



NO. 00-2011-005

S.J.C. Order of Retroactive Term Suspension and Reinstatement entered by Justice Spina on October 5, 2011.¹**SUMMARY²**

On March 12, 2010, the respondent, Patrick E. Hunt, was suspended from the practice of law by the Supreme Judicial Court of Maine for six months, with all but thirty days of the suspension suspended, and with a one year period of monitoring and a CLE requirement. The circumstances resulting in the respondent's discipline were as follows.

Beginning in August of 2000, the respondent represented the Maine Department of Human Services in enforcing a lien on the estate of a woman who had died in September of 1996. The lien of \$124,603 was for medical services provided to the decedent. The decedent had one son, who predeceased her. The son's widow and their five children survived the decedent.

The decedent's property included six U.S. savings bonds with a face value of \$5,200. The bonds listed the decedent as owner and named her son as P.O.D. (pay upon death). One of the decedent's five grandchildren consulted with counsel about the bonds, and counsel concluded that the state had the right to claim the bonds in payment of its lien. Counsel sent the bonds to the respondent by January of 2001, together with the names and addresses of the decedent's five grandchildren.

The respondent mistakenly believed that the son's widow was the heir to the bonds and could sign them over to the state. The respondent neglected the matter until June of 2002, when he unsuccessfully tried to arrange a meeting with the widow to sign the bonds. In August of 2002, new counsel for the estate informed the respondent that the heirs of the bonds were the five grandchildren, not the widow. Faced with a statute of limitations period ending in mid-September, the respondent hastily filed a suit against the widow for fraud and declaratory judgment. The complaint mis-cited applicable statutes, contained no specific allegations of fraud, named the wrong defendant as heir to the bonds and improperly requested attorney fees.

The Maine court concluded that the respondent had no intent to harass or injure anyone but that his handling of the case was marked by a failure to exercise reasonable care and skill. The court concluded that the respondent violated the applicable Maine Bar Rule by not knowing the applicable law, not preparing the civil complaint properly, not taking the necessary steps to amicably resolve the matter where all parties agreed that the state was entitled to the bonds, and waiting too long to resolve the issue.

The respondent did not report the Maine discipline to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On August 23, 2011, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The respondent filed a response to the petition, requesting that reciprocal discipline be retroactive to the Maine suspension. On October 5, 2011, the Court (Spina, J.) entered an order suspending the respondent for six months, effective April 1, 2010, with all but thirty days suspended, and with a one year monitoring period. The Court also ordered the respondent reinstated to the Massachusetts bar, retroactive to the date of his reinstatement in Maine.

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.