



**Bar Counsel  
Board of Bar Overseers  
of the Supreme Judicial Court of Massachusetts  
Boston, MA**

**The Search**

The Board of Bar Overseers of the Supreme Judicial Court of Massachusetts (“BBO”), the independent adjudicative and administrative body charged with overseeing attorney registration and disciplinary proceedings in the Commonwealth, seeks an inspired, dynamic, and collaborative individual to serve as the next Bar Counsel.

The Bar Counsel investigates and evaluates complaints of unethical conduct against attorneys with limited exceptions per the Supreme Judicial Court Rule 4:01 Section 7, prosecutes attorney misconduct cases before the BBO and Supreme Judicial Court of Massachusetts (“the Court”), and provides education and information to the bar and the public concerning the bar disciplinary process.

The Office of Bar Counsel is located at the BBO’s offices, 99 High Street, Boston, Massachusetts. The Bar Counsel will lead a team of attorneys, investigators, secretaries, and support staff to direct the investigation of matters involving alleged misconduct by lawyers and the prosecution of attorney disciplinary proceedings. The Bar Counsel will implement the BBO’s commitment to protect the public from unethical conduct by attorneys and to preserve and enhance the integrity and high standards of the bar.

All candidates will possess a Juris Doctorate, admission to practice and in good standing in the Commonwealth of Massachusetts, a working knowledge of the rules and disciplinary process, and at least ten years’ standing as a member of a state bar. Candidates admitted to practice and in good standing in another U.S. jurisdiction, who are pending admission to the Commonwealth of Massachusetts may be considered. The Bar Counsel will be an exceptional individual who is:

- An experienced team player with strong, demonstrated managerial and administrative skills.
- A collaborative leader, with an appreciation for the power of cooperation.
- A skilled mentor, experienced in developing and inspiring high performing teams.
- A sophisticated advocate, highly motivated and committed to results.
- Experienced with relevant technology and its application to performance improvement.
- Committed to the highest ethical and professional standards; personal and professional integrity above reproach.

The BBO has formed a committee chaired by Lisa C. Goodheart, Esq. and Denise I. Murphy, Esq. to conduct this important search. Confidential inquiries, nominations, and applications, including a cover letter and resume, should be submitted by Friday, February 15, 2019 to Gregory J. Wenger, Executive Director, at [bbojobs@massbbo.org](mailto:bbojobs@massbbo.org). Please reference in the subject line “Bar Counsel Search”. Additional information about the Board of Bar Overseers, the Office of Bar Counsel, and the position is available at our website: <https://www.massbbo.org/>.

### **The Board of Bar Overseers**

The BBO, established by the Court in 1974, serves as the independent body responsible for the registration and discipline of attorneys in Massachusetts. The BBO adjudicates complaints against the Commonwealth’s attorneys and takes disciplinary action as appropriate. Chief among its responsibilities, the BBO appoints, subject to the approval of the Court, the Bar Counsel (“BC”).

### **The Chief Bar Counsel**

The role of BC was established by the Court through the adoption of S.J.C. Rule 4:01. The BC oversees investigation of matters involving alleged misconduct by lawyers, recommends to the BBO the institution of formal disciplinary proceedings, prosecutes disciplinary proceedings before hearing committees, special hearing officers, the BBO, and the Court, appears with full rights to participate as a party at reinstatement hearings, and maintains permanent records of matters presented to the BC and the disposition thereof. With the concurrence of the BBO, the BC hires Assistant Bar Counsel to whom s/he delegates duties or functions under her/his general supervision. The BC works with the BBO to develop and carry out policies for bar discipline in the Commonwealth.

The BC’s primary responsibilities include:

- Establishing strategic and operational plans to lead the legal team supporting the investigation of alleged misconduct and the prosecution of disciplinary proceedings.
- Directing the staff of the Office of Bar Counsel (“OBC”) and the Attorney and Consumer Assistance Program (“ACAP”) in the investigation of alleged misconduct and prosecution of disciplinary proceedings, appeals, and reinstatements.
- Ensuring that disciplinary investigations and prosecutions conform, in all respects, to applicable legal requirements.
- Recruiting, training, supporting and managing the performance and development of staff, and providing timely performance assessments.
- Conducting and overseeing research and analysis on legal issues including contributing to the development and implementation of the BBO’s policies and procedures, recommending new policies as needed, and revisions to existing policies as appropriate.
- Communicating on matters of policy with the designated Court liaison justice or other justices.
- Representing OBC in interactions with the public.
- Participating, or designating staff to participate, in bar association and continuing legal education programs and other public events on ethics and law practice management.
- Writing, or designating staff to write, articles on disciplinary procedures and rules

- interpretation.
- Collaborating with the BBO Executive Director on administrative functions, including human resources, labor management, recruitment, budgets, procurement, information technology, and facilities.
  - Meeting monthly or at such other intervals as are agreed upon with the BBO's Executive Director, General Counsel, and the BBO Chair, or other designated members of the BBO.
  - Providing monthly updates to the BBO at Board meetings.
  - Working with the BBO and the Court or their committees to develop and modify the rules of professional conduct and disciplinary procedural rules for attorneys.

### **Qualifications and Experience**

All candidates will possess a Juris Doctorate, admission to practice and in good standing in the Commonwealth of Massachusetts, and at least ten years' standing as a member of a state bar. Candidates admitted to practice and in good standing in another U.S. jurisdiction, who are pending admission to the Commonwealth of Massachusetts may be considered. Other qualifications include: supervisory experience with strong, demonstrated, managerial, administrative, technology, and leadership skills; a collaborative leadership style, with an appreciation for the power of cooperation; a skilled mentor, experienced in developing and inspiring high performing teams; a sophisticated advocate, highly motivated and committed to results; exceptional oral and written communication skills; and a commitment to the highest ethical and professional standards and to improving the quality of the bar.

The successful candidate will bring the following additional professional qualifications, skills, experience, and personal qualities:

- **An Able Leader:** S/he will demonstrate a collaborative, inclusive, and transparent leadership style with a willingness to consult, listen, praise, and admonish. S/he will be an effective negotiator, practiced in the arts of conflict resolution and ombudsmanship. S/he will maintain the highest standards of ethics and integrity while cultivating an atmosphere of mutual respect.
- **An Experienced Manager:** S/he will have the demonstrated capacity to manage within a small but complex organization. The BC will possess the skills to manage a team of able attorneys, investigators, secretaries, and support staff who are often handling multiple competing priorities and demands. S/he will embrace technology.
- **A Proven Commitment to Diversity and Inclusion:** S/he will have broad experience with diverse cultures and communities, and the proven capacity to embrace diversity in all aspects, including the wisdom to recruit, welcome, retain, and build an integrated, inclusive, and diverse culture.
- **Talented Writer and Communicator:** The BC will be an articulate, persuasive, and talented writer and communicator. S/he will advocate rigor and clarity throughout all stages of the bar disciplinary process. An excellent and engaged listener, s/he will have the capacity to gather and synthesize a range of views in constructing briefs.

- **Personal Style:** The BC will model humility, fairness, and empathy. S/he will insist on a culture of community building and inspire deep trust and collegiality. S/he nurtures others and recognizes their achievements. A gifted mentor, the BC will help others see the opportunities as well as the challenges in change and disruption.

### **Major Programs and Responsibilities of the BBO**

The BBO has primary responsibility to administer the discipline of lawyers in Massachusetts. Its work is governed by Supreme Judicial Court Rule 4:01 et. seq. and the Rules of the Board of Bar Overseers. The Board acts as the tribunal to consider disciplinary charges brought by the OBC. When an attorney is found to have engaged in misconduct, the BBO either imposes discipline or recommends to the Court that more serious discipline be imposed.

The BBO presently consists of twelve members, eight of whom are Massachusetts lawyers. The remaining four members are non-lawyer public members. All members are appointed by the Court and serve voluntarily, without compensation, for four-year terms. The current chair is John J. Morrissey, Esq., of Morrissey, Wilson & Zafiroopoulos, LLP, Braintree, MA.

Although the BBO is subject to the supervision of the Court, no taxpayer funds are spent to support the work of the Board. The BBO's expenses are funded solely from annual registration fees paid by attorneys. The BBO collects annual attorney registration fees and uses them to fund its operations. Registration fees also support related entities including the Clients' Security Board ("CSB") and lawyer assistance programs, which are not part of the BBO.

#### *Adjudicatory Functions of the BBO*

The BBO's implementation of the bar disciplinary process includes evidentiary hearings before volunteer hearing officers as well as appellate review of those decisions by the 12-member Board at monthly meetings. The BBO appoints volunteer members as hearing officers; members of the Board adjudicate petitions for reinstatement. The BBO is currently publishing a treatise to provide members of the bar and the public with a guide to the legal work of the BBO.

#### *Administrative Functions of the BBO*

The operational and administrative services of the BBO are directed by the Executive Director ("ED"), including human resources, budgeting, procurement, information technology, and facilities. The ED supervises the administrative functions supporting the disciplinary process as well as the attorney registration process. These services and the personnel who perform them support all BBO functions, including the Office of General Counsel ("OGC"), OBC, Registration, and the CSB. The ED drives strategic planning and implementation across the BBO, the OGC, and OBC, but, has no authority over BBO and OBC disciplinary actions, decisions or related legal judgments. The BBO has several standing committees that address specific administrative functions including Budget and Finance, Personnel, Rules, and Technology.

#### *Office of the General Counsel*

The OGC's four attorneys serve as legal counsel to the BBO. In addition to providing support for the activities of the BBO during their monthly meetings, the OGC provides legal counsel for all

BBO adjudicatory activities, including: case review; issuance of subpoenas and orders; and drafting of decisions. Additionally, the OGC provides legal counsel to board and hearing panel members who conduct disciplinary hearings and supports the ED's administrative functions.

In addition, the OGC administers the Commissioner's Program. The program, established in 2018, is charged with overseeing and executing commissioner appointments under S.J.C. Rule 4:01, Sec. 14 and Sec. 17. The Commissioner's Program is dedicated to establishing a uniform approach to the administration of the commissioner process and is overseen by the General Counsel with the support of a Legal Program Manager.

#### *Clients' Security Board*

The CSB consists of seven members of the bar of the Commonwealth who are appointed by the Court to serve as public trustees of the Clients' Security Fund. A portion of the annual fee paid by each member of the bar is allocated to the Fund. CSB Board members manage and distribute the monies in the Fund to members of the public who have sustained a financial loss caused by the dishonest conduct of a member of the bar acting as an attorney or a fiduciary. The BBO provides administrative support to the CSB.

#### *Registration Department*

The Registration Department is the division of the BBO responsible for attorney compliance with Rule 4:02 and Rule 4:03, which govern the annual registration of every attorney admitted to, or engaging in, the practice of law in the Commonwealth. At the close of FY 2018, there were 59,092 Massachusetts attorneys registered on active status and another 11,879 attorneys on inactive status. The Registration Department administers the registration processes and collects funds for all attorney registrations. The department also processes applications for Pro Hac Vice status and tracks compliance with particular rules.

#### *Office of Bar Counsel*

The OBC is the division of the BBO responsible for the investigation of matters involving alleged misconduct by lawyers, and the prosecution of attorney disciplinary proceedings. The BBO provides administrative support to the OBC which is currently led by Bar Counsel, Constance Vecchione, who is retiring following over 38 years of service to the office, the last 12 as BC. In FY 2017, OBC opened 725 investigations of complaints against attorneys. The 725 files docketed in FY 2017 involved 643 attorneys: 586 of the respondent lawyers had one complaint filed against them, 45 had two complaints, and 12 had three or more complaints filed in the fiscal year. Also, in FY 2017 OBC initiated investigation on 96 lawyers, not including dishonored check matters; these files were opened based on complaints by the public or attorneys, as well as news reports, information received from judges, district attorneys' offices, or other public agencies.

#### *Attorney and Consumer Assistance Program*

In addition to bringing forward disciplinary cases, the OBC administers ACAP and a diversion program. Since 2009, ACAP screens inquiries from consumers both by attempting to resolve routine concerns or minor disciplinary issues without opening a disciplinary file and by promptly referring matters that raise issues of more serious misconduct for investigation by the OBC. The aim of the diversion program is to offer education, evaluation, monitoring, or counseling to attorneys to address systemic problems in their practices and to provide training in legal ethics,

law practice management, substantive practice areas, and client relations, with the expectation that some minor misconduct will be better and more permanently addressed by remediation than by discipline. An experienced assistant bar counsel from the ACAP staff acts as diversion coordinator.

### **Applications and Inquiries**

The BBO provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, national origin, age, veteran status, disability or genetics. In addition to federal law requirements, the BBO complies with applicable state and local laws governing nondiscrimination in employment. As a unionized workplace, the BBO respects the rights of its employees under the existing collective bargaining agreement between the BBO and the union that represents them, OPEIU Local 6, AFL-CIO, and applicable labor law.

All inquiries, nominations/referrals, and applications, including a resume and letter of interest, should be submitted in confidence via email, referencing in the subject line “Bar Counsel Search”, by Friday, February 15, 2019 to:

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Boston, MA 02110-2320  
[bbojobs@massbbo.org](mailto:bbojobs@massbbo.org).