

**IN RE: FREDERICK J. WATSON, III****NO. BD-2011-049****S.J.C. Order of Term Suspension entered by Justice Cordy on December 27, 2012.¹****SUMMARY²**

The respondent received an eighteen-month suspension from the practice of law for neglecting the interests of three clients in unrelated matters, for failing to return his unearned fees, and for failing to cooperate with bar counsel. His misconduct is summarized below.

In the first matter, the respondent was retained to prepare and file a Chapter 7 bankruptcy for a client. He was paid a flat fee of \$2,500 plus \$274 in filing costs for the work. The respondent subsequently performed little work of substance for his client. Throughout the representation, the respondent also failed to reply to the client's requests for information and, eventually, stopped communicating with the client altogether. He was accordingly discharged by the client. The client requested that the respondent return the unearned portion of his fee, but the respondent failed to do so. He also failed to comply with his client's request for his case files.

The respondent's lack of diligence in representing the client, and in particular his failure to file a bankruptcy petition on his behalf, violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(h). The respondent's failure to keep his client reasonably informed about the status of his case and to respond to his requests for information violated Mass. R. Prof. C. 1.4(a). And the respondent's abandonment of his client's case without giving him notice and an opportunity to employ new counsel, his failure to make files available to him upon his request, his failure to return the filing fee advance and the unearned fee, and his failure to take other steps to protect his client's interests, violated Mass. R. Prof. C. 1.4(a) and (b) and 1.16(d).

In the second matter, the respondent was retained to represent a client in two adversary proceedings in bankruptcy court. The client was seeking to block the discharge of two loans that he had issued to a debtor under allegedly false pretenses. The loans totaled approximately \$160,000. The respondent was paid \$7,500 to represent the client in these proceedings. Within a few months, however, the respondent had essentially abandoned the cases. He again failed to respond to client inquiries and did nothing to help him find new counsel. As a result of the respondent's inaction, the bankruptcy court ultimately dismissed the client's adversary proceedings and ordered a discharge of the loans. The respondent never returned the unearned portion of his fee.

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.

The respondent's lack of diligence in representing the client, and in particular his failure to prosecute the adversary proceedings, violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(h). The respondent's failure to keep the client reasonably informed about the status of his case and to respond to his requests for information violated Mass. R. Prof. C. 1.4(a). The respondent's abandonment of the client's case without giving the client notice and an opportunity to employ new counsel, his failure to return the unearned fee, and his failure to take other steps to protect the client's interests, violated Mass. R. Prof. C. 1.4(a) and (b) and 1.16(d).

In the third matter, the respondent was retained to prepare and file a Chapter 7 petition in bankruptcy for a husband and wife. He was paid a flat fee of \$2,700 plus \$299 in filing costs for this work. Over the course of the representation, the respondent failed to perform any work of substance for his clients, failed to respond to their inquiries regarding status, and failed to file a petition in bankruptcy on their behalf. He also failed to return the unearned portion of his fee.

The respondent's lack of diligence in representing these clients, and in particular his failure to file a bankruptcy petition on their behalf, violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(h). The respondent's failure to keep his clients reasonably informed about the status of their case and to respond to their requests for information violated Mass. R. Prof. C. 1.4(a). The respondent's abandonment of his client's case without giving them notice and an opportunity to employ new counsel, his failure to return the filing fee advance and the unearned fee, and his failure to take other steps to protect their interests, violated Mass. R. Prof. C. 1.4(a) and (b) and 1.16(d).

The respondent also failed without good cause to respond to bar counsel's inquiries regarding these matters. Consequently, on May 31, 2011, he was administratively suspended by order of the Supreme Judicial Court. The respondent's failure to cooperate with bar counsel's investigation violated Mass. R. Prof. C. 8.1(b) and 8.4(d), (g) and (h).

Based on the foregoing, bar counsel filed a petition for discipline on August 6, 2012. The respondent failed to file an answer and the charges were deemed admitted pursuant to § 3.15(e) of the Rules of the Board of Bar Overseers. On October 15, 2012, the Board of Bar Overseers voted unanimously to recommend to the Supreme Judicial Court that the respondent be suspended from the practice of law for a period of eighteen months. On December 27, 2012, the Court so ordered, effective on the date of entry.