

**IN RE: REBECCA ANN LAWLOR****NO. BD-2014-039****SUMMARY<sup>1</sup>**

The respondent received an eighteen-month suspension from the practice of law for neglecting the interests of three clients in unrelated bankruptcy matters, for failing to promptly return her unearned fees in those and additional unrelated matters, and for failing to obey court orders in all of these matters. Her misconduct is summarized below.

In the first case, the respondent was retained to prepare and file a Chapter 13 bankruptcy for a client. She was paid a flat fee of \$3,500 for the work. The respondent filed the client's petition. However, over the next six (6) months, she neglected the matter. Among other things, she failed to attend a creditors' meeting scheduled by the court, filed a deficient amendment to her client's petition, and failed to comply with a court order requiring her to correct the deficiency. An objection to the bankruptcy plan followed. The respondent failed to file a timely response to the objection and failed to comply with an order requiring her to file a supplemental plan for the bankruptcy. The respondent ultimately filed a voluntary motion to dismiss the case, which was allowed by the court. Afterwards, the court entered an order requiring the respondent to disgorge her \$3,500 flat fee to her client. The respondent failed to promptly repay her client. She complied with the disgorgement order only after further intervention by the court (see below).

In the second case, the respondent was retained to prepare and file a Chapter 13 bankruptcy for a client. She was paid a flat fee of \$3,500 for the work. The respondent filed the client's petition. However, she almost immediately began neglecting the case. For example, she failed to respond to motion practice and failed to comply with orders entered by the court. As a result, the court dismissed the case on two occasions, each of which required the respondent to file a motion to vacate dismissal (which was allowed). Afterwards, the court ordered the respondent to file an amended plan for bankruptcy and to pay certain filing fees that were overdue. Over the next several months, the respondent failed to comply with the court's order. She ultimately filed a motion to withdraw, which was allowed only after the respondent paid the overdue fees. Her client retained new counsel and, with his assistance, filed a motion to disgorge the respondent's \$3,500 flat fee. The motion was allowed, but the respondent did not promptly repay the client. She complied with the disgorgement order only after further intervention by the court (see below).

In the third case, the respondent was retained to prepare and file a Chapter 7 bankruptcy for a client. She was paid a flat fee of \$2,308 for the work. The respondent filed the client's petition, but she subsequently failed to take any meaningful action in the case at the expense of

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

her client. First, she failed to pay the required filing fees and then failed to advise her client that the case had been dismissed as a result. When alerted to the dismissal by the court, the client asked the respondent to file a motion to reopen the case. The respondent followed the client's instruction, but failed to appear at the hearing on the motion. The court accordingly denied the motion to reopen and issued an order requiring the respondent to show cause why she should not be sanctioned in the matter. Shortly afterwards, the court agreed to reopen the case based on a motion filed by the client's new lawyer. A hearing on the pending show cause order was also scheduled, but the respondent failed to appear at the hearing and was therefore ordered to disgorge her fee to the client. The respondent failed to promptly repay her client. She complied with the disgorgement order only after further intervention by the court (discussed below).

The respondent's lack of competence and diligence in representing these three clients violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(h). Her failure to promptly return the unearned fees violated Mass. R. Prof. C. 1.16(d). And by failing to obey court orders, she violated Mass. R. Prof. C. 3.4(c) and 8.4(d) and (h).

In addition to the above matters, the respondent filed eight additional bankruptcy matters in which orders of disgorgement and/or sanctions were ordered against her for lack of diligence and/or violations of court orders. As above, the respondent failed to comply promptly with these orders. Accordingly, in the interests of judicial economy, all of the eleven actions involving the respondent's unsatisfied disgorgement and/or sanctions orders were re-assigned to a single judge of the bankruptcy court. The judge ultimately entered an omnibus order requiring the respondent to satisfy each of the orders pursuant to an agreed-upon installment payment plan. The installments were to be made payable to the Office of the U.S. Trustee for disbursement to the respondent's former clients. However, the respondent failed to satisfy the first installment payment. She was held in contempt of court. She also was ordered to pay all of the monies called for by the unsatisfied orders (totaling \$24,458) to the Office of the U.S. Trustee within forty-eight hours. The respondent complied with this order.

The respondent's failures to promptly return her unearned fees in these eight additional bankruptcy matters violated Mass. R. Prof. C. 1.16(d). Her failure to obey court orders in each of those matters violated Mass. R. Prof. C. 3.4(c) and 8.4(d) and (h).

On February 27, 2014, the parties submitted a stipulation to the Board of Bar Overseers in which the respondent admitted the truth of the above facts and stipulated to the above disciplinary rule violations. The parties recommended that the respondent be suspended from the practice of law for eighteen months.

On March 24, 2014, the Board of Bar Overseers voted to accept the stipulation of the parties and their proposed sanction.

On May 30, 2014, the Supreme Judicial Court for Suffolk County (Botsford, J.) entered an order adopting the board's recommendation, effective thirty days after the date of entry.