

**IN RE: MARTIN J. GATELY****NO. BD-2014-002****S.J.C. Judgment of Disbarment entered by Justice Gants on January 15, 2014.<sup>1</sup>****SUMMARY<sup>2</sup>**

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, § 15.

The respondent was the subject of a prior prosecution by bar counsel and was indefinitely suspended from the practice of law on November 5, 2007 (23 Mass. Att'y Disc. R. 179 (2007)). On July 31, 2012, the Office of Bar Counsel opened an investigation into allegations of misconduct by the respondent while indefinitely suspended from the practice of law. In January of 2008, the respondent took possession of the proceeds from the sale of a client's home in the amount of \$338,828.59, to hold in trust for the benefit of the client. The respondent intentionally misused the client's funds in the amount of not less than \$186,465.47, and he has not made restitution.

The respondent agreed that the above facts would be established by a preponderance of the evidence and that a hearing committee, the board and the Supreme Judicial Court would conclude that he had violated Mass. R. Prof. C. 1.15(b) and 8.4(c) and (h) by intentionally misusing client funds, with deprivation. On January 6, 2014, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and that the respondent be disbarred. The Court so ordered on January 15, 2014.

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.