IN RE: PAUL ANDREW LANCIA

NO. BD-2013-068

S.J.C. Order of Term Suspension entered by Justice Botsford on August 5, 2013.[1]

SUMMARY[2]

Bar counsel filed a petition for discipline against the respondent alleging nine counts of misconduct. In his representation of eight clients, the respondent engaged in a pattern of misconduct and then, upon receipt of complaints to bar counsel, the respondent failed to cooperate in bar counsel's investigations, as follows:

In the first count, the respondent failed to deposit a retainer fee to an IOLTA account and failed to maintain the retainer in his IOLTA account until it was earned, in violation of Mass. R. Prof. C. 1.15(b)(1). In the same case, the respondent intentionally used the retainer for purposes unrelated to client before the retainer funds were earned and with deprivation resulting, in violation of 1.15(b) and 8.4(c). Finally, the respondent failed on or before the date he paid himself a fee to provide his client with an itemized bill or other accounting showing the services rendered, written notice of the amount and date of withdrawal, and a statement of the balance of the client's funds in the trust account after the withdrawal, in violation of Mass. R. Prof. C. 1.15(d)(2).

In the second count, the respondent misrepresented the status of a case to his client, in violation of Mass. R. Prof. C. 8.4(c).

With respect to a number of clients, the respondent failed to diligently represent his clients, including for example, failing to promptly notify his clients of receipt of discovery and the deadlines. He further failed to adequately respond to requests for information, in violation of Mass. R. Prof. C. 1.3 and 1.4(a), including failing to adequately communicate with his clients as to the status of their cases, in violation of Mass. R .Prof. C. 1.3 and 1.4(a). Finally, he failed, on a number of occasions, to timely make available his client's file upon request, in violation of Mass. R. Prof. C. 1.16(e).

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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.

The respondent engaged in other violations regarding his fees, including failing to communicate the basis or rate of his fee, in violation of Mass. R. Prof. C. 1.5(b), failing to provide an itemization of time and services promptly upon request and upon withdrawal from representation and failing to return an unearned portion of a retainer, in violation of Mass. R .Prof. C. 1.15(d) and 1.16(d).

In addition to his misconduct in connection with the representation of his clients, the respondent repeatedly failed to timely cooperate with the pending investigations of bar counsel without good cause, resulting in two administrative suspensions, in violation of Mass. R .Prof. C. 8.4(g) and S.J.C. Rule 4:01 § 3.

On March 1, 2013, bar counsel filed a petition for discipline against the respondent. The respondent failed to file an answer to the petition in conformance with the requirements of the Board of Bar Overseers Rule 3.15(d) and failed to cooperate in the disciplinary proceeding. Pursuant to S.J.C. Rule 4:01, § 8(3), the allegations were therefore deemed admitted. On June 3, 2013, the Board of Bar Overseers voted to recommend to the Court that the respondent be disbarred and on June 26, 2013, an information was filed with the Supreme Judicial Court for Suffolk County. Oral argument was scheduled before the single justice for August 1, 2013. The respondent failed to appear at oral argument and on August 5, 2013, the Court ordered that the respondent be suspended for one year and one day, effective immediately.