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STATE OF MAINE

BOARD OF OVERSEERS OF THE BAR

SUPREME JUDICIAL COURT

DOCKET NO. BAR-16-2

BOARD OF OVERSEERS OF THE BAR )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 VALERIANO DIVIACCHI )  
 Boston, MA )  
 Me. Bar No. 006975 )  
 )  
 Defendant )

**ORDER**  
**M. Bar R. 26(e)**

This matter was initiated based upon a referral to Maine Bar Counsel by the General Counsel of the Massachusetts Board of Bar Overseers on December 18, 2015 then providing Maine Bar Counsel with the Order of Term Suspension imposed by a Single Justice of the Massachusetts Supreme Judicial Court, *In re Valeriano Diviacchi*, on December 3, 2015.

Valeriano Diviacchi was admitted to the Maine Bar on May 1, 1990; however, he was registered as a non-resident attorney and practiced law in Massachusetts. On May 1, 2015, prior to the effective date of the current revised Maine Bar Rules, he withdrew from his active non-resident status in the State of Maine. Pursuant to current Maine Bar Rule 4, he is currently on "inactive" status in the State of Maine, and is eligible for administrative reinstatement to active status pursuant to the provisions of M. Bar R. 4(j).

On January 14, 2016 the Maine Board of Overseers of the Bar filed a Petition for Reciprocal Discipline pursuant to M. Bar R. 26(c) seeking the

imposition of a twenty seven (27) month period of suspension from the practice of law upon Defendant Diviacchi, as discipline substantially identical in Maine to the discipline imposed under the December 3, 2015 Massachusetts Order.

On February 3, 2016, this Court ordered that Defendant Diviacchi inform it in writing of any claim by him that imposition by this Court of a discipline substantially identical to that imposed by the Commonwealth of Massachusetts would be unwarranted and the reasons therefore within 30 days of service of this Court's order upon him. By letter dated January 29, 2016, Bar Counsel served that Order on Defendant Diviacchi by regular mail pursuant to M. Bar R.15.

Defendant Diviacchi notified this Court on February 22, 2016 that he had entered an appeal of the twenty seven (27) month suspension imposed upon him by the Single Justice of the Massachusetts Supreme Judicial Court. On May 9, 2016, this Court deferred further action pending resolution of Defendant Diviacchi's appeal by the Massachusetts Supreme Judicial Court.

On November 2, 2016, the Supreme Judicial Court of Massachusetts issued its opinion denying Respondent Diviacchi's appeal. (See *In the Matter of Diviacchi*, 475 Mass. 1013). On November 7, 2016, Defendant Diviacchi filed an objection to the decision seeking a rehearing; however on December 2, 2016 the Massachusetts Supreme Judicial Court denied his petition for rehearing, and the original Order of Term Suspension is now final.

Accordingly, pursuant to M. Bar R. 26(e), it is hereby ORDERED as follows:

1. The Board of Overseers of the Bar's Petition for Reciprocal Discipline is hereby granted in all respects; and
2. Effective immediately and pursuant to M. Bar R. 26(e), Valeriano Diviacchi is now suspended for a period of twenty seven (27) months from the practice of law in Maine for his violations of those portions of Maine's Rules of Professional Conduct that are analogous to his violations of Rules 3.3(a)(1) and 8.4(c) of Massachusetts Rules of Professional Conduct (See, *In the Matter of Diviacchi*, 475 Mass. 1013, November 2, 2016).

DATED: January 18, 2017



Andrew M. Mead  
Associate Justice  
Maine Supreme Judicial Court

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