment of contempt - Impounded
24	07/05/19 Appellant's Motion for Reconsideration - Impounded
25	07/09/19 Appeals Court Notice of Denial of motion - Impounded
26	09/13/19 Appeals Court Notice of denial of FAR application - Impounded
27	1/8/2020 Plaintiff's Motion to Recuse and Declaration in Support and 1/29/20 Endorsement denying motion to recuse - Impounded
28	1/25/21 Final Order on Bar Counsel's Motion for Issue Preclusion
29	12/10/19 Appointed Partition Commissioner's Report - Impounded
30	10/30/19 Letter from Appointed Partition Commissioner - Impounded
31	11/13/19 Letter to Appointed Partition Commissioner - Impounded

RESPECTFULLY SUBMITTED,

Rodney S. Dowell
Bar Counsel

By _____
Robert M. Daniszewski
Assistant Bar Counsel
99 High Street
Boston, MA 02110
(617) 728-8750
BBO #556388

March 10, 2021

Certificate of Service

I hereby certify that I have this ___ day March 2021 caused the foregoing document to be served by email to respondent at mlarochest@gmail.com.

Robert M. Daniszewski
Assistant Bar Counsel
BBO #556388

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

*
BAR COUNSEL * BBO FILE NO. C1-16-0004
Petitioner *
*
VERSUS *
*
MAUDE LAROCHE-ST. FLEUR, *
ESQ., *
Respondent *

BEFORE: Amanda R. Phillips, Esq., Chairperson
Jeffrey J. Trapani, Esq., Panel Member
Olivia Kynard, Panel Member

Paul Rezendes, Esq.
Assistant General Counsel

March 23, 2021
10:29 a.m.
Board of Bar Overseers
99 High Street
Boston, MA 02110
Via Remote Audio-Visual Equipment

APPEARANCES:

ROBERT M. DANISZEWSKI, ESQ., Assistant Bar Counsel, Office of
the Bar Counsel, 99 High Street, Boston, MA 02110, For the
petitioner

MAUDE LAROCHE-ST. FLEUR, 43 Cummings Highway, 2nd Floor,
Roslindale, MA 02131, Pro Se

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119 Broad Street
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leavittreporting@comcast.net

1 defendant's first pretrial memorandum was
2 amended. We agreed to amend that pretrial
3 memorandum to remove certain information
4 from that pretrial memorandum, and then we
5 said okay, we're going to exclude certain
6 evidence from the record; they're not
7 going to be made part of the record.

8 That's why when I saw the findings of fact
9 I was shocked, and that's when I gathered
10 as much evidence as I could to rebut the
11 allegations in those findings of fact.

12 Q. All right. Well, can you -- do you
13 have a document or an agreement or
14 stipulation that you are going to present
15 in this hearing to show that there was,
16 that there was this agreement to exclude
17 evidence from the trial?

18 A. It is part, it is in the CD I provided
19 to Bar Counsel. It's been extremely
20 difficult for me to deal with this.

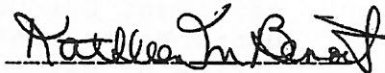
21 Q. All right.

22 A. And it has to get to a point where it
23 has to be. This case brings me down. I

CERTIFICATE

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I hereby certify that the foregoing 176 pages contain a full, true and accurate transcript of all my stenographic notes to the best of my ability taken in the above-captioned matter held via Remote Audio-Visual Equipment on March 23, 2021, commencing at 10:29 a.m.



KATHLEEN M. BENOIT
Notary Public

My commission expires
April 24, 2026

1

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

* * * * *
BAR COUNSEL, *
Petitioner *
V * BBO No.
* C1-16-0004
MAUDE LAROCHE-ST. FLEUR, *
Respondent *
* * * * *

BEFORE: Amanda R. Phillips, Esq., Chair
Olivia Kynard, Member
Jeffrey J. Trapani, Esq., Member

Paul Rezendes
Assistant General Counsel

Volume II
March 24, 2021
10:00 AM
Board of Bar Overseers
Via Remote Audiovisual
Equipment

APPEARANCES:

Robert M. Daniszewski
Assistant Bar Counsel
Donna Waite, Investigator
Office of Bar Counsel
99 High Street
Boston, MA 02110
(For the Petitioner)

Maude Laroche-St. Fleur, Esq.
Post Office Box 79
43 Cummins Highway, Second Floor
Roslindale, MA 02131
(Pro se)

Leavitt Reporting, Inc.

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Weymouth, MA 02188
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01:33:02 1 I hope that wasn't disruptive.

01:33:04 2 MS. PHILLIPS: Thank you,
01:33:05 3 Mr. Rezendes. So, Mr. Daniszewski, thank
01:33:08 4 you. Your objection is noted. I did
01:33:13 5 state earlier that we would admit it
01:33:15 6 subject to laying foundation. So I do, I
01:33:20 7 would like to -- before we then continue
01:33:24 8 with this exhibit, let's call this Exhibit
01:33:36 9 32, the December 10, 2014, letter.

01:33:36 10 (Exhibit No. 32 marked for
01:33:36 11 identification.)

01:33:44 12 MS. PHILLIPS: Then I would like
01:33:45 13 to -- as Mr. Trapani suggested, let's move
01:33:49 14 to the Exhibit D which was the August 2014
01:33:58 15 emails concerning the agreement between
01:34:05 16 the parties to exclude certain evidence
01:34:09 17 from the divorce proceedings.

01:34:12 18 So, Mr. Rezendes, if you can
01:34:13 19 please take down what is now Exhibit 32
01:34:18 20 and bring up what Ms. Laroche-St. Fleur
01:34:22 21 referred to as Exhibit D in the November
01:34:25 22 20, 2020, filing.

01:34:28 23 MR. REZENDES: Just so the

01:34:29 1 parties are aware -- by the way, Ms. Yu is
01:34:32 2 reminding us we are still off the
01:34:34 3 livestream so this needs to be impounded
01:34:39 4 materials for us to be off the livestream.

01:34:43 5 Secondly, I will undertake at some
01:34:49 6 appropriate point to extract the
01:34:50 7 individual items and to affix exhibit
01:34:53 8 stickers to them so that they will be
01:34:55 9 stand alone and it will be clear that
01:34:56 10 they've become part of the evidentiary
01:34:58 11 record in this case.

01:34:59 12 I do have prepared for screen
01:35:02 13 sharing the gmail re meeting results and
01:35:09 14 confidential settlement discussions, but
01:35:13 15 may I recommend to the chair that she ask
01:35:15 16 the same question, whether this was an
01:35:17 17 impounded document in the divorce
01:35:19 18 proceeding because if it's not, it's not
01:35:20 19 within the protective order.

01:35:22 20 MS. PHILLIPS: Thank you.
01:35:23 21 Ms. Laroche-St. Fleur, was this what you
01:35:27 22 have referred to as Exhibit D, the August
01:35:29 23 2014 emails regarding evidence to be

01:35:33 1 submitted in the divorce proceeding, were
01:35:35 2 those impounded exhibits in the divorce
01:35:38 3 proceeding?

01:35:39 4 MS. LAROCHE-ST. FLEUR: Yes, the
01:35:40 5 entire record is impounded.

01:35:43 6 MS. PHILLIPS: Okay. Then we will
01:35:45 7 continue off the livestream and,
01:35:48 8 Mr. Rezendes, could you please pull that
01:35:52 9 exhibit.

01:35:58 10 MR. REZENDES: That should be on
01:36:00 11 your screens now.

01:36:04 12 MS. PHILLIPS: If you can please
01:36:06 13 take a minute to scroll -- again, I
01:36:08 14 appreciate, Mr. Daniszewski, that you are
01:36:12 15 seeing these for the first time, that they
01:36:14 16 were not exchanged in accordance with the
01:36:17 17 rules of procedure in the prehearing
01:36:22 18 order.

01:36:23 19 So we can take a look at this and
01:36:28 20 please advise your objections if any.

01:36:36 21 MR. DANISZEWSKI: Can I ask
01:36:39 22 Mr. Rezendes to scroll back up to the top
01:36:42 23 of the document?

01:36:48 1 Well, I object because, you know,
01:36:51 2 really on grounds of probativeness I guess
01:36:55 3 because as I understand it she is
01:36:57 4 presenting this and characterizing it as
01:36:59 5 an agreement that certain evidence can be
01:37:02 6 excluded from the case when all she is
01:37:04 7 doing in the email, from what I can see
01:37:07 8 from the highlighted portion, is thanking
01:37:09 9 Mr. Surprenant for removing certain of
01:37:13 10 Junior's personal information from a
01:37:16 11 pretrial memo which hardly goes as far as
01:37:21 12 the respondent's characterization of this
01:37:23 13 document. So it's not probative of
01:37:26 14 anything putting aside the larger issue
01:37:31 15 that, again, it's attempting to revisit
01:37:33 16 and relitigate the divorce itself. Those
01:37:37 17 would be my objections.

01:37:38 18 MS. PHILLIPS:
01:37:39 19 Ms. Laroche-St. Fleur, do you have a
01:37:41 20 response to the objection?

01:37:43 21 MS. LAROCHE-ST. FLEUR: The next
01:37:44 22 page is from Attorney Surprenant of this
01:37:49 23 exhibit. This is from him.

01:38:14 1 MS. PHILLIPS: Mr. Daniszewski --
01:38:16 2 MR. DANISZEWSKI: I am reading it
01:38:19 3 quickly, but it seems to -- I think it
01:38:22 4 would just be -- I think the same
01:38:24 5 objection would apply. I'm not sure if
01:38:26 6 it's a valid objection for me to make
01:38:28 7 either, but I also know this is a
01:38:30 8 confidential settlement discussion. So
01:38:33 9 I'm a little sheepish about the idea of
01:38:36 10 that being admissible even per se, but I
01:38:41 11 think my objection to the first page
01:38:43 12 applies to the second page with equal
01:38:45 13 force.

01:38:47 14 MS. PHILLIPS: And I will note
01:38:48 15 that it's not being offered to show
01:38:52 16 liability or amounts. So I will overrule
01:38:58 17 that objection to the settlement, although
01:39:03 18 I'm not sure it was clearly an objection
01:39:05 19 but just a note for the record that this
01:39:07 20 includes settlement discussions.

01:39:10 21 But as far as the objection on
01:39:11 22 relevance, Ms. Laroche-St. Fleur, can
01:39:15 23 you -- I believe, if I understand your

01:39:23 1 testimony, that this is offered for the
01:39:25 2 relevance of Count III on whether the Rule
01:39:33 3 60(b) motion ultimately was frivolous
01:39:39 4 under -- which is what bar counsel alleges
01:39:41 5 under Count III and also to aggravating or
01:39:47 6 mitigating factors. So I will allow this.

01:39:53 7 MS. LAROCHE-ST. FLEUR: Thank you,
01:39:54 8 thank you.

01:39:54 9 MS. PHILLIPS: Just these two
01:39:57 10 emails. I don't know if there's more in
01:39:59 11 Exhibit D.

01:40:01 12 MS. LAROCHE-ST. FLEUR: No, it's
01:40:04 13 only those two pages.

01:40:06 14 So after this exchange, early,
01:40:08 15 very early -- the divorce was filed on May
01:40:14 16 13, 2014. This exchange was on August 14,
01:40:19 17 2014, and that is when we came up with the
01:40:22 18 verbal agreement that certain documents
01:40:25 19 were going to be kept off the record
01:40:28 20 for -- we talked more in depth. We did
01:40:33 21 not put it on paper, but it was that
01:40:35 22 agreement that certain documents and
01:40:38 23 information were going to be kept off the

01:40:41 1 record.

01:40:42 2 MS. PHILLIPS: And so for this

01:40:44 3 exhibit we will admit this one into

01:40:49 4 evidence as Exhibit 33.

01:40:49 5 (Exhibit No. 33 marked for

01:40:51 6 identification.).

01:40:51 7 MS. PHILLIPS: Just these two

01:40:52 8 pages on the August 14, 2014, email

01:40:59 9 showing the alleged agreement between the

01:41:06 10 parties.

01:41:09 11 MR. TRAPANI: Could we have a

01:41:10 12 committee meeting or a break actually? We

01:41:13 13 have been doing this for about an hour.

01:41:15 14 MS. PHILLIPS: Yes, thank you.

01:41:16 15 The last thing, before we break I did want

01:41:19 16 to state that the transcript of the

01:41:21 17 January 31, 2018, hearing, I believe that

01:41:26 18 is in evidence as Exhibit 19, and I

01:41:35 19 believe then we can take a break and then

01:41:43 20 go off the record.

01:41:43 21 MR. TRAPANI: Is Mr. Rezendes

01:41:43 22 going to send us an invite?

01:41:43 23 MS. PHILLIPS: Yes. Can we take

Cross-Examination

02:34:59 1

02:35:02 2 Q. (By Mr. Daniszewski) Good afternoon

02:35:03 3 again, Ms. Laroche-St. Fleur. My

02:35:04 4 questions really pertain to your testimony

02:35:08 5 about an agreement with opposing counsel

02:35:13 6 to not present certain evidence at the

02:35:16 7 trial. My question basically is that we

02:35:21 8 went through and one of the documents that

02:35:23 9 you offered for admission into the

02:35:26 10 evidentiary record today is an exchange of

02:35:31 11 emails between you and Attorney

02:35:34 12 Surprenant.

02:35:39 13 So you recall that document?

02:35:40 14 MR. DANISZEWSKI: You don't have

02:35:41 15 to put it up.

02:35:42 16 Q. Do you recall the document?

02:35:43 17 A. Yes, I do.

02:35:44 18 Q. Do you have any other documents beside

02:35:48 19 that one to establish the existence of

02:35:51 20 such an agreement?

02:35:56 21 A. It was a verbal agreement, and the

02:35:58 22 motion to impound is a continuation of

02:36:01 23 that agreement.

02:36:06 1 Q. Anything else besides that in terms of
02:36:09 2 a written agreement with the opposing
02:36:12 3 party or opposing counsel?
02:36:14 4 A. No, it was verbal until we reached the
02:36:17 5 motion to impound the entire file.
02:36:23 6 MR. DANISZEWSKI: That is my only
02:36:24 7 question. Thank you.
02:36:30 8 MS. PHILLIPS: Let's go off the
02:36:32 9 record, please.
02:36:35 10 MS. YU: We are off the
02:36:36 11 livestream. Thank you.
03:30:28 12 (Lunch break taken at this time.).
03:38:19 13 MS. PHILLIPS: Let's go back on
03:38:55 14 the record but not on the livestream,
03:39:00 15 please.
03:39:05 16 Mr. Rezendes, do you have the
03:39:08 17 Exhibit 32?
03:39:11 18 MR. REZENDES: I will have to
03:39:13 19 check my notes on which one is Exhibit 32.
03:39:13 20 I haven't had a chance to extract and mark
03:39:16 21 it.
03:39:17 22 MS. PHILLIPS: A December 10,
03:39:18 23 2014, letter.

03:39:20 1 MR. REZENDES: As it so turns
03:39:21 2 out, I have it on my screen already so I
03:39:24 3 will share now.

03:39:25 4 MS. PHILLIPS: Thank you. I am
03:39:33 5 not seeing screen share.

03:39:33 6 MR. REZENDES: I'm sorry. I was
03:39:47 7 muted and did not realize it. Ms. Yu, we
03:39:48 8 are now successfully off the livestream?

03:39:50 9 MS. YU: We are off the
03:39:51 10 livestream, correct.

03:39:54 11 MR. REZENDES: Did that get the
03:39:55 12 document on your screen?

03:39:57 13 MS. PHILLIPS: Yes.
03:40:00 14 Ms. Laroche-St. Fleur, we had a question
03:40:04 15 about this exhibit.

03:40:06 16 MS. LAROCHE-ST. FLEUR: Okay.

03:40:07 17 MS. PHILLIPS: Where did you get
03:40:08 18 this exhibit from?

03:40:10 19 MS. LAROCHE-ST. FLEUR: It's from
03:40:11 20 my son.

03:40:14 21 MS. PHILLIPS: Your son gave you
03:40:15 22 the letter?

03:40:16 23 MS. LAROCHE-ST. FLEUR: Yes. I

03:40:18 1 help him to write the letter and I had a
03:40:22 2 copy of it. Do you want a sample of his
03:40:33 3 signature?

03:40:34 4 MS. PHILLIPS: No, those were all
03:40:38 5 the questions that we had. I suppose,
03:40:51 6 Ms. Laroche-St. Fleur, you have the
03:40:53 7 opportunity to redirect after the
03:40:57 8 committee asks its questions. So if you
03:41:00 9 want to redirect about anything the
03:41:03 10 committee asked about, you may do so.

03:41:05 11 MS. LAROCHE-ST. FLEUR: Okay.

03:41:07 12 MS. PHILLIPS: Do you have
03:41:08 13 anything you wanted to say about what --
03:41:12 14 and I would limit it to what the
03:41:16 15 committee's questions were since you
03:41:17 16 already testified.

03:41:18 17 MS. LAROCHE-ST. FLEUR: Are you
03:41:19 18 asking if I have anything to say?

03:41:21 19 MS. PHILLIPS: Yes. You have the
03:41:22 20 opportunity -- since the committee asked
03:41:25 21 questions, you now have the opportunity to
03:41:27 22 redirect based on the narrow subjects that
03:41:33 23 the committee asked about.

03:41:34 1 MS. LAROCHE-ST. FLEUR: To
03:41:35 2 authenticate the letter?
03:41:36 3 MS. PHILLIPS: If you have
03:41:38 4 anything else you want to say about this
03:41:40 5 letter and the question that the committee
03:41:42 6 asked, you may do so, but I would limit it
03:41:44 7 to the scope of Mr. Daniszewski's cross
03:41:49 8 and the committee's questions.
03:41:52 9 MS. LAROCHE-ST. FLEUR: Okay. I
03:41:53 10 should go first?
03:41:54 11 MS. PHILLIPS: Yes.
03:41:55 12 MS. LAROCHE-ST. FLEUR: Okay.
03:41:57 13 Well, what I would say is I don't have any
03:42:00 14 reason to lie or to give a fake document
03:42:03 15 because this was to help my son get,
03:42:09 16 receive his last disbursement, and I
03:42:12 17 helped him write the letter because he
03:42:14 18 came to me. I had no idea he closed the
03:42:16 19 account. It was account 1401. It was
03:42:20 20 under my name and his name, and he had
03:42:22 21 full access to it. So he closed that
03:42:25 22 account I believed on September 24, 2014.
03:42:30 23 So when he came to me in

03:42:31 1 December -- no, he called me beforehand
03:42:33 2 and he asked me if I -- he said he closed
03:42:38 3 the account. I said, "Okay, come to me
03:42:40 4 and I will help you write a letter to send
03:42:43 5 to the company so they can mail the check
03:42:45 6 to you." He wrote the letter, he signed
03:42:47 7 it, and I had a copy of it and afterwards
03:42:52 8 he received a disbursement.

03:42:55 9 And if you want I can tell you
03:42:56 10 it's still under Exhibit P where he opened
03:43:00 11 an account that ends with 5853 under both
03:43:06 12 his name and my name because he needed
03:43:08 13 some help with budgeting, and thereafter
03:43:12 14 he closed that account and opened another
03:43:15 15 account that ends if I remember
03:43:18 16 correctly --

03:43:19 17 MS. PHILLIPS: We are going beyond
03:43:20 18 the scope of --

03:43:22 19 MS. LAROCHE-ST. FLEUR: Just to
03:43:24 20 tell you, just to tell you this is the
03:43:25 21 story of the letter. I have no reason to
03:43:29 22 present a letter that he did not write and
03:43:32 23 just to follow --

03:43:36 1

MS. PHILLIPS:

03:43:36 2

Ms. Laroche-St. Fleur, all we asked was

03:43:39 3

where did you get the letter, and so that

03:43:42 4

question has been answered. If you have

03:43:44 5

more testimony about that, that is okay,

03:43:47 6

but we are getting far afield now.

03:43:49 7

MS. LAROCHE-ST. FLEUR: Okay.

03:43:50 8

MS. PHILLIPS: Mr. Daniszewski,

03:43:52 9

did you have any recross?

03:43:55 10

MR. DANISZEWSKI: Yes, I do, about

03:43:56 11

the letter. Can we put it up again,

03:43:58 12

please?

03:43:58 13

Recross-Examination

03:44:05 14

Q. (By Mr. Daniszewski) While that is

03:44:06 15

happening I guess I can start to ask my

03:44:08 16

question. So, Ms. Laroche-St. Fleur, when

03:44:13 17

you say your son, you helped him write the

03:44:15 18

letter, whose computer was it written on?

03:44:18 19

A. My computer.

03:44:19 20

Q. Was that at your office?

03:44:20 21

A. Yes.

03:44:21 22

Q. And did James Junior have the

03:44:27 23

information at the top of the letter,

03:44:28 1 policy number, did he supply that or did
03:44:31 2 you supply that?
03:44:32 3 A. I supplied it, but I gave him a copy
03:44:35 4 of this information beforehand. When he
03:44:37 5 came to me, he did not come with that
03:44:40 6 information in his possession. I provided
03:44:42 7 that information.
03:44:44 8 Q. And is the same true about the
03:44:47 9 address, did he have the name and address
03:44:53 10 or did you help, did you help him insert
03:44:57 11 that into the letter?
03:44:58 12 A. The information is from Exhibit P,
03:45:02 13 Pages 1 through 3.
03:45:03 14 Q. That is not what I'm asking. I'm just
03:45:06 15 asking you when it came time to prepare
03:45:07 16 the letter, did you give him the name of
03:45:11 17 the company, Liberty Life, and Attention
03:45:13 18 Structured Settlement and the address?
03:45:16 19 A. No, I typed that information.
03:45:17 20 Q. Okay. Did you type the entire letter?
03:45:21 21 A. Well, I asked him --
03:45:25 22 Q. I am just asking you did you type the
03:45:27 23 letter. Did you?

03:45:28 1 A. I typed the letter, yes.

03:45:32 2 Q. I notice it has, as his address it's

03:45:34 3 care of your address, right?

03:45:35 4 A. Yes.

03:45:36 5 Q. And so what information in this letter

03:45:44 6 did your son provide?

03:45:46 7 A. He provided me the information that he

03:45:49 8 closed the account and I said to him,

03:45:52 9 "Okay, this is how you are going to write

03:45:54 10 the letter. You are going to inform them

03:45:55 11 that you closed the account and that you

03:45:57 12 want them to send a check to you by mail

03:45:59 13 instead."

03:46:00 14 Q. Okay. So you also told him what the

03:46:02 15 letter should say?

03:46:03 16 A. Yes.

03:46:08 17 Q. So you told him what the letter should

03:46:10 18 say, you typed the letter on your computer

03:46:12 19 and supplied all the detailed information

03:46:14 20 at the top of the letter, right?

03:46:15 21 A. Yes.

03:46:15 22 Q. And then his role was just to sign it?

03:46:22 23 A. His role was to review it and sign it.

03:46:25 1 Q. Now, I want to clarify, was this, this
03:46:33 2 letter doesn't -- you say you didn't
03:46:37 3 introduce it into, at the time of the
03:46:40 4 trial, is that correct?

03:46:41 5 A. No, it was in the supplemental
03:46:43 6 documents.

03:46:44 7 Q. So why didn't you put in this
03:46:48 8 particular letter at the time of the
03:46:49 9 trial?

03:46:49 10 A. Again, it is because his information
03:46:55 11 was supposed to be excluded from the
03:46:57 12 record.

03:46:59 13 Q. But if it was supposed to be excluded
03:47:02 14 from the record, why did you get to put it
03:47:05 15 in a month later when you asked to
03:47:06 16 supplement the record? Wasn't it supposed
03:47:09 17 to be excluded?

03:47:11 18 A. Now when I see that this money is on
03:47:13 19 the line, I said, "Well, then I have to
03:47:19 20 prove that his money..." I didn't want
03:47:20 21 his money to be in jeopardy. So I put
03:47:24 22 that letter in the record, and still it is
03:47:27 23 impounded and I know it is impounded. So

03:47:30 1 I have no choice. It's as if you are
03:47:34 2 doing something -- you say, "Okay, let me
03:47:36 3 leave it out," but now since there is too
03:47:39 4 many -- the risk is too much and you say,
03:47:43 5 "Okay, let me put it in the record to
03:47:45 6 protect him," to protect his interest.

03:47:49 7 Q. Was there an agreement from your
03:47:52 8 ex-husband and his attorney that you could
03:47:55 9 put in this letter?

03:47:57 10 A. Oh, no. They wouldn't let me put it
03:47:59 11 in.

03:47:59 12 Q. So there was an agreement before the
03:48:02 13 trial that it would not go into the
03:48:04 14 evidentiary record of the divorce but a
03:48:07 15 month or six weeks or eight weeks after
03:48:10 16 the judgment in the divorce case you put
03:48:14 17 it in even though that agreement was still
03:48:18 18 in place, is that your testimony?

03:48:20 19 A. The agreement was still in place, but
03:48:22 20 at this time -- by that time I had to do
03:48:25 21 what was best for my son. So I put it in
03:48:29 22 the record to protect his interest.

03:48:31 23 MR. DANISZEWSKI: Okay. Thank

03:48:32 1 you.

03:48:33 2 THE WITNESS: You're welcome.

03:48:40 3 MS. PHILLIPS: We can take the

03:48:42 4 exhibit down, please.

03:48:54 5 MR. REZENDES: Perhaps we are

03:48:55 6 ready to go back on livestream.

03:48:57 7 MS. PHILLIPS: Before we do I

03:48:58 8 don't think the committee has additional

03:49:00 9 questions for the witness, but I just want

03:49:02 10 to check with Mr. Trapani and Ms. Kynard.

03:49:08 11 MS. KYNARD. I have no questions.

03:49:10 12 MR. TRAPANI: No questions.

03:49:11 13 MS. PHILLIPS: No additional

03:49:12 14 questions for the respondent, okay.

03:49:13 15 MS. YU: Shall I return us to the

03:49:19 16 livestream then?

03:49:20 17 MS. PHILLIPS: Yes, thank you.

03:49:22 18 MS. YU: We are now livestreaming

03:49:24 19 again, thank you.

03:49:25 20 MS. PHILLIPS: I believe that all

03:49:33 21 the witnesses have been called and so we

03:49:37 22 are ready to hear closing arguments.

03:49:40 23 Ms. Laroche-St. Fleur, you may

03:49:43 1 make a closing statement.

03:49:45 2 MS. LAROCHE-ST. FLEUR: Bar
03:49:48 3 counsel is the plaintiff. Shouldn't the
03:49:50 4 bar counsel go first?

03:49:53 5 MS. PHILLIPS: No, I believe the
03:49:55 6 respondent goes first and then bar counsel
03:49:59 7 is next.

03:50:00 8 MS. LAROCHE-ST. FLEUR: Oh, okay.
03:50:07 9 So there are three charges against me in
03:50:09 10 the Petition For Discipline. The first
03:50:12 11 one is for an entry on my financial
03:50:15 12 statement. I had to make very critical
03:50:19 13 decisions under very complex
03:50:22 14 circumstances. So I disclosed that entry
03:50:29 15 very early in the proceedings, and there
03:50:34 16 was an agreement by both parties on August
03:50:39 17 14, 2014, that certain information and
03:50:42 18 documents were going to be excluded from
03:50:44 19 the record. So we proceeded on a limited
03:50:48 20 record.

03:50:51 21 And in October of 2015 a motion to
03:50:56 22 impound the entire file was granted by the
03:51:00 23 trial court. So with that understanding

Pages 86-97 are sealed

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

SUFFOLK, SS

Case No. BD-2022-012

In Re: Maude Laroche-St. Fleur

Maude Laroche-St. Fleur,)
)
 Respondent)
)
 v.)
)
 Robert M. Daniszewski, Assistant Bar Counsel;)
 Rodney S. Dowell, Bar Counsel; and)
 Joseph S. Berman, Board Counsel,)
)
 Complainants)

RESPONDENT'S REQUEST FOR THE FINDINGS OF FACT AND
CONCLUSIONS OF LAW THE SINGLE JUSTICE OF THIS COURT
RELIED UPON IN SUSPENDING RESPONDENT'S LAW LICENSE

Respondent, Maude Laroche-St. Fleur, submits this Request for Findings of Fact and Conclusions of Law to understand this Court's reasonings. On March 24, 2022, the Single Justice of this Court issued an Order suspending Respondent's law license for 18 months (Entry #23). On

Request for Findings ...

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Appendix M

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August 31, 2022, the Board of Bar Overseers ("BBO") filed a Petition for Contempt against Respondent (Entry #38).

On January 25, 2022, the BBO filed an Information with this Court citing "facts in the record", and asking this Court to suspend Respondent's law license for 18 months. Appendix Volume I ("AppxVol1") at page 12 ¶ 6.

However, the BBO blocked Respondent from presenting facts and evidence in the record that would exonerate Respondent. See Declaration of Respondent ("Decl") ¶¶ 71(a)-(3). But, the BBO used 33 exhibits in the record, while reframing some of them to fit its position. Decl ¶ 71(4).

Then the BBO made certain statements during its March 2021 hearing to support its position. Decl ¶¶ 71(5)-(7). The BBO's proceedings were meant to find fault. Respondent was dehumanized. Decl ¶ 73. In its closing argument, the BBO made false stigmatizing statements against Respondent. Decl ¶¶ 75-76. The BBO's reports dated - August 2, 2021 and October 21, 2021 - are riddled with misleading information and false statements about Respondent. Decl ¶¶ 77-79; 80-83; 84-87; 88-89.

The BBO levels three charges against Respondent. Count 1 alleges that Respondent's conduct is fraudulent for making an entry in the mortgage field of her financial statements, among other allegations.

AppxVol1 at pages 89-93, ¶¶ 3-9. Count II alleges that Respondent is in contempt of court in her underlying divorce case, and includes lengthy, detailed additional charges. ¶¶ 10-20. And Count III alleges that Respondent's Rule 60 motion is frivolous, untimely, meant "to delay and forestall enforcement of judgment ... See ¶¶ 21-25.

Respondent lacks understanding as to this Court's factual and legal reasonings in adopting the BBO's recommendation, and issuing an Order suspending Respondent's law license. AppxVol1, pages 66-76, Entry #23.

To contextualize this Request, Respondent incorporates by reference as if fully set forth herein, the following:

- (1) Respondent's Declaration in Support of her Request for the Findings of Fact and Conclusions of Law the Single Justice of this Court relied upon in suspending Respondent's law license. This declaration is submitted concurrently with this Request; and
- (2) Appendices Volume I and Volume II, which Respondent submitted to the Full Court for the pending appeal of this case.

Therefore, Respondent requests that this Court issue Findings of Fact and Conclusions of Law regarding the following questions:

1. **Count I.** Upon what facts and evidence in the record does this Court rely for finding that Count I is substantiated?
2. What conclusions of law does this Court rely upon?
3. For easy reference to facts and evidence in the record, see Decl ¶¶ 98-100; 101-104; 105-106; 107-110.
4. **Count II.** Upon what facts and evidence in the record does this Court rely for finding that Count II is substantiated?
5. What conclusions of law does this Court rely upon?
6. For easy reference to facts and evidence in the record, see Decl ¶¶ 10-11; 12-13; 14-15; 16; 17; 18-20 and 21-23; 24-26.
7. **Count III.** Upon what facts and evidence in the record does this Court rely for finding that Count III is substantiated?
8. What conclusions of law does this Court rely upon?
9. For easy reference to facts and evidence in the record, see:
 - **Trial Exhibit #2...** Decl ¶¶ 30-32; 33; 34; 35; 36-37
 - **Trial Exhibit #13...** Decl ¶¶ 38-39; 40; 41; 42; 43; 44-45
 - **Trial Exhibits #8 & B #9 ...** Decl ¶¶ 46-47; 48; 49; 50-51; 52
 - **Allegation of Undisclosed Assets.** Decl ¶¶ 53; 54; 55; 56
 - **Findings of Fact Left Untouched.** Decl ¶ 57; 58

- **Other Side's True Financial Situations.** Decl ¶¶ 95-96; 97
- **Rule 60 Motion.** Decl ¶¶ 62-65; 66-68; 69; 70; 111-114

Wherefore, Respondent respectfully requests that this Honorable Court issue Findings of Fact and Conclusions of Law as to the preceding questions so that Respondent can prepare for the upcoming hearing on the BBO's Petition for Contempt.

Respectfully submitted,

Maude Laroche-st. fleur

Maude Laroche-St. Fleur, *Pro Se*

Dated: September 9, 2022

CERTIFICATE OF SERVICE

I, Maude Laroche-St. Fleur, hereby certify that the foregoing: **(1)** Respondent's Request for the Findings of Fact and Conclusions of Law the Single Justice of this Court Relied Upon In Suspending Respondent's Law License, and **(2)** Declaration of Respondent in Support of her Request for the Findings of Fact and Conclusions of Law the Single Justice of this Court Relied Upon in Suspending Respondent's Law License, were **eFiled on September 9, 2022**, and that as such, notice was given to the following Complainants / the Board of Bar Overseers:

- (1) Rodney S. Dowell, Bar Counsel;
- (2) Robert M. Daniszewski, Assistant Bar Counsel; and
- (3) Joseph S. Berman, Board Counsel

Maude Laroche-st. fleur

Maude Laroche-St. Fleur, *Pro Se*

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

SUFFOLK, SS

Case No. BD-2022-012

In Re: Maude Laroche-St. Fleur

Maude Laroche-St. Fleur,)
)
 Respondent)
)
 v.)
)
 Robert M. Daniszewski, Assistant Bar Counsel;)
 Rodney S. Dowell, Bar Counsel; and)
 Joseph S. Berman, Board Counsel,)
)
 Complainants)

DECLARATION OF RESPONDENT IN SUPPORT OF HER REQUEST FOR THE
FINDINGS OF FACT AND CONCLUSIONS OF LAW THE SINGLE JUSTICE OF
THIS COURT RELIED UPON IN SUSPENDING HER LAW LICENCE

I, Maude Laroche-St. Fleur, declare:

1. I am the Respondent in this matter.
2. I make this declaration in support of my Request for the Findings of Fact and Conclusions of Law the Single Justice of this Court relied upon in suspending my law licence for 18 months.

Declaration of Respondent

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Appendix N

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SUPREME JUDICIAL COURT
THE COUNTY OF SUFFOLK

3. I know all allegations that I have first-hand knowledge of to be true.
4. I believe the allegations that I don't have first-hand knowledge of to be true based upon specific information, documents, or both.
5. I am competent to testify on the matters stated herein.
6. All of the files and records being submitted in this matter are true and correct copies.
7. This action stems from my own divorce case. On December 30, 2015, the Suffolk Probate and Family Court issued a Judgment of Divorce *Nisi*, which became absolute by operation of law on March 30, 2016. Appendix Volume II ("AppxVol2") at pp. 28-29.

Report to the Board of Bar Overseers

8. In 2016, the trial judge reported me, an attorney, to the Board of Bar Overseers ("BBO") for 2 reasons: (1) for making an entry in the mortgage field of my financial statements; and (2) for holding me in contempt of court 3 times in 2015. See Two Letters from the BBO Dated *January 22, 2016* at Appendix Volume I ("AppxVol1") at pp. 17-18 & March 22, 2016 at p. 19.

Petition for Discipline

9. On June 25, 2020, the BBO issued a Petition for Discipline against me. AppxVol1 at pp. 89-96. In this charging document, the BBO levels three charges against me. Count One concerns the mortgage entry and an

amalgam of relating charges. AppxVol1, pp. 89-90. Count Two concerns the 7 contempt judgments. AppxVol2, pp. 89-99. However, only 3 of said judgments of contempt are included in Count Two. AppxVol1 at pp. 97-98, ¶¶ 2-4. The allegations in Count Three are that I filed an untimely and frivolous Rule 60(b) motion. And also for appealing the denial of this motion to the State Appellate Courts. AppxVol1 at page 93, ¶ 25.

History of the 2015 Judgments of Contempt

10. ***Discovery Issues.*** When discovery really became problematic, I filed a Request for Documents (AppxVol2, p. 11 #19 & p. 12 #31), and subsequently a Motion to Compel Compliance with discovery (p. 12 #39). The court allowed my motions on October 10, 2014. See AppxVol2 at pp. 38, 41, 42 & Exh F, pp. 24, 27, 28.
11. ***Complaint for Contempt.*** Then on December 30, 2014, I filed a complaint for contempt (AppxVol2, p. 12 #41) due to the other side's failure to comply with discovery. See also AppxVol2 at p. 89.
12. ***Appointment of Discovery Master.*** The other side responded by claiming falsely that I did not comply with discovery. On January 12, 2015, the judge appointed a master to oversee discovery. AppxVol2 at p. 12, Entry #43.

Lack of Financial Means to Work with Discovery Master

13. **Master's Request for Retainer.** The master requested a \$1,500 retainer.

AppxVol2 at p. 30; Exh F, pp. 4-6. I was a new attorney, and a *solo* practitioner. I have been representing myself. This case has been overwhelmingly time consuming since its inception. My son who resided with me was unable to work since 2013. He totally depended on me. *AppxVol2 at page 181; Exh V, p. 10.* I informed the master I could not afford to pay her fees. She would not work with me *pro bono*. I had no choice but to deal with the other side directly. *AppxVol2 at p. 31; Exh F, at page 7.*

14. **April 17, 2015. Contempt Judgment #1.** I was held in contempt of court on my own complaint for contempt, which I filed on December 30, 2014. See *AppxVol2 at p. 89; AppxVol2, p. 13 #69; Exh F, p. 3.*

15. **April 17, 2015. Contempt Judgment #2.** I was held in contempt twice on the same day. This one is for "not cooperating with the discovery master." *AppxVol2 at pp. 90-91; AppxVol2, p. 13 #67; Exh F, pp. 13-14.*

16. **Capias Issued for My Arrest.** The discovery master and the other side filed a complaint for contempt, and marked it up for a hearing for December 2, 2015. Why the hearing? For not paying the master's fee. I did not receive notice of the hearing. Nonetheless, on December 3, 2015,

a *capias* was issued for my arrest for not appearing in court for the hearing. *AppxVol2 at pp. 36-37; AppxVol2, p. 14 #97; Exh F, p 20-21.*

17. ***December 30, 2015 Contempt Judgment.*** The judge issued another contempt judgment against me for not paying the master's fees. *AppxVol2 at pp. 92-93; AppxVol2, p. 15 #107; Exh F, p. 22-23.*

When is Payment Due for all 3 Judgments of Contempt in 2015

18. ***For the 04.17.2015 Contempts:*** (1) "These funds shall be used as a credit at the time of property division and are not payable until that time." *AppxVol2 at p. 91 ¶ 4; Exh F, p. 14 at ¶ 4.*

19. ***For the 12.30.2015 Contempt:*** (2) Payment is due "prior to any distribution of the sale proceeds of the home ... *per the judgment of this court of this date.*" *AppxVol2 at p. 93; Exh F, p. 23.*

20. ***"Judgment of This Court of this Date"***. The judgment for property division was issued on December 30, 2015. This is the same date that I was found in contempt for not paying the master's fees. *AppxVol2 at pp. 28-29; AppxVol2, p. 15 #106; Exh F, pp. 1-2.*

History of the 2018 & 2020 Judgments of Contempt

21. ***My Attempts to Settle.*** On September 14, 2017, the Supreme Judicial Court ("SJC") denied my request for further appellate review. Exh T; *AppxVol2 at p. 159.* From September 14, 2017 to December 21, 2017, I

engaged in attempts to negotiate a settlement with Attorney Surprenant and his client via emails. Exh U; *AppxVol2 at pp. 160-176.*

22. Offer to Transfer Deed Turned Down. On September 19, 2017, I offered to transfer the deed to his client's name. Attorney Surprenant turned down the offer. *AppxVol2, pp. 162-164; AppxVol2 at p. 165; Exh U, pp. 5-7, 10.*

23. Offer to Buy Him out Turned Down. On October 3, 2017, I offered to buy him out. He turned down that offer. *AppxVol2 at pp. 167, 173-176; Exh U, pp. 13, 28; Agreed Upon Value of Home at AppxVol2, p. 177 & Exh V, p. 1.* On December 21, 2017, Attorney Surprenant said he filed a motion with the court. He said: "I did not do it as a Contempt because I think we have been trying to negotiate in good faith." *AppxVol2 at p. 176; Exh U, p. 29.*

24. Complaint for Contempt in 2018. On January 31, 2018, the trial judge said to Attorney Surprenant in open court that a proper filing in this case is a complaint for contempt. *AppxVol2 at p. 195, Lines 18-23; Exh EE, p. 2, Lines 18-23.* Attorney Surprenant filed a Complaint for Contempt on the same day. *AppxVol2 at p. 189; Exh AA.*

25. February 22, 2018. Two Contempt Judgments. The judge found me in contempt twice on the same day. Why? For not selling my home. The judge appointed Attorney McKenzie to seize and sell my home. *AppxVol2 at pp. 94-95 & p. 96; Exh QQ, pp. 3-4, 5.*

26. **Two Additional Contempt Judgments.** I was found in contempt again on March 27, 2018, and on January 9, 2020 for not selling my home.

AppxVol2 at p. 97 & pp. 98-99; Exh QQ, pp. 6, 7-8.

Eviction Order and Notice to Quit & Vacate

27. On January 9, 2020, the trial judge gave Attorney McKenzie, the appointed partition commissioner, the authority to seize my home and evict me therefrom. On March 5, 2020, Attorney McKenzie served me with "Notice to Quit and Vacate" my home within 14 days. *AppxVol2 at p. 287; Exh QQ, at pp. 1-2.*

Motion for Issue Preclusion

28. ***This Motion is Based Upon Only 3 Judgments of Contempt.*** On

November 13, 2020, the BBO filed a Motion for Issue Preclusion on only three of the judgments of contempt. *AppxVol1 at pp. 97-100; p. 86, Entry #32; Exh XX, at pp. 1-2.* These judgments in question here are for the following dates: (1) One of the two April 17, 2015 judgments. Motion for Issue Preclusion at AppxVol1 at p. 97 ¶ 2; (2) The December 30, 2015 judgment. AppxVol1 at p. 98, ¶ 3; and (3) One of the two February 22, 2018 judgments. AppxVol1 at p. 98, ¶ 4.

29. ***I hotly contested this Motion.*** See Docket Entries #38, #47, #48, #50, #51, #52, #54, #55, #56, #60, at AppxVol1 at p. 86 and #70, #72, #73;

AppxVol1 at p. 87. See also AppxVol1, pp. 101-110; 111-120; 121; 122-123; 124-125; 126-132; 133-134. There are 7 judgments of contempt. The Motion for Issue Preclusion is based on only 3 of said judgments.

Trial Exhibit #2

30. **Son's Funds.** This trial exhibit concerns Son's funds. It is a three-page document. This document is clear, concise, and compelling. **Exh P**, pp. 1-3; *AppxVol2 at pp. 119-121.*

What Opposing Party Said of These Funds

31. "[Son's] money is still coming in that he knows nothing about. Several things are going on with it." Exh PP, *AppxVol2 at p. 276*, Lines 6-9. He did not offer specifics, nor any evidence, as to what "are going on with it."

Factual Finding #35

32. This finding reads in part: "[Son] ... was unaware of these funds until days prior to this trial." *AppxVol2 at p. 48.*

Two Things in Particular Regarding Finding #35 Require Attention

33. What are those two things?

- (1) These funds concerns an annuity. The last disbursement occurred in December 2014. Exh P, at *AppxVol2 at p. 121*; and
- (2) Trial occurred in November 2015. *AppxVol2 at p. 44*, 1st Paragraph.

Factual Finding #35 Continues:

34. Finding #35 reads further:

- (1) “[I] controlled these funds and [father] was not involved with their use or management... ; and
- (2) As [I] solely controlled said funds and determined their use, [I am] responsible for said debt to her son.” *AppxVol2 at p. 48.*

35. **The Truth** - Exhibit P demonstrates the following:

- (1) **First Disbursement.** With the first disbursement, Son and Father acquired a vehicle, and the title is under both of their names; *AppxVol2 at pp. 122-124;*
- (2) **Son Closed Direct Deposit Account.** On September 22, 2014, Son unilaterally closed the direct deposit account for his funds. This account ends in 1401. See *AppxVol2 at pp. 252, 255, 259, 260;* See also Exh O, *AppxVol2 at p. 117;*
- (3) **New Account & Son and Father Are Co-owners.** On September 22, 2014, using the balance from 1401, Son opened a new account ending in 1881 under his name and his father's name. *AppxVol2 at pp. 259-260;*
- (4) **Last Disbursement Via Mail.** On December 10, 2014, Son wrote a letter to the annuity company informing them that he had closed the

direct deposit account. He requested that his last disbursement be sent to him via mail. *AppxVol2 at p. 125;*

- (5) ***New Account with Last Disbursement.*** With his last disbursement, Son opened an account ending in 5853. This account was under his name and my name. *AppxVol2 at pp. 126-127;*
- (6) ***New Account Again.*** On May 22, 2015, Son unilaterally closed the 5853 account and transferred the balance to an account ending in 3781. See *AppxVol2 at p. 128;*
- (7) Son is the sole owner of the account ending in 3781. See *AppxVol2 at p. 129;*
- (8) ***Only Trial Exhibit #2 was offered at trial.Why?.*** I offered only Trial Exhibit #2 in evidence due to prior agreement by both parties to exclude certain information and documents from the divorce proceedings. See Exh D, *AppxVol2 at pp. 24-25*. In the same vein, opposing party agreed to amend his first pretrial memorandum. See *AppxVol2 at p. 11, Entries #13 & # 16*. However, the other side saw an opportunity to make some gain. He went for it. See ¶ 26 above;
- (9) ***I Supplemented the record.*** To protect Son's funds, I filed a motion requesting leave of court to supplement the record, along with the

additional documents. The court granted this motion on February 9, 2016. See *AppxVol2 at p. 116*; *AppxVol2 at p. 15 #116 & p. 16 #130*;

(10) ***New Bank Statements in Evidence.*** Among the supplemental documents are the bank statements for the account ending in 5853 from the last disbursement. *AppxVol2 at pp. 126-129*;

(11) ***Opposing Party Failed to Correct the Record.*** Rather than correcting the record - through his attorney Douglas M. Surprenant - Father did two things:

- (1) he filed a motion to removed those bank statements from the record. *AppxVol2 at pp. 140-142*; and
- (2) Attorney Surprenant also submitted Son's affidavit in support of his motion. This affidavit is signed by Son and notarized by Attorney Surprenant. *AppxVol2 at p. 143*;

(12) ***Comparators For Son's Signature.*** See Son's December 10, 2014 letter to the annuity company versus his affidavit. *AppxVol2 at p. 125* vs. *AppxVol2 at p. 143*; and

(13) ***Son did not testify.*** Least but not last, Son did not testify.

36. ***False Allegations without evidence.*** Opposing party - through his attorney (Douglas M. Surprenant) said in his closing argument without evidence: "[W]e believe [I] should pay back most, if not all this money that

[I] took from the marital estate ..., [father and Son] that [I] took all the money from." *AppxVol2 at p. 281, Lines 2-7.*

37. Factual Findings Unsupported by this Record Alone. The list includes #15, *AppxVol2 at p. 45*; #30 at p. 47; #35 at p. 48.

Trial Exhibit #13

38. Four Private Bank Accounts - offered into evidence by the other side - consists of a singular 10-page bank statement consisting of four linked accounts - ending in 0047, 2635, 1401, 0251. See **Exhibit NN**. Notably the even pages - 2, 4, 6, 8, 10 - are left blank by the bank. That is why only 5 pages are included in the appendix. *AppxVol2 at pp. 252-256.*

39. Factual Finding #30. This finding reads:

- (1) [I] never listed the BOA accounts ending in 0047, 2635, 1401, and 0251 on any financial statement;
- (2) Insufficient evidence was presented concerning the amounts in said accounts, the use of said funds, or where said funds were transferred; and
- (3) [I] solely controlled these accounts." *AppxVol2 at p. 47.*

What Really Happened

40. Account ending in 2635:

- (1) Son was the co-owner. *AppxVol2 at pp. 252, 254*;

(2) On September 22, 2014, Son unilaterally closed this account. He transferred the balance to an account ending in 1852. *AppxVol2 p. 261*;

(3) The co-owners of the account ending in 1852 are Son and Father. This statement is from January 2015 to February 2015. *AppxVol2 at p. 262*.

41. *Account ending in 1401:*

(1) Son was the co-owner. *AppxVol2 at pp. 252, 255*;

(2) On September 22, 2014, Son unilaterally closed this account. He transferred the balance to an account ending in 1881. *AppxVol2 at p. 259*;

(3) The co-owners of the account ending in 1881 are Son and Father. This statement is from September 22, 2014 to September 2, 2014. *AppxVol2 at p. 260*.

42. *Account ending in 0047:*

(1) This was a joint account with father but in name only. It was really my account. *AppxVol2 at pp. 252, 253*;

(2) On May 2, 2014, prior to filing the divorce complaint, I closed that account. I transferred the balance to an account ending in 2872. See *AppxVol2 at p. 257*;

(3) I opened the account ending in 2872 on May 2, 2014. See *AppxVol2* at p. 258.

43. Account ending in 0251.

(1) This account was solely under my name. *AppxVol2* at pp. 252, 256;

(2) This account became an inactive account with a diminimus balance.

AppxVol2 at pp. 263-264;

(3) I closed this account on August 3, 2015. *AppxVol2* at p. 265.

False Accusations of Misappropriation of Funds

44. What Opposing Party said. Attorney Surprenant said in his closing argument without evidence: “[W]e totaled these monies up... It’s 102,000 dollars, 141 dollars ... from the time he moved out ... This is how much money [I] took from the marital estate for [my] own benefit.” *AppxVol2* at p. 280, Lines 4-10.

45. Finding #15. This finding reads in salient part: [I] did convert marital funds to her exclusive use and benefit during the latter portion of the marriage. *AppxVol2* at p. 45.

Trial Exhibits #8 & #9

46. Business Bank Statements. These exhibits are under *Exhibit J*.

47. History of these accounts. I am an attorney.

- (1) On February 6, 2013, I registered my practice as an LLC. AppxVol2 at p. 109.
- (2) Prior to formally launching my *solo* practice, I opened three business bank accounts ending in (a) 6726 (AppxVol2 at pp. 100-102); (b) 6739 (AppxVol2 at pp. 103-105; and (c) 2979 (AppxVol2 at pp. 106-108).
- (3) Subsequently, for simplicity and clarity, on April 12, 2013, I changed the name of my practice. See AppxVol2 at p. 109.
- (4) As a result, I closed the three bank accounts under the former name. AppxVol2, pp. 101-102; pp.104-105; pp. 107-108.
- (5) Then, I opened three new accounts under the new name, ending in (a) 8489 (AppxVol2, p. 111); (b) 3761 (AppxVol2, p. 112); and (c) 8502 (AppxVol2, p. 113 and AppxVol2, p. 269, Lines 2-3.

Opposing Party Entangled 3 Old and 2 New Bank Statements

48. **Trial Exhibit #8.** Opposing Party mixed and entangled the 3 already closed bank statements with 2 active statements:

- (a) 6726 at AppxVol2 at p. 100;
- (b) 6739 at AppxVol2, p. 103;
- (c) 2979 at AppxVol2, p. 106;
- (d) 8489 at AppxVol2, p. 111; and
- (e) 3761 at AppxVol1, p. 112.

49. **Trial Exhibit #9.** Trial Exhibit #9 - offered by the other side - consists of statements of one lone active account ending in 8502. See AppxVol2, p. 113 and AppxVol2, p. 269, Lines 2-3.

50. **Use of Police Interrogation Tactics.** The other side, through Attorney Surprenant, employed police interrogation tactics to try to make me say I had six active business bank accounts. AppxVol2, pp. 267-271.

51. **More "mixing" in action.** The other side mixed one active account with 2 closed accounts and used the balances to make it appear that I had about \$15,000 in these accounts. Then he asked "Where did you get that money?" In reality, among those 3 accounts, only one account was then active and with a \$4,744 balance. AppxVol2, p. 271, Lines 19-22.

Closing Letters for 6726, 6739, 2979

52. The closing letters for the accounts ending in 6726, 6739, and 2979 are found at AppxVol1, pp. 30, 31, and 32. They were closed since July 2013.

53. **False Undisclosed Assets Allegation.** Through Attorney Surprenant, the other side said in November 2015:

- (1) "She couldn't explain five undisclosed bank accounts that had over 10,000 dollars in them." AppxVol2, p. 277, Lines 16-18; and
- (2) "It was a little over 10,000 dollars of undisclosed assets. The marital funds that were shifted to the business, we don't know how much it

was, but it shows at Exhibit 4. I believe, that there was 22,400 dollars of marital assets shifted over in the March to June period ...”

AppxVol2, p. 277, Lines 19-24; and p. 278, Lines 1-3.

54. “Undisclosed Assets Allegation” Adopted by Trial Judge. On

December 17, 2019, the trial judge asked me these questions in open court:

- (1) “So what about Attorney Surprenant’s four or five questions of accounts that you didn’t list?” *AppxVol2, p. 290, Lines 19-20;*
- (2) “So that was accurate?” *AppxVol2, p. 290, Lines 20-21;*
- (3) “So you listed all of your financial accounts?” *AppxVol2, p. 290, Line 21; and*
- (4) “So when you listed your trial financial statement, did your trial financial statement include all of your bank accounts?” *AppxVol2, p. 291, Lines 1-3.*

55. “Undisclosed Assets” Allegation - Adopted by the BBO. In both its

August 2, 2021 and October 21, 2021 Hearing Reports, the BBO finds that “[I] failed to disclose all potential assets on [my] financial statements. [I] failed to list certain bank accounts ... financial statement listed law firm liabilities, but not all of its assets ... did not disclose [my] law firm’s money...” *AppxVol1, p. 202 at ¶ 13 and AppxVol1, p. 233 at ¶ 13.*

56. **Factual Finding #25.** This finding reads in salient part: “[I] have bank accounts in [my] name or [my] business names of unknown value.”
AppxVol2, p. 47.
57. **The factual findings are left unrevised.** The factual findings have not been revised. There is no further fact finding. Exh EE, at *AppxVol2, p. 211, Lines 24-25; AppxVol2, p. 212, Line 1.*
58. **Different in Forms But Similar In Effects.** There is an avalanche of scathing factual findings that are not supported by the record. These include #15, #25, #28, #29, #30, #31, #35. *AppxVol2, pp. 45, 47, 48.*
59. **Attorney Surprenant Had a “Bing” Experience.** He said that the total cost of litigation should have been “1,500 dollars. “It should have been a simple, divide the house, divide the 401ks, *bing, bing, bing, over.*”
AppxVol2, p. 281, Lines 19-24.
60. **His “unusual” Request in the findings.** To dodge accountability, Attorney Surprenant then requested a factual finding that he termed “unusual”: “The one thing that’s unusual that I have to ask the Court for in the findings of fact that [my client] and myself have not acted inappropriately.” *AppxVol2, p. 283, Lines 10-13.* His request was granted in Finding #60. See *AppxVol2, p. 51.*

61. ***Intimidation Ensued.*** Then Attorney Surprenant said: "Threatened that if I didn't back off there'd be trouble." *AppxVol2, p. 283, Lines 16-17.*

Rule 60 Motion - Filed on February 12, 2018

62. ***Four Trial Exhibits were not studied.*** Upon reading numerous scorching factual findings made by the court and dated December 30, 2015 (See *AppxVol2, pp. 44-56*), I realized that - among other things - four trial exhibits were not considered. They are:

- (1) Trial Exhibit #13, at Exh NN, *AppxVol2, pp. 252-256*;
- (2) Trial Exhibit #8 & #9, at Exh J, *AppxVol2, pp. 100-113*; &
- (3) Trial Exhibit #2, at Exh P, *AppxVol2, pp. 119-121.*

63. ***I Supplemented the Record with Leave of Court.*** On January 27, 2016, I filed a motion to supplement the record with leave of court, along with the additional documents. This motion was granted on February 9, 2016. Exh N; *AppxVol2, p. 116*; Entry #116 at *AppxVol2, p. 15* & #130 at *AppxVol2, p.16.*

64. ***Motion to Amend Judgment of Divorce.*** On January 19, 2016, I filed a Motion to Amend Judgment of Divorce. Exh K; *AppxVol2, p. 114.* This motion was denied on February 9, 2016. Entry #112 at *AppxVol2, p. 15* & Entry #128 at *AppxVol2, p.16.*

65. Motion to Reconsider & Amend Findings of Fact. On January 19, 2016,

I also filed a Motion to Reconsider and Amend the Findings of Fact. Exh L; *AppxVol2, p. 115*. This motion was denied on February 9, 2016. See Entry #113 at *AppxVol2, p.15* & Entry #134 at *AppxVol2, p.16*.

66. Why the Filing of Rule 60 Motion was delayed? I was reluctant to file the Rule 60 motion because I knew the consequences are very serious when conduct is also involved. So I tried to resolve the case on the merits through alternative motions.

67. Rule 60 Motion filed. I filed the Rule 60 motion on February 12, 2018.

The motion was denied on February 21, 2018. See Exh BB; *AppxVol2, p. 191*; Entries #169 & #175 at *AppxVol2, p.18*.

68. Why this timing? On January 31, 2018 - in open court - the judge urged me to file the motion. *AppxVol2, p.197, Lines 5-9*; Exh EE. Just as the judge did on the same day when he urged Opposing Party to file a complaint for contempt. *AppxVol2, p. 195, Lines 18-23*.

69. Opposition Docketed on March 27, 2018. Attorney Surprenant filed his opposition to the Rule 60 motion on March 27, 2018. This filing was entered on the docket 34 days after the motion had already been ruled on. The ruling for this opposition is dated March 29, 2018. See Exh CC, at pp. 1-2. See also *AppxVol2, pp. 192-193*; Entry #181 at *AppxVol2, p.19*.

70. **Chasing Adjudication on the merits.** Since January 2016, I have been knocking on all judicial doors - including the federal courts now, seeking adjudication on the merits of the case.

71. **How the BBO Responds.** The BBO responds by:

- (1) **Petition for Discipline & Public Hearing.** Issuing a Petition for Discipline against me in June 2020. Exh WW; AppxVol1, p. 89; and one of the 3 charges leveled against me is "Filing a Frivolous Rule 60 Motion. AppxVol1, p. 93 ¶ 25; Exh BB. And holding a two-day hearing on March 23 and March 24, 2021. Docket Entries #97 & #98; AppxVol1, p. 87 & AppxVol1, p. 136;
- (2) **Exhibits A through VV provided to the BBO.** On January 14, 2021, I provided Exhibits A through VV to the BBO in response to its Issue Preclusion Motion. AppxVol1, p. 121 & AppxVol1, p. 159, Lines 10-16.
- (3) **Allowing me to use only two exhibits.** The BBO blocked me from presenting Exhibits A through VV in my defense. Only two exhibits were admitted. Namely, (1) the December 10, 2014 letter from Son to the annuity company under Exhibit P (AppxVol2, p. 125); and (2) Exhibit D, the 2 emails exchanged between the parties on August 14, 2014 (AppxVol2, pp. 24-25). See AppxVol1, p. 169, Lines 12-14 and Lines 17-22;

- (4) **However, the BBO Used 33 Exhibits Against me.** The BBO blocked me from using the evidence in the record to defend myself. However, the BBO uses 33 exhibits from its records in leveling its 3 charges against me and prosecuting me. See *Petition for Discipline at AppxVol1, pp. 89-96 and Information at AppxVol1, pp. 12 ¶ 5.*
- (5) **The BBO said: "All Charges are Well Substantiated."** The BBO said in its closing argument that all of the charges that it levels against me are well substantiated. See *AppxVol1, p. 176, Lines 1-3 & 4-11;*
- (6) **Acknowledgment of its Limits.** However, the BBO concedes that it is beyond its jurisdiction "to overrule the decision of the [State Judiciary]." *AppxVol1, p. 187, Lines 1-5; 9-17; Lines 18-20.*
- (7) **Suspension of License.** Three things are particularly worthy of note. *First*, the ground that is posted online for the suspension of my law license is "Fraudulent Conduct." *Second*, the BBO has recommended that my law license be suspended for 18 months. *AppxVol1, pp. 224 and 254. Third*, on March 24, 2022, the Single Justice of the Supreme Judicial Court ("SJC") adopted the BBO's recommendation. He issued an order suspending my law license for 18 months. *AppxVol1, p. 76.*

Proceedings Meant to Find Faults

72. *The other side is humanized.* The BBO's first witness was Attorney Surprenant. AppxVol1, p. 138, Lines 7-11. Attorney Surprenant humanized his client saying: "He is a very soft-spoken man ...," with an inference that he is a fragile older man who needs protection. AppxVol1, p. 139, Lines 17-18 & Lines 22-23 and P. 140, Lines 1-4, Lines 5-8.

73. *I am dehumanized.* Attorney McKenzie was the BBO's second witness. AppxVol1, p. 146, Lines 14-15 & Lines 17-22. When asked about me, he described me (without any evidence) as this difficult person who is confrontational and who needs to be tamed. AppxVol1, p. 148, Lines 19-22, Line 23 & p. 149, Lines 5-15.

Stigmatizing Statement by Attorney Surprenant

74. When the BBO asked about the Federal Court action relating to this case, he said: "She is suing everybody for the 14th Amendment, harassing everybody including Judge Dunn, head of the court, head of the appeals court, the Supreme Judicial Court, Bar Counsel, the present Bar Counsel, myself, and my client." AppxVol1, p. 143, Lines 13-14 & Lines 15-23.

Stigmatizing Statements by the BBO

75. *Documents in the record are ignored, but not so.* The BBO agrees that the record should speak for itself. AppxVol1, p. 176, Lines 1-3. However -

inter alia - the BBO prevents me from using trial exhibits #2, #8 & #9, #13 and the remaining documents in the record to defend myself. See ¶ 71(2)-(4) above. Yet, the charges leveled against me are based on reframed versions of the story of the case. But the documentary evidence in the record conveys the true story. Petition for Discipline, AppxVol1, pp. 89-96.

76. Stigmatizing Statements. Then, in its closing argument, the BBO made the following stigmatizing statements:

- (1) "I file [a] 60(b) motion ... [using] the same information and arguments that [I] have already made without any acceptance of finality."
AppxVol1, p. 188, Lines 1-8;
- (2) "Clearly it's important for any lawyer to recognize that litigation produces winners and losers and eventually the case ends..."
AppxVol1, p. 188, Lines 9-15;
- (3) "[I]t is time to follow the directives of the court and follow the terms of the judgment... That is an element that is completely missing in [my] processing of everything that has happened..." AppxVol1, p. 188, Lines 16-18 & Lines 19-23;
- (4) "[I have] elevated myself above the court, above the courts..."
AppxVol1, p. 189, Lines 1-2;

- (5) “[This is] a fairly ***unusual*** aspect of cases involving disobedience of court orders.” AppxVol1, p. 189, Lines 4-6;
- (6) “[I have] clearly blamed others and [I continue] to blame everyone else and accept no responsibility for [my] own ethical misconduct.” AppxVol1, p. 191, Lines 1-4;
- (7) I have been causing great pain to the Opposing Party who is “an elderly gentleman who was sued for divorce seven years ago... [H]e has been waiting for all this time to recover any of the benefits ... of the divorce judgment.” AppxVol1, p. 191, Lines 5-18;
- (8) “[My] conduct has caused extraordinary harm to a real live person, [Opposing Party in the divorce case], and not to mention the imposition of the resources of many lawyers, court staff, judges, the entire judicial system and, again, with no acceptance of responsibility for that, no indication of the slightest remorse on [my] part for any of that conduct.” AppxVol1, p. 192, Lines 2-10.
- (9) The BBO said this case requires “a suspension of at least a year and a day,” ... and “a reinstatement hearing in order to be readmitted to practice following the suspension. AppxVol1, p. 193, Lines 15-23; and p. 194, Line 1;

(10)“At a reinstatement hearing, [I’d] have to demonstrate that [I] understand and appreciate the nature and the seriousness of [my] misconduct and that [I am] otherwise fit to practice law...” AppxVol1, p. 194, Lines 2-8.

Hearing Reports Produced

77. *Hearing Report.* On August 2, 2021, the BBO produced a hearing report. AppxVol1, pp. 195-224; Exh CCC, pp. 1-30.

78. *Recall of Hearing Report.* On August 30 2021, the BBO recalled its hearing report. AppxVol1, p. 225; Exh CCC, p. 31.

79. *Hearing Report Was Amended.* The BBO produced an Amended Hearing Report 80 days after the recall. This amended report is dated October 21, 2021. AppxVol1, pp. 226-254; Exh CCC, pp. 32-61.

References to Things that Don’t Exist

80. *References to Nonexistent Facts.* In both of its Hearing Reports, the BBO makes reference to things that don’t exist in the record. Specifically, the BBO is citing exhibits that don’t match what they are saying.

81. *False allegation that I promise to Produce a written agreement.* Paragraph 79(e)(iii) of the August 2, 2021 Hearing Report (AppxVol1, pp. 219-220; Exh CCC, p. 26), and paragraph 78(c)(iii) of the October 21, 2021 Amended Hearing Report (AppxVol1, pp. 249-250) reads verbatim: “She was

unable to follow through on a promise to produce a written agreement concerning exclusion of certain evidence relevant to the property division in the divorce.” See also Exh CCC, pp. 25-26 & 55-56. To support its claim, the BBO cites Exhibit 33, Transcript of Hearing Day 1, page 146; and Transcript of Hearing Day 2, pp. 57-63; 87.

I Made No such Promise to Produce a Written Agreement

82. *Fact Checking.*

- ***First***, I testified that the parties agreed to and the other side amended his first pretrial memorandum to remove certain information therefrom, and we agreed, that going forward, the parties were going to exclude certain evidence from the divorce proceedings. Page 146 of Day 1 Transcript at AppxVol1, p. 151. See Lines 1-7;
- ***Second***, when asked if I have “a document or an agreement or stipulation ... to show that there was this agreement to exclude evidence from the trial,” I replied: “It is in the CD I provided to Bar Counsel.” See AppxVol1, p. 151, Lines 12-17 and Lines 18-19.

Day 2, pp. 57-61

- ***Third***, pages 57-61 show Exh D is “the August 2014 emails concerning the agreement between the parties that the other side would exclude

certain information from his first pretrial memorandum.” AppxVol1, p. 166, Lines 13-17.

Day 2, p. 62

- **Fourth**, I emphasized that it was a verbal agreement that certain documents would be excluded from the divorce proceedings. AppxVol1, p. 167, Lines 9-11; 16-23; p. 168, Line 1.

Day 2, Page 63

- **Fifth**, exhibit 33 is none other than Exh D. Page 63 shows that the August 14, 2014 emails were admitted into evidence as Exhibit No. 33. AppxVol1, p. 168, Lines 2-4 & 7-10 & AppxVol1, p. 169, Lines 19-22.

Day 2, p. 87

- **Sixth**, I reiterated that it was a verbal agreement. See AppxVol1, p. 174, Lines 2-13; 17; 18-20; 21.

Doubling Down on [Promise to Produce Written Agreement]

83. In its Hearing Reports, the BBO doubles down on this false claim, and cites pp. 62-63 and pp. 87-99 of Day 2 of the Hearing Transcript. See ¶ 79(e)(v) at AppxVol1, p. 220 & ¶ 78(c)(v) at AppxVol1, p. 250.

The Truth - pages 87-99

84. **Pages 63 & 87.** See directly above.

85. **Page 88.** I said again it was a verbal agreement. AppxVol1, p. 175, Lines 1-3 & Line 4.

86. **Pages 88-98.** The testimony from page 88, Lines 22-23 through page 98 is all about the December 10, 2014 letter that Son sent to the annuity company. And then the Chair announced that it was time for closing arguments. See Exh EEE, Day 2 Hearing Transcript pp. 2-88 to 2-98.

87. **Page 99.** I was instructed to go first, and I began my closing argument. I just mentioned the agreement to exclude certain information and documents from the record. Written agreement was not part of the vocabulary I used. Exh EEE, page 2-99, Lines 15-23.

False Claim of Mental Health

88. **What is documented.** Paragraph 78(c)(iv) of the Amended Report read verbatim: "The documentary evidence [I] did offer on this point did not go to any limitations on financial discovery or what financial evidence the parties could offer to the court, but instead had to do with protecting personal mental/health information and removal of references to that in certain filings." The BBO cites Ex. 33 to support its claim. See AppxVol1, p. 250.

Fact Checking

89. ***The Truth.*** Exhibit 33 is none other than Exh D. And Exh D consists of two emails / 2 pages dated August 14, 2014. These two emails are from me to Appellee Atty Surprenant and vice versa. These 2 emails were admitted into evidence as Exhibit 33. See AppxVol1, p. 169, Lines 12-14; 17-22. No such information exists in these 2 emails. No such information exists in the record. See Exh D at AppxVol2, pp. 24-25.

My Roof Was Vandalized Twice in 2019

90. In the summer of 2019, my roof was fissured in multiple locations. On August 21, 2019, I hired a roofing company to repair the roof. See AppxVol2, pp. 292-295; Exh SS, pp. 1-7.

91. On or about September 30, 2019, my roof was re-vandalized in 7 different locations. This time, it was damaged beyond repair and had to be replaced. AppxVol2, pp. 296-306; Exh SS, pp. 5; 6-7; 9-12; 5 & 8; 13-15.

Incident on December 17, 2019

92. On December 17, 2019, I had an eerie encounter inside the train station in the vicinity of the Suffolk Probate and Family Court. I was heading back to my office from a court appearance relating to this case. I was ambushed by two men who positioned themselves in a threatening way to intimidate me. Day 2 of Hearing Transcript; Exh ZZ, p. 118; 119-120.

SJC's June 3, 2020 Letter

93. ***SJC's Guidance in the Wake of George Floyd's Murder.*** In the wake of George Floyd's murder, the SJC affixes some very powerful words in its letter to the Judiciary and the Bar of the Commonwealth of Massachusetts. They all stand out. But particularly, the SJC ends its letter quoting Dr. Martin Luther King, Jr. saying:

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." AppxVol1, p. 256.

To the Judiciary. Your letter is dated June 3, 2020. This case has been going on since May 13, 2014. This case has remained in its infancy. This case has been suffering from failure to thrive. Yet, on March 24, 2022, the Single Justice issued an Order suspending my law license for 18 months. *"Injustice anywhere is a threat to justice everywhere... Whatever affects one directly, affects all indirectly."* MLK.

BBO's June 17, 2020 Statement

94. ***BBO's Promise in the Wake of George Floyd's Murder.*** The BBO issued a Statement in the same line. The language in the Statement is equally powerful. It's hard to pick one section over another. I rest on these:

" [W]e want our African American colleagues ... to know that they are a valuable part of our legal community. We stand in solidarity with them... We will aim to make the disciplinary process fair, from start to finish, including continuing our own education about implicit bias and how to address it... Attorneys should be respected voices in their communities. Our neighbors look up to us for leadership; and the time to lead is now. We may no longer remain silent. We must state uncomfortable truths... Change is needed... We will do so with open hearts and open minds." AppxVol1, p. 259.

To the BBO. On June 17, 2020, you formally put your *Statement* on paper.

On June 18, 2020, you formally leveled your 3 charges against me. AppxVol1, p.

95. On March 23 and March 24, 2021, you dehumanized me and publicly shamed and humiliated me on the *World Wide Web*. Your two Hearing Reports are laden with false stigmatizing allegations. On January 25, 2022, you filed an *Information* with the Supreme Judicial Court charging me with "*Fraudulent Conduct*." On February 24, 2022, you asked the Single Justice to suspend my law license for 18 months: 6 months for the entry I made in the mortgage field of my financial statement, and 1 year for defiance of court orders. Are you really willing to bring about the necessary changes "with open hearts and open minds?"

Other Side's True Financial Circumstances

95. **What he said.** He said, through his attorney, that on the day of separation, he had \$372 in his bank account. See Exh PP, at *AppxVol2, p. 278*, Lines 23-24 and *AppxVol2, p. 279*, Line 1.

96. **Factual Finding #28.** This finding reads in part: "On the day of separation, he had \$371.75 in his bank account..." *AppxVol2, p. 47*, Exh G.

97. His True Financial Situation. At Exhibit I.

- (1) **Date of Separation.** Separation occurred on November 14, 2013. See *AppxVol2, p. 23*; Exh C;
- (2) **Brand New 2014 Vehicle.** On December 31, 2013, he acquired a brand new Toyota Venza. *AppxVol2, pp. 71-72*; Exh I, at pp. 1-2.
 - **Purchase Price.** The purchase price was over \$39,000. At p. 72;
 - **Down Payment.** The down payment was \$8,500. At p. 72;
 - **Accelerated Payments.** He made very large and frequent payments toward the car note. *AppxVol2, at p. 74*;
 - **Car Note Balance by February 2015.** By February 2015, about a year later, the balance on the car note was about \$9,600, at p. 76;
- (3) **Large Investment in 2014.** His 2014 federal tax return shows that he invested \$34,000 that year. Exh H, p. 16, Line 40. This is Trial Exhibit #22. See Exh H, at p. 9; See also *AppxVol2, p. 70*;
- (4) **Very Large & Frequent Cash Deposits.** This is trial exhibit #16 under Exh I. Beginning in March 2014, he was making very large and frequent cash deposits into his bank account. Those amounts ranged from \$500 to \$6,500. *AppxVol2, pp. 77-82*.

(5) **Supplemental Income.** Trial exhibit #15, under Exh I, shows that his income was over \$10,000 from a second job “for the 1st month only until April 9, 2014.” See AppxVol2, pp. 83-85; Exh I, at pp. 16-18.

(6) **401(K) Balance.** The balance in his 401(k) account was over \$87,000. See AppxVol2, p. 86.

(7) **Earnings from Main Employment.** His yearly income was over \$56,000 in 2014. See AppxVol2, pp. 87-88; Exh VV.

Entry in Mortgage Field of Financial Statement: Why?

98. **Son's Funds: Trial Exhibit #2.** Standing alone, Trial Exhibit #2 is a three-page document, and it concerns Son's annuity. The disbursements began in December 2007 and ended in December 2014. AppxVol2, pp. 119-121; Exh P, at pp. 1-3.

99. **Delay in Handing Funds to Son.** Due to some unforeseen circumstances, I could not hand the money to Son upon disbursements.

100. **Funds in Equity in Home.** Those funds are inextricably intertwined in the equity in the home. See AppxVol2, p. 117; Exh O.

101. **Separation.** An incident occurred on November 14, 2013, through no fault of my own. The separation that led to divorce occurred on that day, and father left with Son. Exh C; AppxVol2, p. 23.

102. **Home on the Market - Not Sold.** When it became clear that the separation was final, I was thinking about how to hand the money to Son. I put the home on the market from December 12, 2013 to March 12, 2014. The contract with the Real Estate Agent ended with the home not being sold. *AppxVol2, p. 144-147; Exh R, pp. 1-4.*

103. **Request for Divorce Papers.** In February 2014, father asked me to send him divorce papers. See text messages found at Trial Exhibit #21; Exh R, pp. 10-12; *AppxVol2, pp. 148-150.*

104. **Filing for Divorce.** On May 13, 2014, I filed a Complaint for Divorce on the grounds that the union was irretrievably broken. *AppxVol2, p. 23; AooxVol2, p. 11, Entry #1; Exh C.*

105. **Entry on Financial Statement.** Due to serious safety concerns, I entered the funds owed to Son in the mortgage field of my Financial Statement. Exh VV; *AppxVol2, pp. 309 & 315.* Notably, I left "Rent or Mortgage" under 8(a), "Weekly Expenses" blank. *AppxVol2, pp. 308 & 314; See also AppxVol2, pp. 130-139; Exh P, pages 12-21.*

106. **Financial Statements are filed under seal. Why the extra precaution?** Financial statements are filed under seal in the Probate and Family Court. However, such documents are also disseminated to opposing parties, their attorneys, and at times to others, such as in the present case. I used my

best judgment at the time, and made the entry in the mortgage field to avoid publicizing such information.

107. ***When this entry was disclosed.*** I disclosed the entry very early in the proceedings to both Attorney Surprenant and the court. This entry concerns Son's funds. Father was very well aware of the reasons found at AppxVol2, pp. 130-139; Exh P, pages 12-21. Very early in the proceedings, I provided to Attorney Surprenant the three-page document regarding Son's funds. This document constitutes Trial Exhibit #2. See Attorney Surprenant's testimony at AppxVol1, p. 144, Lines 9-10 and Lines 11-14. (Attorney Surprenant's testimony on March 23, 2021). However, disclosure occurred a lot earlier in the proceedings.

108. ***Pre-Trial Memorandum Amended.*** Per my request, Opposing Party - through Attorney Surprenant - agreed to and amended his first pre-trial memorandum in August 2014, to remove certain information therein. *AppxVol2, p. 11, #13 & 16; Exh D, AppxVol2, pp. 24-25.*

109. ***Proceedings on Limited Record.*** Then, the parties mutually agreed that, going forward, the proceedings would continue on a limited record.

110. ***Whole File Impounded.*** On October 13, 2015, the parties filed an Assented to Motion to Impound the Whole File. This motion was allowed

on the same day. Exh E; *AppxVol2*, at pp. 26-27 and *AppxVol2*, Entry #154 at p. 14 & Entry #155 at p. 18.

111. ***My Attempts to Settle.*** On September 14, 2017, the SJC denied my request for further appellate review. Exh T at *AppxVol2*, p. 159. From September 14, 2017 to December 21, 2017, I engaged in attempts to negotiate a settlement with Attorney Surprenant and his client via emails. Exh U; *AppxVol2*, pp. 160-176.

112. ***Offer to Transfer Deed Turned Down.*** On September 19, 2017, I offered to transfer the deed to his client's name. Attorney Surprenant turned down the offer. *AppxVol2*, pp. 162-164; *AppxVol2*, p. 165; Exh U, pp. 5-7, 10.

113. ***Offer to Buy Him out Turned Down.*** On October 3, 2017, I offered to buy him out. He turned down that offer. *AppxVol2*, pp. 167, 173-176; Exh U, pp. 13, 28; See Agreed Upon Home Value at *AppxVol2*, p. 177 and Exh V, at page 1.

114. ***Rule 60 Motion.*** On February 12, 2018, I filed a Rule 60 motion at the urging of the trial judge. *AppxVol2*, p.191; Exh BB; and *AppxVol2*, p.197, Lines 5-9 under Exh EE. The case is yet to be decided on its merits.

I declare under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Maude Laroche-st. fleur
Maude Laroche-St. Fleur, Pro Se

Dated: September 9, 2022

Declaration of Respondent

37 of 37

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY**

SUFFOLK, SS

Case No. SJC-13262
Lower Ct No. BD-2022-012

In Re: Maude Laroche-St. Fleur

Maude Laroche-St. Fleur,)
)
Respondent - Appellant)
)
v.)
)
Robert M. Daniszewski, Assistant Bar Counsel;)
Rodney S. Dowell, Bar Counsel; and)
Joseph S. Berman, Board Counsel,)
)
Complainants - Appellees)

**APPELLANT'S MOTION FOR A STAY OF THE COURT'S JUDGMENT
PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF
CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES**

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- Exhibit A Judgment of the Court, Entered November 30, 2022
- Exhibit B Rescript of Opinion of the Court, Entered October 27, 2022

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INTRODUCTION

Pursuant to Rule 62 of the Massachusetts Rules of Civil Procedure, this Court should grant Appellant's Motion for a Stay of its judgment pending the filing and disposition of her forthcoming petition for a writ of certiorari in the Supreme Court of the United States. Appellant's petition for a writ of certiorari will present substantial and meritorious questions that arise from the Court's judgment. There is good cause for a Stay, as this motion has merits, Appellant would continue to be irreparably harmed absent a Stay, and the balance of equities and public interest favor the issuance of a Stay.

FACTUAL BACKGROUND

A. Mutual Agreement to Proceed with Limited Record

This case stems from Appellant's underlying divorce case. On May 13, 2014, Appellant filed a complaint for divorce in the Suffolk Probate and Family Court. Preliminary Memorandum Appendix Volume 2 (App. Vol. 2 _) at 11, Entry #1; Exh C. *Id.* at 23. Due to serious safety concerns, the parties agreed to exclude certain information from the divorce proceedings. Opposing party agreed to and amended his first pre-trial memorandum in August 2014. *Id.* at 11, Entries #13 & #16; and Exh D. *Infra.* at 24-25, 1st ¶.

Then, the parties mutually agreed that, going forward, certain information and documents would not be made part of the divorce record. As a result, the

proceedings continued on a limited record. As further precaution, on October 13, 2015, the parties filed an assented to motion to impound the entire file. This motion was granted on the same day. App. Vol. 2 at 14, Entry #154 & *Infra.* 18, Entry #155.

B. Trial with Undeveloped Record and Trial Exhibits Not Considered and Utterly Unmentioned

Relying on the limited record agreement, Appellant went to trial in November 2015 with an undeveloped record. See Findings of Fact, at Exh. G, App. Vol. 2 at p. 44, 1st Sentence. However, inter alia, the other side made unsubstantiated claims in his closing argument that Appellant misappropriated large sums of money from marital funds. *Infra.* Exh PP at 280, Lines 4-10; *Id.* at 281, Lines 2-7.

C. Manipulation of Business Bank Statements: Three Closed Accounts and Three Active Accounts

Among other things, the other side subpoenaed three old business bank statements, withheld them, kept Appellant in the dark, entangled them with three then active statements, and blindsided Appellant with those mixed up statements. App. Vol. 2 at 267-270. Opposing party claims falsely that Appellant did not disclose "six more bank accounts." *Id.* at 270, Lines 7-8; *Id.* at 271, Lines 19-22; *Infra.* at 277, Lines 16-18; Lines 19-24. He entangled the statements under Trial Exh. #8 and #9, See Exhibit J.

Three Bank Closing Letters and the Truth. *First*, the accounts ending in 6726, 6739, and 2979 were closed since 2013. App. Vol. 1 at 30-32 and *Supra.* at 10, Entry #21. *Second*, the other side, through his attorney, accused Appellant in November 2015 of not disclosing these three accounts. App. Vol. 2 at 270, Lines 7-8. *Third*, on December 17, 2019, the judge asked Appellant in open court whether she listed “four or five” accounts on her financial statement as opposing counsel has stated. App. Vol. 2 at 290, Lines 19-21; *Infra.* at 291, Lines 1-3. *Fourth*, the BBO echoed these false accusations. App. Vol. 1 at 202, ¶ 13 and *Infra.* at 233, ¶ 13. *Fifth*, the truth is that these three accounts were closed since 2013. Appellant filed the complaint for divorce in May 2014. App. Vol. 2 at 45, ¶ 9.

D. A More Developed Record

Numerous factual findings are not supported by evidence in the record. The judgment of divorce *nisi*, which is based upon such findings, is inherently unfair. App. Vol. 2, at 28-29; *Supra.* at 15, Entry #106; *Infra.* at 44-56. The factual findings revealed that, among other things, four trial exhibits were not studied. See #13 under Exh NN; #8, #9 under Exh J; and #2 under Exh P.

E. The Court Denied Two Post Judgment Motions for Relief

On February 9, 2016, the judge allowed Appellant to supplement the record with evidence that was not presented at trial. App. Vol. 2, at 116. Thus, the record becomes more developed. However, the judge denied Appellant's motions

to amend the findings of fact and the judgment of divorce. *Supra.* at 114-115. The judge said on June 13, 2018: "There's not going to be any supplemental findings of fact." App. Vol. 2 at 211, Lines 24-25 and *Infra.* at 212, Line 1. Numerous factual findings are not supported by the record, including: #15, #25, #28, #30, #31, #35; *Supra.* at 45, 47, 48. Those findings remain unamended.

F. Trial Exhibit No. 13 vs. Finding of Fact #30

Trial Exh #13 leads Exhibit NN, and establishes that - among other things, Son and father became the co-owners of the accounts ending in 2635 and 1401. See App. Vol. 2 at 252, 261-262 and *Infra.* at 252, 259-260.

G. Opposing Party's True Financial Circumstances vs. Findings of Fact #28

Contrary to finding of fact #28 indicating that opposing party had \$371.75 in his bank account, his transactions immediately post separation paint a different picture. Among other things: (1) Separation occurred in November 2013. App. Vol. 2, at 45, ¶ 11; (2) He acquired a brand new vehicle in December 2013, the purchase price was over \$39,000, he made frequent large payments toward the car note, and by February 2015, the balance of the car note was less than \$10,000. *Infra.* at 71-73; 74; 75-76; (3) He made frequent and large weekly cash deposits into his bank account in 2014. *Infra.* at 80-82; (4) The balance of his 401(k) account was over \$87,000 and accruing in value. *Infra.* at 86; and (5) In 2014, he invested \$34,000. *Supra.* at 70, Line 40.

H. Conspicuous Disparity in Treatments

Among other things, the other side's motions to waive appearance at court hearings were granted on March 4, 2015 and on February 21, 2018. He desired to be available to work and earn a living without the interference of court appearances. App. Vol. 2 at 187-188. He appeared in Court in November 2015 for the two-day trial. The next and last time he appeared in court was on January 31, 2018. Conversely, Appellant has been forced to engage in intense litigation to prove things that already exists, and to prove negatives to no avail. Appellant has been spending untold numbers of unbillable hours resisting being gaslighted DARVO styled. The BBO has been thrashing Appellant's reputation and character with ruthless cruelty, especially in its closing argument on March 24, 2021. App. Vol. 1 at 175-194. The two hearing reports - dated August 2, 2021 and October 21, 2021 - are fraught with disinformation, among other things. The Court echoes these ruthless mistreatments in its October 27, 2022 Rescript. The "[s]ufficiency of the evidence" provision occupies 10 and 1/2 lines at page 6. The sanction provisions cover three pages. See pages 6-9.

I. Entry in Mortgage Field of Appellant's Financial Statements Due to Trial Exhibit #2 Under Exhibit P

Due to serious safety concerns, Appellant made an entry in the mortgage field of her financial statements. App. Vol. 2 at 119; 125; 130; 136; 137; 140-143. Appellant intentionally left the field in Section 8(a) blank. *Infra.* at 308-309,

314-315. Very early into the proceedings, Appellant disclosed the purpose of the entry to the other side, through his attorney, and to the court. Opposing Party turned down two offers to reach a settlement in 2017 where (1) the Deed to the home would be transferred to his name and Appellant would walk out with the clothes on her back. *Supra.* at 160, 162-165; and (2) Appellant offered to buy him out. *Supra.* at 167, 169-170, 173-176, 177. The other side is fully aware of these concerns. The exhibits pertaining to the mortgage are:

- (1) Trial Exhibit #3 - Mortgage recorded on December 7, 2002;
- (2) Trial Exhibit #4 - Mortgage discharged on January 4, 2012; and
- (3) Trial Exhibit #5 - Deed to the home

Notably, in its closing argument on March 24, 2021, the BBO said of these concerns: “[T]he defense really makes no sense... It’s a complete *non sequitur*... It is simply not a rational concern... It simply defies any logic...” App. Vol. 1 at 184, Lines 1-2; Lines 7-9; Line 23. *Tellingly*, on August 2, 2021 and on October 21, 2021, the BBO acknowledged in both of its Hearing Reports: “We credit that [Appellant] in fact had this generalized concern.” *Infra.* at 219, ¶ 79(c); *Infra.* at 249, ¶ 78(a). This change of heart was due to a current event in July 2021 that shocked the world. In spite of the BBO’s *ah ha moment*, the Court relies on this entry in Appellant’s Financial Statement to suspend Appellant’s law license.

J. Direct Threats to Appellant's Safety

Roof Vandalized Twice In 2019. The Roof to Appellant's home was vandalized in the summer of 2019 and in September 2019. The second time, Appellant's roof was vandalized beyond repair. App. Vol. 2 at 292-295; *Id* at 296-303; *Id.* at 304-306. Subsequently, Appellant experienced an eerie incident inside a train station in the vicinity of the Suffolk Probate and Family Court.

Eerie Encounter Inside Train Station in 2019. Following a court appearance on December 17, 2019, Appellant was ambushed by two men inside a train station, in the vicinity of the Suffolk Probate and Family Court. Appellant proceeded to enter the station through a long stairway. A man wearing a winter jacket with the hood over his head stood at the bottom of the stairs. He faced the wall, which blocked his front from view. At this point, Appellant was inches away from the man, deep into the subway, and out of view from outside. Going back up the stairs would show fear and vulnerability, and could have proven to be a failed attempt to escape.

Appellant decided to walk by the man, but only to spot another man who was even deeper in the train station. He seemed to be preoccupied with searching for his Charlie Card, but in a suspicious way. By then, Appellant found herself in the middle of both men and felt ambushed. Appellant tapped her Charlie Card and rushed down another long stairway and a long corridor, to

reach the platform where other passengers were waiting for the next arriving train. Soon after, she heard a Charlie Card being tapped and quick foot steps behind her. App. Vol. 1, at 155-158. Appellant reported this incident to the judge at the next court appearance. The judge treated the incident dismissively.

PROCEDURAL BACKGROUND

A. Two-Day Trial was held on November 5 and November 6, 2015

Trial was held in November 2015. App. Vol. 2 at 44, 1st Sentence. The judgment of divorce and the findings of fact are dated December 30, 2015.

Supra. at 28-29; *Infra.* at 44-56.

B. Two Post trial motions for relief were denied

The trial court gave Appellant permission to supplement the record with evidence that was not presented at trial. Exh N; App. Vol. 2 at 116; *Id.* at 16, Entry #130. Thus, fresh documents that shed additional light into the story of the case came into the record. However, the judge disregarded the additional documents in the record. Exh Z; *Id.* at 18, Entry #159. Appellant matches Trial Exhibits #2, #8 & #9, and #13 with the corresponding additional documents in the record. Thus, Exhibits P, J, NN , and I - if given due consideration - would significantly alter the judgment of divorce. On the contrary, this judgment has remained untouched. The factual findings have not been revised, and there is no further fact finding. Exh EE, *Supra.* at 211, Lines 24-25 & *Infra.* at 212, Line 1.

Appellant's motions to amend the judgment of divorce and to amend the findings of fact were denied. *Supra.* at 114-115. There were two rounds of fully briefed appeals in the State courts. *Infra.* at 151, 159, 213, 219, 218, 220.

C. The trial judge reported Appellant to the Board of Bar Overseers

In January 2016, the trial judge reported Appellant to the Board of Bar Overseers (BBO). App. Vol. 2, at 290, Lines 8-9; App. Vol 1 at 17-29. Why? For not cooperating with a discovery master appointed to oversee discovery. App. Vol. 2 at 30-35. The discovery master requested a retainer, which would have to be replenished. *Id.* at 30. Appellant informed the discovery master that she could not afford to pay her legal fees. *Id.* at 31, 2nd ¶. The master worked solely with the other side and produced a one-sided report. *Id.* at 31-35. However, the other side ignored Appellant's requests for discovery, *Infra.* at 38-43.

D. In 2015, the trial judge issued three judgments of contempt Against Appellant and a *capias* for her arrest

In 2015, the trial judge issued three judgments of contempt against Appellant and issued a *capias* for her arrest for not paying the master's legal fees... App. Vol. 2 at 89, 90-91, 92-93; *Supra.* at 36-37. However, payment is due in the future or at the time of property division. *Id.* at 91¶4, *Id.* at 93.

E. In 2018, the trial judge issued three judgments of contempt Against Appellant and appointed a partition commission to sell Appellant's home at auction

101-110; *Infra.* at 111-120. The BBO granted its Motion for Issue Preclusion.

Supra. at 86, Entry # 56.

Appellant blocked from presenting evidence. In March 2021, the BBO held a hearing which it live-streamed. *Infra.* at 87, Entries #97, #98. Appellant provided to the BBO Exhibits A-VV from the record in her underlying divorce. *Infra.* at 121. The BBO admitted thirty three exhibits from the divorce record into evidence. App. Vol. 1 at 12 ¶ 5. The BBO allowed itself to present 31 of the 33 exhibits to prosecute Appellant. *Ibid* at 12 ¶ 5. By contrast, the BBO blocked Appellant from presenting evidence in her defense. The BBO allowed Appellant to present only two exhibits in her defense. *Infra.* at 169, Lines 12-14; Lines 15-16; Lines 17-22.

Two Separate Hearing Reports. On August 2, 2021, the BBO produced a Hearing Report. *Infra.* at 195-224. On August 30, 2021, the BBO recalled its Hearing Report. *Infra.* at 225. And on October 21, 2021, the BBO produced an amended Hearing Report. *Infra.* at 226-254. Both hearing reports are substantially similar in contents, and fraught with disinformation, among other things. On January 25, 2022, the BBO filed an Information with a Single Justice of this Court, recommending that Appellant's law license be suspended for 18 months. App. Vol. 1 at 9, Entry #1; *Infra.* at 12-14.

K. Proceedings before the Single Justice of the Supreme Judicial Court

The Information was docketed on January 25, 2021. App. Vol. 1 at 12-14; *Id* at 9, Entry #1. A hearing was held on February 24, 2022. *Id.* at 10. The transcript of the hearing is at App. Vol. 1 at 33-53. On March 25, 2022, the Single Justice issued an order suspending Appellant's law license for 18 months. *Supra.* at 10, Entry #23; *Infra.* at 66-76. The notice of appeal was docketed on April 1, 2022. *Supra.* at 11, Entry #27. Appellant's request for findings of fact and conclusions of law is not ruled on with this note: "No action is necessary as appeal is pending before the full court..." Entry #42. Yet, on September 30, 2022, the Single Justice issued an Order of Contempt against Appellant. Entry #46.

L. Proceedings before the Full Court

On July 5, 2022, Appellant's Preliminary Memorandum was docketed. Entry #10. The Court did not request a responsive memorandum of the BBO. On October 27, 2022, the Court issued a Rescript of Opinion, affirming the decision of the Single Justice to suspend Appellant's law license for 18 months. Entry #30. The Rescript contains a Factual Background section. This section of the Rescript seems to be the response to Appellant's Request for findings of fact the Court relied upon in suspending Appellant's law license for 18 months. On November

30, 2022, the Court issued its judgment affirming the suspension of Appellant's law license.

REASONS FOR GRANTING THE STAY

Appellant intends to and will file a petition for a writ of certiorari in the Supreme Court of the United States. Staying the judgment - which is the equivalent of a mandate - pending the filing and disposition of the petition for a writ of certiorari is warranted. The petition for a writ of certiorari will "present a substantial question" and "there is good cause for a stay." F. R. App. P. 41(d)(1).

I. This Case Presents Substantial Questions of National Importance

A. Applicant is Likely to Prevail on the Merits of her Claim That She Has Been Deprived of her Secured Right to Fair Proceedings Under the Federal Constitution

No State shall not deprive its citizens of life, liberty, or property without due process of law. *U.S. Const. Amend. XIV, § 1*. Procedural due process protects people from erroneous or unjustified deprivation of life, liberty, or property. *Mathews v. Eldridge*, 424 US 319, 344 (1976). Employment and other means of livelihood are protected property interests. *Cleveland Board of Education of Education v. Loudermill*, 470 US 532, 543 (1985). "A license to practice law is " a constitutionally protected interest." *Matter of Kenney*, 399 Mass. 431, 436, 504 N.E. 2d 652 (1987). Citing *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). "[An attorney's] license to practice law is a property interest that cannot be suspended

without due process of law.” *Matter of Gargano*, 460 Mass. 1022, 1025 (2011).

“In a [suspension] proceeding an attorney is entitled to procedural due process which includes fair notice of the charges and an opportunity for explanation and defense.” *Matter of Gargano*, 460 Mass. 1022, 1025 (2011); Citing *In re Ruffalo*, 390 U.S. 544, 550 (1968).

In the instant case, this Court affirmed the decision of the Single Justice to suspend Appellant’s law license for 18 months. In its October 27, 2022 Rescript Opinion, the Court states: “We agree with the single justice that there is substantial evidence in the record to support the [BBO’s] findings that [Appellant] committed the charged misconduct.” Rescript Opinion (“Opinion”) at page 6(a). The “Sufficiency of the evidence” provision occupies only 10 and 1/2 lines of the whole Opinion. The Court fails to show where in the record one can locate “*this sufficiency evidence*.” Stated another way, where in the record is the substantial evidence? This is the highest court of the Commonwealth of Massachusetts. It is constitutionally impermissible under the Fourteenth Amendment for this Court to suspend Appellant’s law license based on conclusory statements.

In its footnote for its “sufficiency of the evidence” paragraph, this Court says: “[Appellant’s] failure to object to the hearing committee’s report provides additional, independent basis for concluding that the alleged misconduct has been established.” Opinion’s Footnote at 6. On the contrary, the committee’s two

hearing reports are meticulously voluminous. And a reasonable inference is that they are meant to overwhelm Appellant and force her down to submission.

The BBO produced two hearing reports. One on August 2, 2021. The BBO recalled this report on August 30, 2021. Then, the BBO produced an amended hearing report on October 21, 2021. App. Vol. 1 at 195-224; *Infra.* at 225, *Infra.* at 226-254. These two reports are meticulously voluminous and fraught with disinformation. The BBO makes references to things that don't exist in the record. For instance, the BBO says falsely in both reports that Appellant promised to produce a written agreement. The BBO cites its hearing transcripts as proof that Appellant did make such promise. *Infra.* at 220, ¶¶ 79(e)(iii) and (v); *Infra.* at 250, ¶¶ 78(c)(iii) and (v). Appellant made no such promise. The BBO goes even further and implies that Appellant has a mental illness. *Id.* at ¶ 78(c)(iv). As proof, the BBO references Exhibit 33 to support this statement. However, Exhibit 33 is none other than two August 14, 2014 emails between Appellant and Opposing Counsel in the divorce case. App. Vol. 1 at 169, Lines 12-14, 15-16; 17-22.

One of the main issues in this case is that the Probate and Family Court judge made the decision not to consider certain trial exhibits when he made his findings of fact on December 30, 2015. Rather, he treated the other side's alternative realities as facts, among other things. As a result, numerous findings of fact are not supported by the record. For instance, finding of fact #30 says that

Appellant never listed the bank accounts ending in 0047, 2635, 1401, and 0251 on her financial statement..." Trial exhibit #13 leads Exhibit NN, and establishes (1) Son and Father became the co-owners of the account ending in 2635 as of September 22, 2014. App. Vol. 2 at 252, 261-262; and (2) Son and Father also became the co-owners of the account ending in 1401 as of September 22, 2014. *Id.* at 252, 259-260. This finding has not been amended to date. The December 30, 2015 findings of fact are the only findings that exist to date. The findings of fact have not been amended. There is no further fact finding. *Supra.* at 211, Lines 24-25 and *Infra.* at 212, Line 1.

The underlying divorce case could have been resolved since February 2016. The Probate and Family Court judge allowed Appellant to supplement the record with evidence that was not presented at trial. App. Vol. 2 at 116. Then, he denied Appellant's motions to amend both the findings of fact and his judgment of divorce nisi. *Supra.* at 114, 115. Among other things, the judge disregarded and left utterly unmentioned Trial Exhibit #2 under Exhibit P, Trial Exhibits #8 & #9 under Exhibit J, Trial Exhibit #13 under Exhibit NN. See App. Vol. 2. Ever since, there has been a domino effect. These exhibits have been handcuffed, shackled, and gagged to date. The Appeals Court and this Court had the opportunity to right this wrong twice before in 2017 and in 2019. App. Vol. 2 at 151, 159; *Infra.*

at 213, 218-219, 220. In 2022, this Court had a last chance to right the wrong when the BBO filed its Information. Rather, this Court maintains the *status quo*.

The BBO follows the same pattern. In March 2021, the BBO held a hearing which it live-streamed. *Infra.* at 87, Entries #97, #98. Appellant provided to the BBO Exhibits A-VV from the record in her underlying divorce. *Infra.* at 121. The BBO admitted thirty three exhibits from the divorce record into evidence. App. Vol. 1 at 12 ¶ 5. The BBO allowed itself to present into evidence 31 of the 33 exhibits to prosecute Appellant. *Ibid* at 12 ¶ 5. By contrast, the BBO blocked Appellant from presenting evidence in her defense. The BBO allowed Appellant to present only two exhibits in her defense. *Infra.* at 169, Lines 12-14; Lines 15-16; Lines 17-22. The BBO is the Massachusetts' Board of Bar Overseers. The BBO operates under this Court. When it sees something, the BBO is supposed to report it to the attention of this Court. Both this Court and the BBO are State actors. Since the facts cannot support the BBO's position in prosecuting Appellant, the BBO went after Appellant's character and reputation with a vengeance. The BBO literally assassinates Appellant's character while it live-streamed its performance. App. Vol. 1 at 176-194.

This case exposes profoundly troubling biases against Appellant. This Court, the highest court of the Commonwealth, has a duty to get it right under both the Constitution of the United States and the Constitution of the

Commonwealth of Massachusetts. This Court's June 3, 2020 Letter and the BBO's June 17, 2020 Statement - in the wake of George Floyd's murder - demonstrate that the Commonwealth knows what to do to right a too long standing wrong. *App. Vol. 1* at 255-257; *Infra.* at 258-259. The BBO met on December 13, 2021 and voted to recommend that Appellant's license be suspended. *Infra.* at 260. This Court quotes Dr. Martin Luther King, Jr. in its Letter: "*Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.*" *Id.* at 256. Appellant's soul is bleeding.

Appellant's law license is a secured property interest. It is also her means of livelihood. Appellant represents herself, and would do a paid case here and there. Since March 2022, Appellant cannot take paid cases. The Court, a State actor, is not permitted to seize Appellant's law license without procedural fairness. The Court should Stay its judgment, pending the filing and disposition of Appellant's petition for a writ of certiorari.

B. Applicant is Likely to Prevail on the Merits of her Claim That She Has Been Deprived of her Guaranteed Right to Equal Protection Under the Constitution of the United States

"No State shall deny to any person within its jurisdiction the equal protection of the laws." Amend. XIX, § 1. "The prohibition of the Fourteenth Amendment are directed to the States, and they are to a degree restrictions of

State power.” They are, “No State ... shall deny to any person within its jurisdiction the equal protection of the laws.” *Ex parte Virginia*, 100 U.S. 339, 346 (1880). “The Fourteenth Amendment prohibits a State from denying any person within its jurisdiction the equal protection of the laws. *Pulliam v. Allen*, 466 U.S. 522, 541-542 (1984). Equal protection “is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439, 105 S.Ct. 3249, 87 L.Ed.2d 313(1985).

The case at bar stems from Appellant’s underlying divorce case. Opposing Party used DARVO (Deny, Attack, Revers Victim and Offender) styled gaslighting tactics during the trial. Among other things, the other side subpoenaed three old business bank statements, withheld them, kept Appellant in the dark, entangled them with three then active statements, and blindsided Appellant with those mixed up statements. App. Vol. 2 at 267-270. Opposing party claims falsely that Appellant did not disclose “six more bank accounts.” *Id.* at 270, Lines 7-8; *Infra.* at 271, Lines 19-22; *Infra.* at 277, Lines 16-18; Lines 19-24. He entangled the statements under Trial Exh. #8 and #9, See Vol. 2. under Exhibit J.

First, the accounts ending in 6726, 6739, and 2979 were closed since 2013. App. Vol. 1 at 30-32 and *Supra.* at 10, Entry #21. Second, the other side, through his attorney, accused Appellant in November 2015 of not disclosing these three accounts. App. Vol. 2 at 270, Lines 7-8. Third, on December 17,

2019, the judge asked Appellant in open court whether she listed “four or five” accounts on her financial statement as opposing counsel has stated. App. Vol. 2 at 290, Lines 19-21; *Infra.* at 291, Lines 1-3. *Fourth*, the BBO echoed these false accusations. App. Vol. 1 at 202, ¶ 13 and *Infra.* at 233, ¶ 13. *Fifth*, the truth is that these three accounts were closed since 2013. *Sixth*, Appellant filed the complaint for divorce in May 2014. App. Vol. 2 at 45, ¶ 9. *Seventh*, on the face of the statements, there are two distinct names / owners. For simplicity and clarity, Appellant changed the name of her practice in 2013. App. Vol. 2 at 109.

Furthermore, the BBO set the stage to find faults with Appellant. *First*, the BBO started the March 2021 hearing with its two witnesses. The BBO’s first witness is opposing counsel in Appellant’s underlying divorce case. App. Vol. 1, at 138, Lines 12-17. The BBO was acting as the *de facto* attorney for the other side. For instance, the BBO got its witness to agree that “the only issue” in the divorce case was “how to divide up the marital estate.” *Infra.* at 141, Lines 2-9. This statement is false. Opposing Counsel, who has been attempting to gaslight Appellant through DARVO tactics, was allowed to villainize Appellant. *Infra.* at 143, Lines 13-20. Subsequently, the BBO’s second witness portrayed Appellant as a very difficult person. *Infra.* at 146, Lines 17-22; *Infra.* at 148, Lines 19-23; *Infra.* 149, Lines 1-15.

Shockingly, the *Sanction provisions* of this Court's Rescript Opinion is just more of the same. In those provisions, this Court echoes the ruthless attacks and mistreatments Appellant suffered at the hand of the BBO in its closing argument on March 24, 2021. App. Vol. 1 at 176-194. The *Sanction provisions* occupy about three pages of the Rescript Opinion; while, the *Sufficiency of the Evidence* provision is merely a one-paragraph constituting 10 and 1/2 lines.

Notably, this case should have been solely between Appellant, the other side in the underlying divorce case, and his attorney. His attorney has been representing him since August 2014. App. Vol. 2 at 24-25. This case is about a former partner who wants to cripple Appellant financially and rob her out of her reputation and livelihood. He has ben attempting to do so DARVO styled. He is using the legal system so he cannot get in trouble. Appellant cannot swallow this pill, for it is too bitter. This actions and omissions on the part of this Court and the BBO are direct violations of Appellant's guaranteed right to equal protection under the Federal Constitution.

C. The Case Has Morphed Into a Legal Quagmire Leaving Appellant With No Avenue to Vindicate Her Inalienable Fundamental Rights Under the Federal Constitution

I. Appellant Made the Entry in the Mortgage Field of her Financial Statement Selflessly

"Each party to a divorce ... shall file with the court and shall deliver to the other party ... a complete and accurate financial statement showing *insofar as*

possible, the assets, liabilities...” Mass. Prob. and Fam. Ct. Supp., Rule 401. This rule provides an exception for the exact reason that Appellant made the entry on her financial statements. Appellant made the entry due to serious safety concerns and to protect the funds. Appellant also disclosed the entry very early in the proceedings to both opposing counsel and the Probate and Family Court judge. Although disclosure occurred earlier in the proceedings, see App. Vol. 1 at 144, Lines 9-10 and Lines 11-14 (Opposing Counsel’s testimony on March 23, 2021). Trial Exhibit #2 is the source of this entry. *Supra.* at 119-139.

Efforts to separate the funds from the divorce proceedings were fruitless. *First*, the separation that led to divorce occurred on November 14, 2013. App. Vol. 2 at 23. *Second*, Appellant put the home on the market from December 12, 2013 to March 12, 2014, but it was not sold. App. Vol. 2 at 144-147. In February 2014, the other side asked Appellant to send him divorce papers. *Infra.* at 148-150. *Third*, on May 13, 2014, Appellant filed the complaint for divorce. App. Vol. 2 at 23; *Infra.* at 11, Entry #1. Then, Appellant made the entry in the mortgage field of her financial statement. App. Vol. 2 at 309-310 & 315-316. Tellingly, Appellant left the “*Rent or Mortgage*” field under 8(a) blank. *Id.* at 308 & 314. *Fourth*, both parties mutually agreed to exclude certain information and documents from the divorce proceedings. App. Vol. 2 at 24-25, 1st and 2nd ¶¶.

Appellant made the entry in the mortgage field of her financial statements *Insofar As Possible*, as provided by Rule 401, Financial Statement. App. Vol. 2 at 332.

In its closing argument, the BBO said the reason that Appellant gave for making the entry “makes no sense.” ... It’s a complete *non sequitur*... It is simply not a rational concern... It simply defies logic.” App. Vol. 1, at 184, Lines 1-2, 7, 8-9, 23. Subsequently, due to a current event that shocked the world in July 2021, the BBO says in its August 2, 2021 Hearing Report that “We credit that [Appellant] in fact has this generalized concern.” App. Vol. 1 at 219, ¶ 79(c). The BBO maintains this same position in its October 21, 2021 Amended Hearing Report. *Infra.* at 249, ¶ 78(a). Nonetheless, the BBO cites this entry in Appellant’s financial statements as one of the bases it relied upon to file an *Information* with this Court for “*Fraudulent Conduct*.” App. Vol. 1 at 9, Entry #1. *Infra.* at 12-14.

Subsequently, at the February 24, 2022 Hearing, the BBO broke down its 18 month suspension recommendation as follows: (1) One year because Appellant’s home is not sold and the BBO terms this “ongoing defiance.” *Infra.* at 37, Lines 11-16; and (2) Six months for the Entry in the mortgage field. *Id.* at Lines 19-25. *Infra.* at 38, Lines 1-5. The Single Justice equates the entry to “dishonesty, deceit, misrepresentation, or fraud.” App. Vol. 1 at 68, ¶ (1).

This Court denied Appellant's application for further appellate review twice on September 14, 2017 and on September 13, 2019. App. Vol. 2 at 159. *Infra.* at 220. Fate has it that the case has come full circle in front of this Court again. This time, the Court had a last opportunity to right the wrongs. However, the Single Justice seized Appellant's law license. The Full Court affirms the decision of the Single Justice on October 27, 2022. The entry in the mortgage field of Appellant's financial statements has remained the legal quagmire it has morphed into.

ii. Appellant Was Not and Is Not in Contempt of the Probate and Family Court's Orders

"A civil contempt finding must be supported by clear and convincing evidence of disobedience of a clear and unequivocal command." *In re Birchall*, 454 Mass. 837, 838 (2009). "In order to find a defendant in civil contempt, there must be a clear and unequivocal command and an equally clear and undoubted disobedience." *Larson v. Larson*, 28 Mass. App. Ct. 338, 340 (1990). "In addition, the defendant must be found to have the ability to pay at the time the contempt judgment enters." *Id* at 340. In the case at bar, the judge held Appellant in contempt of his orders 7 times.

Three Judgments of Contempt in 2015. On April 17, 2015, the judge held Appellant in contempt twice on the same day for not working with his appointed discovery master. App. Vol. 2 at 89. *Supra.* at 13, Entry #69. On

December 3, 2015, the judge issued a *capias* for Appellant's arrest for not paying the master's fees. *Infra.* at 36-37. *Supra.* at 14, Entry #97. On December 30, 2015, the judge held Appellant in contempt again for not paying the master's fees. *Infra.* at 92-93. However, payment is due at the time of property division. *Id.* at 91. *Id.* at 93. Among other things, there cannot be clear and convincing evidence of disobedience. Stated another way, there cannot be disobedience when payment is due in the future / at the time of property division.

Three Judgments of Contempt In 2018. This Court denied Appellant's request for further appellate review on September 14, 2017. App. Vol. 2 at 159. Appellant tried to reach a negotiated settlement. The other side turned down Appellant's offer to transfer the Deed to his name, and he also turned down a subsequent offer to buy him out. *Infra.* at 160, 162-165. *Infra.* at 167, 169-170, 173-176. At the urging of the judge in open court on January 31, 2018, the other side filed a complaint for contempt because the home was not sold. *Infra.* at 195, Lines 18-23. *Supra.* at 189. The trial judge held Appellant in contempt twice on February 22, 2018 and once on March 27, 2018. The judge appointed a partition commissioner to sell Appellant's home at auction. App. Vol. 2 at 94-97.

One Judgment of Contempt In 2020. On January 9, 2020, the judge held Appellant in contempt again. He gave the appointed partition commissioner authority to seize Appellant's home and evict her therefrom. *Infra.* at 98-99. Why?

Because Appellant did not sell her home.

The judge relied on this citation: "To find a person in contempt, he or she must have the present ability to comply with the command. *Larson v. Larson*, 28 Mass. App. Ct. 338, 340 (1990). See App. Vol. 2 at 94, ¶ 4. In the instant case, Appellant has been working untold numbers of unbillable hours chasing a resolution of this case on its merits. Appellant has been working *pro se* on this case for well over eight years. Appellant had to provide for a family member who depended on her for all of their needs, including food and shelter. App. Vol. 2 at 181. And Appellant would have been driven into poverty. Appellant did not have the present ability to comply with the Probate and Family Court judge's order to sell her home, among other things. Thus, Appellant was not in contempt of the judge's orders.

iii. The Judgment of Divorce Lacks Finality and Is Thus Void

The Judgment of Divorce Lacks Finality. "The test of the finality of a decision is whether it terminates the litigation on its merits, directs what judgment shall be entered, and leaves nothing to the judicial discretion of the trial court ..." *Pollack v. Kelly*, 372 Mass. 469, 476 (1977). "A 'final decision' ... means a decision which leaves nothing more to dispute and which sets controversy at rest." *id* at 475-476. In the instant case, four trial exhibits - among other things - have been ignored to date. They are Trial Exhibit #2 which leads Exhibit P; Trial

Exhibits #8 & #9, under Exhibit J and three closing letters at App. Vol. 1 at 30-32; and Trial Exhibit #13, which leads Exhibit NN. The findings of fact are left unrevised. There is no further fact-finding. App. Vol. 2 at 211, Lines 24-25. *Infra.* at 212, Line 1. The judgment of divorce, as to property division, is inconclusive. It leaves things open for dispute. The controversy is not at rest.

The judgment of divorce is void. "A judgment is void if the court from which it issues ... failed to provide due process of law." *I.S.H. v. M.D.B.*, 83 Mass. App. Ct. 553, 557 (2013). "A court must vacate a void judgment... No discretion is granted by the rule." *Field v. Massachusetts Gen. Hosp.*, 393 Mass. 117, 118 (1984). "A void judgment is from its inception a legal nullity." *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661 (1st Cir. 1990). "If the underlying judgment is void, the order based on it is void." *V.T.A., Inc., v. Airco, Inc.*, 597 F.2d 220, n. 8 (10th Cir. 1979).

Here, four trial exhibits - among other things, have been ignored to date. The Probate and Family Court judge permitted Appellant to supplement the record with documents that were not presented at trial. Those additional documents are equally ignored to date. App. Vol. 2, at 116. App. Vol. 2 at 15, Entry #116. *Infra.* at 16, Entry #130. The findings of fact, dated December 30, 2015, are the only findings. They are not revised. There is no further fact-

finding. App. Vol. 2 at 211, Lines 24-25. *Infra*. Therefore, the judgment of divorce nisi - as to property division - is void. Tellingly, the BBO uses the same facts and evidence in the divorce proceedings to prosecute Appellant.

No Time Limit to File a Rule 60 Motion. "There is no time limit with respect to rule 60(b)(4) motions based on void judgments. *Bowers v. Board of Appeals of Marshfield*, 16 Mass. App. Ct. 29, 31 (1983). ("Notwithstanding the powerful interest in finality of judgments, a motion for relief from a judgment which was void from its inception lies without limitation of time."). In the instant case, Appellant delayed filing the Rule 60 motion due to the serious consequences of such a motion. She attempted to resolved the case through alternative motions. *First*, Appellant's motion to amend the judgment of divorce was denied on February 9, 2016. See App. Vol. 2 at 15, Entry #112. *Infra*. at 16, Entry #128. *Infra*. at 114. *Second*, Appellant's motion to Reconsider and Amend the Findings of Fact was also denied on February 9, 2016. See App. Vol. 2 at 15, Entry #113 . *Infra*. at 16, Entry #134. *Infra*. at 115.

Appellant filed the Rule 60 Motion on February 12, 2018, and it was denied on February 21, 2018. See App. Vol. 2 at 191. *Supra*. at 18, Entry #169. *Id* at Entry #175. Why this timing? On January 31, 2018, the trial judge urged Appellant in open court to file the motion. App. Vol. 2 at 197, Lines 5-9. Just as

the judge urged opposing counsel to file a complaint for contempt on the same day. *Supra.* at 195, Lines 18-23. Opposing Party filed the complaint for contempt on the same day. *Supra* at 189. The judgment of divorce nisi, as to property division, is void. As such, there is no time limit to file a Rule 60 motion for relief from said judgment.

This case highlights a rare circumstance. This case has come before this Court in 2017, in 2019, and in 2022. Appellant is left with no avenue to vindicate her inalienable, fundamental rights under the Federal Constitution after nearly a decade of chasing a resolution on the merits of the case. This case raises substantial questions of national significance. As such, there is a reasonable probability that the Supreme Court is likely to grant Appellant's forthcoming petition for review. And Appellant will most likely prevail in the Supreme Court. Therefore, this Court should Stay its judgment, pending the filing and disposition of Appellant's petition for a writ of certiorari in the Supreme Court.

II. There Is Good Cause to Stay the Judgment

There is good cause to Stay the judgment pending the filing and disposition of Appellant's petition for a writ of certiorari because Appellant will continue to suffer irreparable harm absent a Stay. *Planned Parenthood of Southern Pennsylvania v. Casey*, 510 U.S. 1309, 1310 (1994).

"Irreparable injury ... means an injury that cannot adequately be compensated for either by a later-issued permanent injunction, after a full adjudication on the merits, or by a later-issued damages remedy." *Rio Grande Community Health Center Inc. v. Rullan*, 397 F.3d 56, 76 (1st Cir. 2005). "It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

The irreparable harms that Appellant has been suffering are numerous. Appellant is a *solo* practitioner. This Court seized Appellant's law license since March 2022. The oxygen has been caught off of Appellant's only means to support herself while she is representing herself. The BBO prosecuted Appellant for "*fraudulent conduct*." Among other things, the BBO has publicly shamed, humiliated, denigrated, and villainized Appellant. The BBO held its hearing in March 2021, and live-streamed said hearing. The Order of the Single Justice suspending Appellant's law license is available online for all to see. The BBO posted said suspension on its website. This Court's Rescript Opinion affirming the Single Justice's Order is available on the Word Wide Web. Said Rescript Opinion has been emailed to anyone who signed up with this Court to receive its decisions and judgments. This Rescript Opinion echoes the abuses Appellant has been subjected to in the BBO's Petition for Discipline; its March 2021 hearing, which was live-streamed; its Hearing Transcripts; its Hearing Reports...

See the *Sanction Provisions* at pages 6-9. Blogs and articles are posted online regarding the prosecution of Appellant and the suspension of her law license for “*fraudulent conduct*.” This list is not exhaustive.

Perplexingly, Appellant requested the findings of fact and conclusions of law the Single Justice relied upon in suspending Appellant’s law license. The response is “No Action Necessary As Appeal Is Pending Before the Full Court in Case SJC-13262.” Docket Entry #42 and #50. Nevertheless, the Single Justice issued an Order of Contempt against Appellant. Docket Entry #46. This Court’s Rescript Opinion seems to be the response to Appellant’s said request. Appellant is left in the same inquiry mode she was when she requested said findings and conclusions of law in the first place.

“A cause of action does not consist of facts, but of the unlawful violation of a right which the facts show.” *Baltimore Steamship Co. v. Phillips*, 274 U.S. 316, 321 (1927). “The facts are merely the means, and not the end. They do not constitute the cause of action, but they show its existence by making the wrong appear.” *Id* at 321.

Appellant raises core constitutional claims. Appellant is a *solo* practitioner and a *pro se* litigant. The Single Justice seized Appellant’s law license unjustly and unlawfully. This Court affirms the decision the Single Justice to seize Appellant’s law license. The list of irreparable harms is endless. Appellant has a

strong likelihood of success on the merits her claims. Appellant has shown that there is good cause for a Stay of the judgment.

III. The Balance of Hardships and Public Interest Tips Strongly in Appellant's Favor

The equities warrant a Stay of the judgment here. The harm to the opposing party and weighing the public interest ...“ merge when the government is the opposing party.” *Nken v. Barr*, 556 US 418, 435 (2009). The balance of equities tips strongly in Appellant's favor, and the issuance of a Stay of the judgment is in the public interest. “It is always in the public interest to prevent the violation of a party's constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). “Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.” *id* at 1148. “[i]t is clear that it would not be equitable or in the public's interest to allow the state ... to violate the requirements of federal law, especially when there are no adequate remedies available.” *id* at 1149.

Here, Appellant has been chasing a resolution of the case on its merits. In response, Appellant has been publicly shamed, humiliated, denigrated, and vilified, among other things. The BBO has been prosecuting Appellant for “*Fraudulent Conduct*.” The Single Justice of this Court unlawfully seized Appellant's law license. Why all of that? Because the other side in Appellant's

underlying divorce case wants Appellant to get to the lowest point of her life. And he is trying to do it the legal way so that he cannot get in trouble.

The more the courts continue to rule against Appellant and taking things from her, the courts are fueling his ego. And the courts are just making him more emboldened. Appellant is being humiliated more and more and more, and that keeps increasing his excitement because he is feeling that he is bringing Appellant down.

The courts have been making him win since the appointment of the discovery master; the subsequent rulings; the contempt judgments; the issuance of the *capias* for Appellant's arrest on December 3, 2015; the unbearable two-day trial in November 2015; the proceedings in federal courts compared to those in state courts; the disciplinary action by the BBO; the public shaming, humiliation, denigration, vilification, and the assassination of Appellant's character during the hearing held by the BBO in March 2021, where he could watch the hearing live; his attorney being one of the BBO's witness ... He is being handed the wins all across the board. All of those things are fueling his ego. He is blown up like a balloon by now and ready to explode. The history of this case is of enormous public interest.

Governor Charlie Baker said it best during his State of the Commonwealth Address on January 25, 2022. The Governor said one of the two threats to public

safety in Massachusetts is abuse at the hands of a former partner. He said this threat to safety “leaves residents, many of them women, with little recourse when an ex partner attempts to violate them and destroy their lives. We filed bills to deal with these issues 3 times to no avail. The time to do something about this is long past...” The Governor continued: “Current law is clearly not working. These women were bothered, battered, bruised, and beaten time and again by their abusers and nothing changed. We could feel their desperation. It would be impossible to listen to those stories and walk away believing that the Commonwealth is serious about protecting these women...”

The Court may not be able to fully comprehend the depth of the vulnerability that they have induced around Appellant. But, the Court should at least let the case take its natural course and Stay its judgment, pending the filing and disposition of Appellant’s petition for a writ of certiorari in the Supreme Court of the United States.

CONCLUSION

For the foreign reasons, this Court should grant Appellant’s motion to Stay its judgment, pending the filing and disposition of her forthcoming petition for a writ of certiorari to the Supreme Court of the United States.

Respectfully submitted,

Maude Laroche-st. fleur
Maude Laroche-St. Fleur, *Pro Se*

Dated: December 9, 2022

Motion to Stay Judgment

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CERTIFICATE OF SERVICE

I, Maude Laroche-St. Fleur, hereby certify that the foregoing, Appellant's Motion for a Stay of the Court's Judgment Pending the Filing and Disposition of a Petition for a Writ of Certiorari in the Supreme Court of the United States, was *eFiled on December 9, 2022*, and that as such, notice was given to the following Complainants / the Board of Bar Overseers:

- (1) Rodney S. Dowell, Bar Counsel;
- (2) Robert M. Daniszewski, Assistant Bar Counsel; and
- (3) Joseph S. Berman, Board Counsel

Maude Laroche-st. fleur
Maude Laroche-St. Fleur, *Pro Se*

ADDENDUM

- Exhibit A Judgment of the Court, Entered November 30, 2022
- Exhibit B Rescript of Opinion of the Court, Entered October 27, 2022



Maude Laroche-St. Fleur <mlarochest@gmail.com>

SJC-13262 - Notice of Docket Entry

SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
To: mlarochest@gmail.com

Thu, Dec 29, 2022 at 1:15 PM

Supreme Judicial Court for the Commonwealth of Massachusetts

RE: Docket No. SJC-13262

IN THE MATTER OF MAUDE LAROCHE-ST. FLEUR

NOTICE OF DOCKET ENTRY

Please take note that the following entry was made on the docket of the above-referenced case:

Motion for a stay of the Court's judgment pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court of the United States filed for Maude Laroche-St. Fleur. (12/29/2022) The motion for stay is denied.

Francis V. Kenneally Clerk

Dated: December 29, 2022

To:
Robert M. Daniszewski, Ass't Bar Counsel
Rodney S. Dowell, Bar Counsel
Joseph S. Berman, Board Counsel
Maude Laroche-St. Fleur

News Briefs

Contact editorial@lawyersweekly.com

SJC upholds lawyer's 18-month suspension

The Supreme Judicial Court on Oct. 27 upheld an 18-month suspension for a lawyer who filed false financial statements, was held in contempt in Probate & Family Court multiple times, and pursued a frivolous motion for relief while representing herself in a divorce case.

Maude Laroche-St. Fleur, who was admitted to the Massachusetts bar in 2012, filed a pro se complaint for divorce against her husband in May 2014. The primary issue in the divorce was the division of assets, including the marital home.

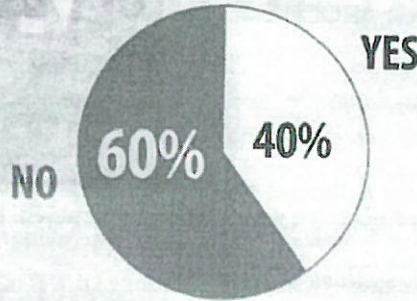
Among the material false statements in her filings, Laroche-St. Fleur claimed that the marital home was encumbered by a mortgage when, in fact, the mortgage on the property had been paid off.

In another financial statement, she claimed that she had an outstanding loan from a third party, which was the same money that the respondent had elsewhere claimed as a mortgage on the marital home, a characterization from which she stood to benefit as, unlike with her non-mortgage liability, each spouse's share of the property division would be reduced equally by the amount of a mortgage on the marital home.

Laroche-St. Fleur also acknowledged to the Board of Bar Overseers' hearing committee that there had been up to six contempt judgments against her in her divorce and related matters, the first of

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which stemmed from her repeated refusal to cooperate with a special discovery master appointed by the Probate & Family Court.

The next contempt order came from her refusal to abide by the aspect of the first contempt judgment that required her to pay the discovery master's fees and her husband's reasonable attorneys' fees in litigating the underlying discovery disputes.

Laroche-St. Fleur was also sanctioned for failing to sell the marital home, as she had been ordered.

When Laroche-St. Fleur filed a motion for relief from the divorce judgment in February 2018, it not only failed to raise any issue that was not or could not have been raised in her motion for relief two years earlier, but it was filed more than a year late.

The SJC agreed with the single justice that the evidence that Laroche-St. Fleur committed the charged misconduct was sufficient, and that the sanction of an 18-month suspension from the practice of law was appropriate, finding a "closely analogous" case in the *Matter of Okai*, which also involved an attorney representing herself in a divorce and a disciplinary case in which there was a "lack of mitigating factors and the existence of multiple aggravating factors."

The nine-page decision is *In the Matter of Laroche-St. Fleur*, Lawyers Weekly No. 10-128-22. The full text of the ruling can be found at masslawyersweekly.com.

— KRIS OLSON

Arbitrator's award upheld in bias case

A petitioner alleging that her former employer deliberately withheld incriminating evidence during arbitration of her age discrimination claims did not establish grounds to overturn an arbitrator's award of summary judgment to the employer, a federal judge has found.

Following her termination from International Business Machines Corp. in 2018, Linda Hewlett filed a demand for arbitration alleging that her termination had violated the Age Discrimination in Employment Act.

During arbitration, the petitioner sought from IBM "all documents reflecting studies, analyses, audits, surveys, communications, or other documents that set forth any plan, strategy goal, or effort to change the age demographics of IBM's workforce," U.S. District Court Judge Richard G. Stearns wrote.

In objecting to the request, IBM argued

Clarification

A page 1 story in the Oct. 24 issue, "Case," stated that George Floyd "died in a restrained him by kneeling on his neck when the officer, Derek Chauvin, restr the oversight.

INSIDE

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Legal Profession Blog

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Saturday, April 2, 2022

Divorce Misconduct Draws 18 Month Suspension

By Legal Profession Prof

An attorney's misconduct in her own divorce drew an 18-month suspension by Justice Lowy of the Massachusetts Supreme Judicial Court

This matter comes before me on the information and record of proceedings filed by the Board of Bar Overseers (board). The board recommends that the respondent, Maude Laroche-St. Fleur, be suspended from the practice of law for eighteen months. This recommendation is based on the board's determination that the respondent committed three types of professional misconduct related to her conduct in her divorce proceedings: knowingly filing false financial statements under oath, willful disregard of court orders resulting in multiple judgments of contempt, and engaging in frivolous litigation. After hearing, upon consideration, and for the reasons that follow, I find that substantial evidence supports the board's findings and agree with the board's recommendation. I therefore order an eighteen month suspension from the practice of law.

The false financial statements

As to count one, the board found that the respondent made misrepresentations on financial statements submitted to the trial court during her divorce proceedings. The respondent admits to falsifying personal financial statements submitted to the trial court. Specifically, she admits entering a mortgage amount into the financial statement despite knowing that the mortgage on the family house had been paid in full. Her assertion that her misrepresentations were justified -- e.g., that the reason she entered a mortgage amount was to conceal the money she owes her son so he would be less of a target for kidnapers in Haiti -- may have possible relevance as a mitigating factor, but does not change the fact that the misrepresentations occurred. I therefore find that there is substantial evidence to support the board's finding that the respondent knowingly and intentionally misrepresented material facts regarding her finances...

Court orders and contempts

the violations of the court orders that led to the three contempt judgments each have ample support in the record, and I therefore find that there is substantial evidence to support the board's finding that the respondent violated Mass. R. Prof. C. 3.4(c) and 8.4(d).

Frivolous claim

The record reveals no support for the respondent's contention that her Rule 60 motion is timely, and her arguments therein have already been repeatedly heard and rejected, by both trial and appellate courts. Consequently, I find that there is substantial evidence to support the board's finding that the respondent violated Mass. R. Prof. C. 3.1 and 8.4(d)

The court imposed the recommended sanction. (Mike Frisch)

https://lawprofessors.typepad.com/legal_profession/2022/04/an-attorneys-misconduct-in-her-own-divorce-drew-an-18-month-suspension-by-the-massachusetts-supreme-judicial-court.html

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Business & Practice

Lawyer's 18-Month Suspension for Divorce Row Conduct Affirmed

By David McAfee

Oct. 27, 2022, 3:20 PM

-
- ⦿ Allegedly filed false financial statements in divorce case
 - ⦿ Sanction 'not markedly disparate from' similar cases
-

An attorney in Massachusetts was rightly suspended for 18 months for false statements and other misconduct in her own divorce proceeding, the state's supreme judicial court ruled Thursday.

Maude Laroche-St. Fleur was hit with a petition for discipline in 2020 for allegedly filing multiple knowingly false financial statements in her own divorce proceeding, in which she represented herself. Additionally, she was accused of disobeying orders of the probate court, leading to contempt judgments.

The Massachusetts Board of Bar Overseers recommended Laroche-St. Fleur be suspended for 18 months, and a single justice of the Supreme Judicial Court of Massachusetts agreed with that sanction.

Laroche-St. Fleur appealed, and the Supreme Judicial Court affirmed that justice's decision. In doing so, the court noted the existence of numerous aggravating factors, such as failure to accept the nature and seriousness of her misconduct and the financial harm others experienced, and refused to credit any mitigating factors.

The court noted that, "giving due deference to the board's recommendation in light of the substantial aggravating factors and lack of mitigating factors," the single justice's imposed sanction "is not markedly disparate from sanctions imposed in similar cases."

Laroche-St. Fleur represents herself.

Laroche-St. Fleur didn't immediately return Bloomberg Law's request for comment on Thursday.

The case is *In re St. Fleur, Mass., No. SJC-13262, 10/27/22.*

To contact the reporter on this story: David McAfee in Los Angeles at dmcAfee@bloomberglaw.com

To contact the editors responsible for this story: Rob Tricchinelli at rtricchinelli@bloomberglaw.com; Patrick L. Gregory at pgregory@bloomberglaw.com

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Opinion
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NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Maude LAROCHE-ST. FLEUR, D2022-0158

Respondent

FILED
JAN 09 2023

ON BEHALF OF RESPONDENT: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

Notice of Intent to Discipline from a Decision of the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Liebowitz, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge¹

Opinion by Deputy Chief Appellate Immigration Judge Malphrus

MALPHRUS, Deputy Chief Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 18 months, effective September 29, 2022.

I. PROCEDURAL HISTORY AND ARGUMENTS

On March 25, 2022, the Commonwealth of Massachusetts' Supreme Judicial Court for Suffolk County suspended the respondent from the practice of law in Massachusetts for 18 months, effective April 24, 2022. The suspension was based on the respondent's misconduct in her own divorce proceedings. On September 8, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the petition on September 29, 2022.

On October 7, 2022, the respondent filed an answer to the Notice of Intent to Discipline. In the answer, the respondent conceded proper notice and that she was admitted to the practice of law in Massachusetts on June 15, 2012 (Answer to Joint Notice at 1). The respondent, without explanation, also conceded in part and denied in part the allegation related to her discipline in Massachusetts and the allegation that she had not notified Disciplinary Counsels of the

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4).

Massachusetts suspension. The respondent denied the allegation claiming that she had engaged in professional misconduct (Answer to Joint Notice at 1).

The respondent argues that she has shown good cause for setting aside the immediate suspension order entered against her. She also maintains that she has presented clear and convincing evidence to rebut the presumption that reciprocal discipline should follow from her Massachusetts suspension. In particular, she contends that she has shown that the Massachusetts disciplinary proceeding was so lacking in notice or opportunity to be heard that it constituted a violation of due process, that there was such an infirmity of proof establishing her professional misconduct as to give rise to the clear conviction that the adjudicating official could not, consistent with his or her duty, accept as final the conclusion on that subject, and that the imposition of discipline would result in grave injustice (Answer to Notice at 2). In support of this argument, the respondent alleges that the judge presiding over her divorce did not consider key evidence and that the opposing party engaged in gaslighting tactics during the proceeding (Answer to Notice at 2-6). The respondent further claims that the Board of Bar Overseers blocked her from presenting evidence in her defense and reframed the facts of her divorce proceeding and her disciplinary case to fit its position (Answer to Notice at 6). The respondent has submitted evidence from her divorce proceeding and her disciplinary proceeding to support her claims and has requested oral argument, a request that we will construe as a request for a hearing.

The Disciplinary Councils have filed a motion for summary adjudication. In the motion, the Disciplinary Councils argue first that no good cause exists for setting aside the immediate suspension order. The Disciplinary Councils note that the proof in the record of the respondent's disciplinary suspension in Massachusetts is sufficient to establish that immediate suspension is warranted and that the respondent's evidence does not refute this (Gov't Motion for Summary Adjudication at 3). We agree with the Disciplinary Councils' arguments on this point. 8 C.F.R. § 1003.103(a)(4). The respondent has not claimed or established that her disciplinary suspension in Massachusetts is not final or that other good cause exists at this time for setting aside the immediate suspension order. 8 C.F.R. § 1003.103(a)(4). We accordingly will proceed to consider the charges in the Notice of Intent to Discipline.

While the respondent argues that discipline should not follow from her Massachusetts suspension, the Disciplinary Councils argue that there are no material issues of fact in dispute regarding the basis for discipline. The Disciplinary Councils maintain that the evidence submitted in support of the Petition for Immediate Suspension establishes that the respondent is subject to a final order of suspension in Massachusetts and therefore subject to reciprocal discipline in these proceedings. The Disciplinary Councils further contend that the respondent's allegations regarding lack of due process and infirmity of proof in her Massachusetts proceeding are not supported by the evidence she has provided (Gov't Motion for Summary Adjudication at 4). Specifically, the Disciplinary Councils state that the respondent's allegations that Board of Bar Overseers improperly blocked her from presenting evidence in her Massachusetts disciplinary proceeding are not corroborated by the hearing excerpts and other documents. The Disciplinary Councils further note that the respondent's evidence demonstrates that she participated in her disciplinary proceedings and had the opportunity to be heard (Gov't Motion for Summary Adjudication at 4-5). Finally, the Disciplinary Councils claim that the respondent has not

established that there are extraordinary or exceptional circumstances in her case to establish that the imposition of reciprocal discipline would be a grave injustice. The Disciplinary Councils contend that the respondent's alleged mistreatment in her divorce proceedings does not establish that she was treated unfairly in her Massachusetts disciplinary proceeding or that the imposition of discipline is unwarranted (Gov't Motion for Summary Adjudication at 5-6).

II. ANALYSIS

The Notice of Intent to Discipline charges that the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) because she has been suspended from the practice of law in Massachusetts due to professional misconduct (Notice of Intent to Discipline at 1-2). In particular, the Disciplinary Councils allege that, on March 25, 2022, the Commonwealth of Massachusetts' Supreme Judicial Court for Suffolk County suspended the respondent from the practice of law in Massachusetts for 18 months, effective April 24, 2022. *Id.* The Disciplinary Councils submitted a certified copy of the court's March 25, 2022, order and a copy of the court's March 24, 2022, memorandum of decision to support the charge (Petition for Immediate Suspension, Attachments 1 and 2).

The evidence of the respondent's suspension in Massachusetts is sufficient to establish that disciplinary proceedings are appropriate. *See* 8 C.F.R. § 1003.103(b)(2); *see also* 8 C.F.R. § 1003.102(e). When the Disciplinary Councils for EOIR and DHS bring proceedings based on a final order of suspension or disbarment, like the one in the respondent's case, the order creates a rebuttable presumption that reciprocal disciplinary sanctions should follow. *See* 8 C.F.R. § 1003.103(b)(2); *see also Matter of Kronegold*, 25 I&N Dec. 157, 160 (BIA 2010); *Matter of Truong*, 24 I&N Dec. 52, 54 (BIA 2006); *Matter of Ramos*, 23 I&N Dec. 843, 845 (BIA 2005). The respondent can rebut this presumption only by demonstrating by clear and convincing evidence that the underlying disciplinary proceeding resulted in a deprivation of due process, that there was "an infirmity of proof" establishing the misconduct, or that discipline would result in "grave injustice." 8 C.F.R. § 1003.103(b)(2).

The respondent argues that all of these exceptions apply in her case. She further has requested a hearing. To obtain a hearing, however, the respondent must make a prima facie showing that there is a material issue of fact regarding the basis for discipline or regarding one of the exceptions that preclude summary proceedings. *See* 8 C.F.R. § 1003.106(a)(1); 8 C.F.R. § 1003.103(b)(2).

There is no material issue of fact regarding the basis for discipline in this case. The respondent does not dispute that she has been suspended in Massachusetts due to professional misconduct (Answer to Notice at 1-6). The respondent instead maintains that deficiencies in both her divorce proceeding and the disciplinary proceeding in Massachusetts should preclude the Board from imposing reciprocal discipline.

The evidence the respondent has submitted with her Answer to the Notice of Intent to Discipline, however, is not sufficient to establish that she has a reasonable likelihood of showing, during a hearing, that the disciplinary proceedings in Massachusetts lacked due process or that there was an infirmity of proof in those proceedings (Documents for Rebuttal of Presumption of

Professional Misconduct, Exh. A-J). To the contrary, the certified copy of the docket sheet, the docket entries, the petition for discipline, the hearing reports and excerpts of hearing transcripts, and the information the respondent has provided from her disciplinary proceeding in Massachusetts, together with the Massachusetts court decision and order submitted by Disciplinary Counsels demonstrate that the respondent received a full and fair disciplinary hearing with the opportunity to be heard and present arguments and evidence in her own defense (Documents for Rebuttal of Presumption of Professional Misconduct, Exh. J; Petition for Immediate Suspension, Attachments 1 and 2). The evidence further establishes that there was ample proof of misconduct presented to the Massachusetts disciplinary authorities.

Moreover, the evidence does not establish that the respondent has a reasonable likelihood of establishing, during a hearing, that imposing reciprocal discipline based on a disciplinary suspension in Massachusetts will result in grave injustice. As noted above, the evidence of record establishes that there was a basis for disciplinary proceedings in Massachusetts. Further, the respondent's evidence regarding her divorce proceeding does not support the respondent's assertions that the conduct of the parties in the proceeding was egregious or somehow constitutes an exceptional or extraordinary circumstance that would cause the imposition of discipline to be a grave injustice (Documents for Rebuttal of Presumption of Professional Misconduct, Exh. A-I).

Based on the foregoing, we deny the respondent's request for a hearing. We further conclude that the respondent's evidence is not sufficient to rebut the presumption that reciprocal discipline should follow from the respondent's disciplinary suspension in Massachusetts. The Disciplinary Counsels for EOIR and DHS have sustained the charge against the respondent and have established that she is subject to reciprocal discipline due to her suspension in Massachusetts.

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board of Immigration Appeals, the Immigration Courts, and DHS for 18 months. The proposed sanction is appropriate in light of the respondent's suspension in Massachusetts. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 18 months. Further, because the respondent currently is suspended pursuant to our September 29, 2022, order, we will deem her suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 18 months, effective September 29, 2022.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of DHS.

D2022-0158

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. BD-2022-012

IN RE: MAUDE LAROCHE-ST. FLEUR

BAR COUNSEL'S MOTION FOR AN ORDER TO SHOW CAUSE WHY
A CAPIAS SHOULD NOT ISSUE FOR NON-COMPLIANCE WITH
THE TERMS OF THE COURT'S ORDER OF SEPTEMBER 30, 2022

Bar counsel hereby moves for entry of an order requiring Ms. Laroche-St. Fleur to show cause why a capias should not issue for her arrest for non-compliance with the terms of the Court's order of September 30, 2002. In support hereof, bar counsel states:

1. On March 25, 2022, this Court entered an Order of Term Suspension against Ms. Laroche-St. Fleur. Pursuant to such Order, the respondent was suspended from the practice of law for a term of eighteen (18) months.
2. Following entry of the order of suspension, Ms. Laroche-St. Fleur failed to file the affidavit of compliance that she was ordered to file by the terms of such Order and S.J.C. Rule 4:01, § 17(1). More specifically, she failed to file an affidavit of compliance establishing that she filed notices of withdrawal in all matters pending before a court or other tribunal; resigned all her fiduciary appointments; provided notice of her suspension and specified information to all clients, wards, heirs, counsel for parties and unrepresented parties in pending matters; made available to all clients in pending matters any papers or other property to which they were entitled; refunded any fees paid in advance that were not earned; and closed every trust account and properly disbursed or otherwise transferred all trust funds in her possession, custody, or control. See Order of Suspension (Doc. 24) at ¶ 2 and S.J.C. Rule 4:01, § 17(1).

3. On account of such failures, Ms. Laroche-St. Fleur was found in contempt of the Court on September 30, 2022. Since that time, she has taken no apparent steps to purge the contempt.

4. In its September 30, 2022, Order following the hearing on bar counsel's petition for contempt, the Court (Lowy, J.) ordered that Ms. Laroche-St. Fleur's eligibility for reinstatement to the practice of law in the Commonwealth of Massachusetts pursuant to S.J.C. Rule 4:01, § 18 would be extended until eighteen (18) months after she has provided proof that she has fully complied with the March 25, 2022, Order of Term Suspension and the provisions of S.J.C. 4:01, § 17, and has filed a truthful affidavit of compliance therewith. See Doc. 46.

5. In addition, the Court's Order on bar counsel's petition for contempt expressly provided that if Ms. Laroche-St. Fleur failed to comply with any of the terms of such Order, "the Office of Bar Counsel may move for an order to show cause why a capias shall not issue, and a prompt show cause hearing will be scheduled."

6. Accordingly, bar counsel respectfully requests that the Court schedule and conduct a show cause hearing as to why a capias should not enter against Ms. Laroche-St. Fleur for her flagrantly contemptuous conduct in this matter.

WHEREFORE, bar counsel respectfully requests that this Honorable Court:

- A. Enter an order requiring Ms. Laroche-St. Fleur to show cause why a capias should not issue for her arrest based on her ongoing failure to file a truthful affidavit of compliance; and
- B. Grant such other and further relief as the Court may deem just and appropriate.

Respectfully submitted,

RODNEY S. DOWELL
BAR COUNSEL

By /s/ Robert M. Daniszewski

Robert M. Daniszewski
Assistant Bar Counsel
Office of the Bar Counsel
99 High Street
Boston, MA 02110
(617) 728-8750
BBO # 556388

December 21, 2022

Certificate of Service

I hereby certify that I have this day served a copy of the foregoing
to the respondent by email to: mlarochest@gmail.com.

Dated this 21st day of December 2022.

/s/ Robert M. Daniszewski

Robert M. Daniszewski
Assistant Bar Counsel
B.B.O. # 556388

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

SUFFOLK, SS

No. BD-2022-012

In Re: Maude Laroche-St. Fleur

Maude Laroche-St. Fleur,)
)
Respondent)
)
v.)
)
Robert M. Daniszewski, Assistant Bar Counsel;)
Rodney S. Dowell, Bar Counsel; and)
Joseph S. Berman, Board Counsel,)
)
Complainants)

**RESPONDENT'S OPPOSITION TO BAR COUNSEL'S December 21, 2022
MOTION FOR AN ORDER TO HAVE RESPONDENT ARRESTED**

Respondent, Maude Laroche-St. Fleur, opposes Bar Counsel's December 21, 2022 Motion to Have Respondent Arrested. In support of her Opposition, Respondent relies upon: (1) Respondent's Request for Findings of Fact and Conclusions of Law the Single Justice of this Court Relied Upon in Suspending Respondent's Law License for 18 Months (eFiled September 9, 2022); (2) Respondent's Declaration in Support of her Request for Findings of Fact and

Opp. to Motion for Arrest

1 of 3

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SUPREME JUDICIAL COURT
THE COUNTY OF SUFFOLK

Conclusions of Law (eFiled September 9, 2022); and (3) Appendices Volume 1 and Volume 2, which Respondent submitted to the Full Court with her Preliminary Memorandum. The two pleadings are eFiled simultaneously with Respondent's Opposition. In further support of her Opposition, Respondent states as follows:

1. Respondent's Request for Findings of Fact and Conclusions of Law (eFiled September 9, 2022); Respondent's Declaration in Support of said Request (eFiled September 9, 2022); and Appendices Volume 1 and Volume 2 (submitted with Respondent's Preliminary Memorandum) - when read together - they prove that Respondent did not do those things she has been accused of doing;
2. Respondent is preserving her dignity; and
3. Respondent is extremely concerned about her safety.

Wherefore, Respondent respectfully asks that this Honorable Court:

- i. Quash Bar Counsel's / Board of Bar Overseers (BBO) Motion for a *Capias* to be issued for Respondent's arrest; and
- ii. Grant any other relief that this Honorable Court may deem just and appropriate.

Respectfully submitted,

Maude Laroche-st. fleur
Maude Laroche-St. Fleur, *Pro Se*

Dated: December 22, 2022

Addendum:

1. Respondent's Request for Findings of Fact and Conclusions of Law the Single Justice Relied Upon in Suspending Respondent's License for 18 Months (eFiled September 9, 2022);
2. Respondent's Declaration in Support of said Request, which was eFiled September 9, 2022; and
3. Appendices Volume 1 and Volume 2, submitted to the Full Court with Respondent's Preliminary Memorandum

CERTIFICATE OF SERVICE

I, Maude Laroche-St. Fleur, hereby certify that the foregoing, Respondent's Opposition to Bar Counsel's Motion Seeking an Order to Have Respondent Arrested, was **eFiled on December 22, 2022**, and that as such, notice was given to the following Complainants / the Board of Bar Overseers:

- (1) Rodney S. Dowell, Bar Counsel;
- (2) Robert M. Daniszewski, Assistant Bar Counsel; and
- (3) Joseph S. Berman, Board Counsel

I further certify that Service was also made via email to: June Risk at j.risk@massbbo.org, Anne Brown at at.brown@massbbo.org, and Robert Daniszewski at r.daniszewski@massbbo.org.

Maude Laroche-st. fleur
Maude Laroche-St. Fleur, *Pro Se*

OFFICE OF THE BAR COUNSEL
BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT
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RODNEY S. DOWELL
BAR COUNSEL

January 9, 2023

**By Certified Mail, Return Receipt Requested,
First-Class Mail & Email mlarochest@gmail.com**

Maude Laroche-St. Fleur
Laroche Law Office, LLC
P.O. Box 79
43 Cummins Highway, 2nd Floor
Roslindale, MA 02131-0001

RE: Supreme Judicial Court No. BD-2022-012

Dear Ms. Laroche-St. Fleur:

Enclosed please find an Order of Notice directing you to appear before Justice Lowy of the Supreme Judicial Court for the County of Suffolk on **Thursday, January 19, 2023, at 10:00 a.m.** in Courtroom Two, John Adams Courthouse, Second Floor, One Pemberton Square, Boston, MA 02108, and to show cause why the relief sought in Bar Counsel's Motion for an Order to Show Cause Why a Capias Should Not Issue for Non-Compliance with the Terms of the Court's Order of September 30, 2022 (copy enclosed), should not be granted. **Please note that this will be an in-person court hearing.**

Very truly yours,

/s/ Robert M. Daniszewski

Robert M. Daniszewski
Assistant Bar Counsel

RMD/atb
Enclosures

