

**IN RE: DANE C. DOWELL, III****NO. BD-2012-114****S.J.C. Order of Term Suspension entered by Justice Cordy on December 12, 2012.¹****SUMMARY²**

The respondent was suspended for one year and one day for his misconduct in two unrelated client matters.

In the first matter, the respondent was retained by an individual facing multiple criminal charges of assault with intent to murder and was paid a flat fee of \$2,000 to defend him. Over the next seven months, the respondent performed little work of substance for the client. He also failed without good cause to appear at various court proceedings and failed to respond to the client's requests for information and documents throughout the representation. Due to the respondent's abandonment of the case, the court had to appoint a public defender to represent the client.

The respondent's lack of competence and diligence in representing the client violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(d) and (h); his 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); and his abandonment of the client's case without giving the client notice and an opportunity to employ new counsel, his refusal to make files available to the client upon his request, and his failure to take other steps to protect the client's interests violated Mass. R. Prof. C. 1.4(a) and (b), 1.16(d), and 8.4(d) and (h).

The second matter involves the respondent's abandonment of another client facing criminal charges involving two counts of murder. In this matter, the respondent was paid a total of \$12,800 for his anticipated work in the case. Again, however, he performed little work of substance and failed without good cause to appear at scheduled court proceedings. Following his administrative suspension for failure to pay registration fees, the respondent ceased working on the case altogether. He took no steps to withdraw from the case or to identify successor counsel for the client. He also ceased responding to requests for information and documents from the client. And, he failed to comply with court orders requiring his (i) payment of a \$1,000 fine for failing to appear at a court proceeding, and (ii) turning over of his case files to the client within a specified time frame. At no time did the respondent refund any unearned portion of his collected fee.

The respondent's lack of competence and diligence in representing the client violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(d) and (h); his failure to comply with court orders

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.

violated Mass. R. Prof. C. 3.4(c); his 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); his abandonment of the client's case without giving the client notice and an opportunity to employ new counsel, his failure to return the unearned fees, and his failure to take other steps to protect the client's interests, violated Mass. R. Prof. C. 1.4(a) and (b), 1.16(d), and 8.4(d) and (h); and his failure to withdraw from the case and return the unearned fees and defense files to the client was in violation of S.J.C. Rule 4:01, § 17(l)(a), (c), (e) and (f), and Mass. R. Prof. 3.4(c) and 8.4(d) and (h).

The respondent initially failed to cooperate with bar counsel's investigation of the above client matters. In so doing, he violated Mass. R. Prof. C. 8.1(b) and 8.4(d), (g) and (h). However, the respondent ultimately did respond to bar counsel's inquiries and agreed to submit a joint recommendation to the Board of Bar Overseers regarding the disposition of these matters.

On November 2, 2012, the parties submitted a stipulation to the Board of Bar Overseers in which the respondent admitted the truth of the above facts and stipulated to the above disciplinary rule violations. The parties recommended that the respondent be suspended from the practice of law for one year and a day.

On November 19, 2012, the Board of Bar Overseers voted to accept the stipulation of the parties and their proposed sanction. On December 12, 2012, the Supreme Judicial Court for Suffolk County (Cordy, J.) ordered that the respondent be suspended from the practice of law for one year and a day.