

**IN RE: CHARLES TOOMAJIAN****NO. BD-2013-054****S.J.C. Judgment of Disbarment entered by Justice Spina on January 14, 2014.¹****SUMMARY²**

On May 28, 2013, the respondent was convicted in Essex Superior Court of larceny over \$250 in violation of G. L. c. 266, § 30(1), and accessory after the fact in violation of G. L. c. 274, § 4. The respondent deposited in his IOLTA account over \$659,000 that another person had embezzled from that person's employer. The respondent then issued checks from the account to pay the embezzler's gambling debts and other obligations. The respondent was sentenced on the larceny count to two years in the house of correction, on the accessory count he was sentenced to five years' probation on and after the larceny sentence, and he was ordered to pay \$350,000 in restitution.

The respondent was temporarily suspended from the practice of law on June 14, 2013. He failed to close his IOLTA and other fiduciary accounts and therefore did not comply with the order of suspension.

On August 13, 2013, bar counsel filed a petition for discipline charging the respondent with the convictions and with failing to comply with the order of temporary suspension. Bar counsel alleged that the conduct violated Mass. R. Prof. C. 1.2(d), 3.4(c), and 8.4(a)-(d) and (h). On December 9, 2013, the respondent submitted an affidavit of resignation in which he admitted to the facts and rule violations set forth in the petition for discipline. Bar counsel asked that the affidavit of resignation be accepted and a judgment of disbarment effective on the date of entry. Bar counsel also asked that the respondent not be permitted to apply for reinstatement until eight years after he fully complied with the disbarment judgment and order of temporary suspension.

On January 4, 2014, the Board of Bar Overseers voted to recommend to the Supreme Judicial Court that the affidavit of resignation be accepted and a judgment of disbarment enter effective as of the entry date of the judgment. On January 13, 2014, the board filed the record of proceedings in the Supreme Judicial Court for Suffolk County. On January 14, 2014, the county

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.

court (Spina, J.) entered a judgment accepting the affidavit of resignation and disbarring the respondent effective on the entry date of the judgment.