

**NO. BD-2011-075****S.J.C. Order of Term Suspension entered by Justice Botsford on September 15, 2011, with an effective date of October 17, 2011.¹**

(S.J.C. Judgment of Reinstatement entered by Justice Botsford on August 27, 2012.)

SUMMARY²

Pursuant to S.J.C. Rule 4:02(1), the respondent was required to register annually with the Board of Bar Overseers and to pay an annual registration fee pursuant to S.J.C. Rule 4:03(1). On August 5, 2008, the board sent the respondent an annual attorney registration statement. The respondent received and did not respond to this notice. Between September 9, 2008, and March 20, 2009, the board sent the respondent six subsequent notices advising him that failure to register and pay his annual fee would result in administrative suspension. The respondent received these notices and did not register with the Board or pay his annual registration fee.

On April 27, 2009, the respondent was administratively suspended by the Supreme Judicial Court due to his failure to register and pay the required annual registration fee. The respondent received notice of the suspension, but did not seek reinstatement within thirty days of the issuance of the order and therefore became subject to the notice and compliance provisions of S.J.C. Rule 4:01, § 17(1), (5) and (6). In October of 2010, the respondent applied for reinstatement and was reinstated to the bar on October 29, 2010.

By failing to file the annual registration statement and to pay the annual registration fee, the respondent violated Mass. R. Prof. C. 8.4(h), S.J.C. Rule 4:02(1), and S.J.C. Rule 4:03(1).

By failing to comply with the Court's order of administrative suspension without good cause, the respondent violated Mass. R. Prof. C. 3.4(c), 8.4(d) and 8.4(h), and S.J.C. Rules 4:01, § 17, and S.J.C. Rule 4:03, § 3.

During the time the respondent was administratively suspended, the respondent continued to practice law and failed to notify his clients, opposing counsel and the courts of his suspension. Prior to the respondent's administrative suspension, the respondent had been retained to represent a client in a property dispute. In 2008, the respondent was paid \$1,200 by the client to file a lawsuit on their behalf. The respondent failed to file the lawsuit and took little action of substance on his behalf. In February of 2009, the respondent intentionally misrepresented to the client that there was a court hearing scheduled in their case. After the respondent's administrative suspension, he failed to inform the client that he was suspended, failed to withdraw from the representation, failed to make the file available to him and failed to return the unearned portion of their fee. Throughout the summer of 2009, the respondent continued to perform legal services for the client. In August of 2009, the client terminated the respondent's legal services and requested an accounting of the \$1,200 paid to the respondent. The respondent failed to provide the accounting to the client.

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.

By failing to take action on behalf of the client in a timely manner, the respondent violated Mass. R. Prof. C. 1.2(a) and 1.3.

By misrepresenting to the client that there was a court hearing scheduled in February of 2009, the respondent violated Mass. R. Prof. C. 8.4(c).

By failing to inform the client that he was suspended, failing to withdraw from the representation, failing to make the file available to them and failing to return the unearned portion of the fee, the respondent violated Mass. R. Prof. C. 1.16(a)(1), 3.4(c), 8.4(d) and 8.4(h), and S.J.C. Rule 4:01, §§ 3 and 17.

By continuing to represent the client after his administrative suspension, the respondent violated Mass. R. Prof. C. 3.4(c), 5.5(a), 8.4(d) and 8.4(h), and S.J.C. Rule 4:01, §§ 3 and 17.

By failing to provide the client with an accounting of the funds paid, the respondent violated Mass. R. Prof. C. 1.15(d).

Beginning in 2007, prior to his administrative suspension, the respondent performed title examinations and represented lenders as a closing attorney for a company that provided attorneys to perform real estate closings. Throughout the time he was administratively suspended, the respondent continued to perform title examinations and to conduct real estate closings for the company. During this time, the respondent conducted in excess of 676 real estate closings. After the respondent was administratively suspended on April 27, 2009, and not reinstated within thirty days, the respondent failed to inform the company that he was suspended and continued to hold himself out as an attorney.

By continuing to practice law while administratively suspended, the respondent violated Mass. R. Prof. C. 3.4(c), 5.5(a), 8.4(d) and 8.4(h), as well as S.J.C. Rule 4:01, §§ 3(1) and 17,

By failing to inform the company that he was suspended from the practice of law, the respondent violated Mass. R. Prof. C. 1.4(b), 3.4(c), 8.4(d) and 8.4(h), and S.J.C. Rule 4:01, §§ 3 and 17.

The respondent was admitted to the bar in Massachusetts on December 13, 1999. The respondent refunded \$1,200 to the client, a matter that was neither mitigating nor aggravating. In aggravation, the respondent had been administratively suspended on two prior occasions for failure to file an annual registration statement and pay his registration fee.

On June 20, 2011, a petition for discipline and the respondent's answer to the petition for discipline and stipulation of the parties was filed with the Board of Bar Overseers. The parties jointly recommend that the respondent be suspended from the practice of law for nine months. On July 11, 2011, the board voted to accept the stipulation of the parties and their joint recommendation to file an Information with the Supreme Judicial Court. On September 15, 2011, the Court entered an order suspending the respondent from the practice of law for a period of nine months, effective thirty days after the date of the entry of the order.