

**IN RE: RICHARD A. HAYES****NO. BD-2013-011****S.J.C. Judgment of Disbarment entered by Justice Botsford on August 22, 2013.¹****SUMMARY²**

Richard A. Hayes, the respondent, was admitted to the bar of the Commonwealth on July 10, 1997. The respondent's mother-in-law gave him a power of attorney. During her lifetime, the mother-in-law established two trusts, naming a bank as the trustee. After the mother-in-law died in November 2009, the respondent did not inform the trustee of his mother-in-law's death. From November 2009 to August 2010, under the authority of the expired power of attorney, the respondent had the trustee continue to issue \$2,000 each month for his mother-in-law's purported living expenses. The funds were deposited to a joint account that the respondent had held with his mother-in-law. The respondent withdrew the funds by checks that he deposited to his IOLTA account and used the funds to pay personal and business expenses, including the expenses of his law practice.

The respondent was temporarily suspended on February 25, 2013. On April 4, 2013, bar counsel filed a petition for discipline charging that the respondent's conduct violated Mass. R. Prof. C. 1.15(b), (c), and (d) and 8.4(b), (c), and (h). The respondent did not file an answer to the petition, was defaulted, and did not otherwise participate in the bar discipline proceedings.

On June 24, 2013, the Board of Bar Overseers voted to recommend that the respondent be disbarred retroactive to February 25, 2013. An information was filed in the Supreme Judicial Court for Suffolk County, and, on July 15, 2013, an order of notice issued and served on the respondent, directing the respondent to appear at a hearing on August 1, 2013.

On August 1, 2013, the county court held a hearing on the board's information recommending disbarment. The hearing was attended by assistant bar counsel but not by the respondent. On August 22, 2013, the county court (Botsford, J.) entered a judgment of disbarment retroactive to February 25, 2013.

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.