

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. BD-1998-019

IN RE: John S. Marani

**MEMORANDUM AND ORDER ON MOTION FOR LEAVE  
TO ENGAGE IN EMPLOYMENT AS A PARALEGAL**

John S. Marani was disbarred on May 12, 1998, for conversion of client funds. Matter of Marani, 14 Mass. Att'y Disc. R. 464 (1998). He has filed a motion for leave to engage in employment as a paralegal, pursuant to S.J.C. Rule 4:01 § 18(3), as appearing in 430 Mass. 1331 (1999). Marani states that if his motion were granted, he would work as a paralegal for his daughter, Attorney Jennifer Fearnley, in Whitman, Massachusetts. He would provide paralegal assistance on domestic relations and personal injury matters. He further states that he would have no unsupervised client contact, and no access to client funds. Bar counsel opposes the motion. After hearing, and for the reasons summarized below, the motion is denied, without prejudice.

Under rule 4.01, § 18(3), Marani has the burden of demonstrating that he is qualified to work as a paralegal, and that his proposed employment as such will not harm the public interest, the integrity and standing of the bar, and the administration of justice. Matter of Ellis, S.J.C. No. BD-1997-023 (January 18, 2007); Matter of Gonick, 21 Mass. Att'y Disc. R. 307 (2005). At the time of Marani's disbarment, the evidence was that he had converted approximately \$200,000.00, primarily during a time when he was under investigation by bar counsel and the subject of a separate disciplinary prosecution for a different misuse of client funds. See Matter of Marani, supra, 14 Mass. Atty. Disc. R. at 468. At that time, and currently, Marani explains that his misconduct was in large part the result of his being a compulsive gambler as well as alcoholic whose work on recovery was then not sufficiently advanced. Marani currently asserts that since his disbarment, he has continued to work consistently at his recovery from both addictions, and is

at present a recovering gambler and alcoholic who has successfully worked through and emerged from a lengthy change process. His work since his disbarment, which has included years of service as an addiction and substance abuse counselor at the Gosnold-Thorne Counseling Center and other facilities, supports his representations, as do letters from a supervisor at Gosnold and individuals whom he has counseled or with personal knowledge of his counseling work. Since 2003, Marani has also worked steadily, and apparently successfully, as a mortgage loan officer for a company located in Hanover, Massachusetts. He states that if he were permitted to work as a paralegal with his daughter, he would do so on a part-time basis; he has no present intention of leaving his job as a mortgage loan officer.

Marani's record of steady work and of excellent service to others for more than five years is strong evidence of rehabilitation. However, bar counsel represents, without any dispute from Marani, that the Client Security Board (CSB) has paid a total of \$278,100.88 to former clients of Marani. In November of 2007, nine and one-half years after being disbarred, Marani entered into an agreement with the CSB to pay \$200 per month in restitution, and at the date of the hearing before me, had made four payments. Restitution, and certainly full restitution, is not a condition precedent to the allowance of a motion to work as a paralegal, but Marani does have an annual income that is not insignificant, and I note that full repayment to the CSB on the schedule Marani is currently following would take over 100 years. Bar counsel argues that the public interest as well as the integrity and standing of the bar (and its reputation) would be adversely affected by allowance of Marani's motion at this time. I agree with this assessment. Cf. Matter of McCarthy, S.J.C. No. BD-1992-022 (Memorandum and Order dated January 2, 1997)(petition for reinstatement pursuant to S.J.C. Rule 4:01, § 18(5), denied in part because of petitioner's failure or refusal to make restitution when no longer compelled to do so).

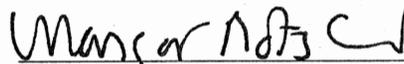
In addition, Marani's proposal is that he work as a paralegal for his daughter. There is no affirmative evidence in the record to indicate that Jennifer Fearnley is incapable of supervising her father's work, but again, there is the public interest as well as the integrity and standing of the

bar to consider. In light of the fact that Marani's daughter was apparently working for him in his law office during at least some of the time during which the conversions occurred, see Matter of Marani, *supra* at 466, and simply the fact that a close familial relationship exists between Marani and his daughter, there is a strong likelihood that members of the public would perceive Marani's return to work for his daughter as a paralegal in a negative light – that this is simply an implicit authorization for Marani to return to practicing law without being required to comply with the court's reinstatement requirements set out in rule 4:01, § 18.<sup>1</sup> Cf. Matter of Ellis, *supra*, slip op. at 2-3(denying motion for leave to be employed as a paralegal in part because attorney proposed to work for attorney who rented office space owned by attorney's family and received legal business from attorney's father, suggesting a lack of independent supervision).

Under rule 4:01, § 18(3), the allowance of a motion to engage in work as a paralegal is discretionary with the single justice. See Matter of Gonick, *supra*, slip op. at 4. The motion is denied without prejudice to refile at a later time and with a proposed employment arrangement that provides adequate and independent supervision.

### **ORDER**

The motion of John S. Marani for leave to engage in employment as a paralegal is denied without prejudice.



Margot Botsford  
Associate Justice

Entered: April 15, 2008

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<sup>1</sup> This is the import of a letter that bar counsel has forwarded to the court from one of Marani's cousins whose funds Marani had converted, with a reportedly devastating impact on her family.