NO. BD-2011-082

S.J.C. Judgment of Disbarment entered by Justice Botsford on September 29, 2011.[1]

SUMMARY[2]

This matter was submitted to the Supreme Judicial Court for Suffolk County on an affidavit whereby the respondent waived the institution of formal disciplinary proceedings and consented to her disbarment pursuant to S.J.C. Rule 4:01, § 8(7). In her affidavit, the respondent acknowledged that the material facts underlying the following charges could be proved by a preponderance of the evidence.

Until about the spring of 2011, the respondent held appointments by the probate court as guardian or conservator of incapacitated persons. She administered funds of the incapacitated persons pursuant to the appointment.

Between about February 2008 and January 2010, the respondent intentionally misused not less than about $56,190 of the funds of an incapacitated person for whom she was guardian. Because the respondent failed to make or maintain adequate records of her disposition of all the funds of the incapacitated person, the total amount of funds misused and the total restitution due the incapacitated person's estate could not be ascertained. The respondent misused the guardianship funds with the intent to deprive the incapacitated person of the funds at least temporarily and with actual deprivation resulting.

The incapacitated person died intestate in February 2010 leaving heirs at law whose whereabouts were then unknown. The respondent failed to seek the public administration of the incapacitated person's estate or file a final guardian's account. In 2011, proceedings for the public administration of the estate were initiated in the probate court. In April 2011, the respondent repaid $56,190.40 of the missing funds to the proposed public administrator of the estate.

The respondent's conversion of the incapacitated person's funds violated Mass. R. Prof. C. 8.4(c) and (h). The respondent's failure to account adequately for all those funds violated Mass. R. Prof. C. 1.15(d)(1) and 8.4(d). Her failure to keep required trust account records of all the funds violated Mass. R. Prof. C. 1.15(f)(1).

The respondent was admitted to the Massachusetts bar in 2005. She submitted her affidavit of consent to disbarment to the Court in August 2011. Bar counsel assented to the disbarment. On September 29, 2011, the Court entered a judgment disbarring the respondent from the practice of law in the Commonwealth effective immediately.

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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.