NO. BD-2011-048

S.J.C. Judgment of Disbarment entered by Justice Spina on June 6, 2011.[1]

SUMMARY[2]

This matter came before the Board of Bar Overseers and the Court on the respondent's affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15. In the affidavit, the respondent acknowledged that sufficient evidence existed to warrant findings that the material facts summarized below could be proved by a preponderance of the evidence.

The respondent was admitted to practice in the Commonwealth on December 19, 1996. From about January 2010 to February 2011, the respondent intentionally misappropriated funds from personal injury settlements. The respondent repeatedly used funds from more recent settlements to pay off settlements or third-party obligations owed on earlier settlements. The respondent did not have adequate funds available to make payments to or on behalf of at least fifteen clients whose cases settled after January 2010, and, by February 2011, the balance in the respondent's IOLTA account was at least $94,000 short of the amount that should have been on deposit. By his conduct, the respondent violated Mass. R. Prof. C. 1.15(b), 1.15(c), 1.15(e)(3) and (4), 1.15(f)(1), 8.4(c), and 8.4(h).

In aggravation, the respondent received a public reprimand in 2005 for commingling and negligent misuse of client funds, without intent to deprive and with no deprivation resulting, and for failing to maintain adequate trust account records. *Matter of McCarthy*, 21 Mass. Att'y Disc. R. 471 (2005).

On April 27, 2011, the respondent filed an affidavit of resignation. On May 9, 2011, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and the respondent disbarred. On June 6, 2011, the Supreme Judicial Court entered a judgment accepting the affidavit of resignation and disbarring the respondent from the practice of law in the Commonwealth effective immediately upon the entry of the judgment.

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[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

[2] Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.