IN RE: WARREN E. WOOD

NO. BD-2013-043

S.J.C. Judgment Accepting Affidavit of Resignation As A Disciplinary Sanction entered by Justice Gants on May 3, 2013.[1]

SUMMARY[2]

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, §#5. The respondent admitted in his affidavit that the material facts described in bar counsel's amended petition for discipline could be proved by a preponderance of the evidence and that a hearing committee, the Board of Bar Overseers and the Supreme Judicial Court would conclude that the respondent violated the rules charged therein, specifically as follows:

a) In the respondent's capacity as attorney for debtors in two separate chapter 13 petitions for bankruptcy (both later converted to chapter 7), he failed to meet deadlines, failed to competently and diligently pursue relief and failed to file mandatory disclosure of compensation forms, resulting in a court order of disgorgement of $8,000 in fees in one case and $3,500 in the other, all in violation of Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.5(a), 1.16(d) and 3.4(c). The respondent repaid $3,500 in one case, but had not returned the $8,000 in the other;

b) In the respondent's capacity as attorney for a residential tenant, he failed to timely serve an answer to a summary process complaint and failed to timely initiate investigation and discovery, in violation of Mass. R. Prof. C. 1.1, 1.2(a) and 1.3;

c) With respect to a trust account established for an individual client, the respondent did not keep a ledger reflecting bank fees or charges or an accurate check register that included bank charges, all as required by Mass. R. Prof. C. 1.15(f)(1)(B) and (D), resulting in a nominal but unnoticed charge for printing checks that caused the dishonor of a $48,000 check refunding escrow funds in a transactional matter; and

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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.

d) In the respondent's capacity as attorney for a client in certain civil litigation, he failed to timely return the client's file and provide an itemization of his time and services upon the client's request, in violation of Mass. R. Prof. C. 1.16(d) and (e).

On April 26, 2013, the board voted to recommend that the affidavit of resignation be accepted as a disciplinary sanction. On May 3, 2013, the Supreme Judicial Court for Suffolk County so ordered.