# IN RE: BRUCE MICHAEL CORMIER

**NO. BD-2013-072**

**S.J.C. Order of Term Suspension entered by Justice Cordy on July 15, 2013, with an effective date of August 14, 2013.[1]**

## SUMMARY[2]

The respondent was admitted to the Massachusetts bar on December 18, 1989, the New Hampshire bar on May 29, 1991, and the Maine bar on November 15, 1996. The respondent maintained a law office in New Hampshire until 2002, when he moved his practice to Massachusetts. The respondent failed to open up an IOLTA account in Massachusetts at that time and, instead, continued to use his existing New Hampshire IOLTA account in violation of Mass. R. Prof. C. 1.15(e)(1).

In November of 2007, the respondent was retained by three clients whose brother had died in a single-car accident on October 6, 2007. The brother was a passenger in the automobile. The policy coverage for the vehicle was $20,000. The respondent told his clients that he would charge a fee equal to one-third of all amounts collected by him, plus reimbursement for costs and expenses incurred. It was further agreed that the respondent would probate the estate of the decedent at no additional charge.

On July 7, 2008, the respondent filed a petition for the administration of the estate, and on September 18, 2008, one of the clients was appointed administratrix. The respondent never filed an inventory or an account and never took steps to complete administration of the estate. His conduct was in violation of Mass. R. Prof. C. 1.1, 1.3, 3.4(c), and 8.4(d). The respondent's fee of one-third was clearly excessive in the circumstances of the case, and he therefore violated Mass. R. Prof. C. 1.5(a).

Between November 2007 and March 2009, the respondent advanced to one of the clients more than her one-third share of the funds. By March 9, 2009, the respondent had settled the insurance claim for the full policy limits and, on that day, deposited the $20,000 check into his IOLTA account.

The respondent failed to promptly withdraw his one-third contingency fee from the account in violation of Mass. R. Prof. C. 1.15(b)(2). He also failed promptly to distribute to the

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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.

remaining two clients their full share of the funds in violation of Mass. R. Prof. C. 1.15(c), although he made a partial distribution to one client in December 2009.

The respondent failed to keep records required by Mass. R. Prof. C. 1.15 for the IOLTA account. After March 9, 2009, he negligently misused a portion of his clients' share of the funds for his own purposes. On several occasions between March of 2009 and September of 2010, the respondent deposited personal and family funds into his IOLTA account and issued checks drawn on that account to his wife and daughter for personal matters in violation of Mass. R. Prof. C. 1.15(b)(2). During that same time period, the respondent also withdrew cash from the account including by way of a check made payable to "cash" in violation of Mass. R. Prof. C. 1.15(e)(3). By failing to keep required trust account records, by issuing checks payable to cash, and by failing to keep client funds in a trust account, the respondent violated Mass. R. Prof. C. 1.15(b) and (e)(5) and (f).

Beginning in April of 2010 and continuing through July of 2010, one of his clients called the respondent multiple times demanding that he pay the money due her and her brother. The respondent knew by that time that he no longer held sufficient funds to pay the clients in full, and he misrepresented to the client that the funds had to be kept in reserve in case the decedent's fiancée brought a claim against the estate. The respondent knew that the fiancée had no legitimate claim and that any claim she might bring was by then time-barred. Later, the respondent told the client that he needed to complete the probate of the estate before he could disburse the remaining funds, but the respondent took no action to close the estate.

One of the clients then requested that the Office of the Bar Counsel investigate the respondent's conduct. The respondent paid the clients in full on September 17, 2010.

By failing to account for the funds, the respondent violated Mass. R. Prof. C. 1.15(d). By failing to inform his clients of his dissipation of their funds and misrepresenting the reasons for his failure to remit to them the amounts owed in order to conceal his negligent misuse, the respondent violated Mass. R. Prof. C. 1.4(a) and (b) and 8.4(a), (c), and (h).

Disciplinary proceedings were commenced against the respondent with the filing of a petition for discipline with the Board of Bar Overseers on February 22, 2013. On June 13, 2013, an amended answer to the petition for discipline and stipulation of the parties was filed with the board. The parties jointly recommended that the respondent be suspended from the practice of law for two years.

On June 24, 2013, the Board of Bar Overseers voted unanimously to accept the parties' stipulation and recommendation for discipline. On July 3, 2013, the board filed an information and the record of proceedings with the Supreme Judicial Court for Suffolk County. On July 15, 2013, the Supreme Judicial Court for Suffolk County (Cordy, J.) ordered that the respondent be suspended from the practice of law for a period of two years, effective thirty days after the entry date of the Court's order.