

**IN RE: LARRY J. VOSS****NO. BD-2015-009****S.J.C. Order of Term Suspension entered by Justice Cordy on November 30, 2015.<sup>1</sup>****SUMMARY<sup>2</sup>**

The respondent was admitted to practice in Massachusetts in 2011. Between about 2011 and 2015, the respondent was engaged in a solo practice in North Andover, Massachusetts, specializing in domestic relations matters. The respondent was disciplined for his conduct in two matters.

In the first matter, in about July 2013, the respondent agreed to prepare and seek allowance by the probate court of a qualified domestic relations order (QDRO) for a divorce client shortly after a judgment entered in her divorce. The QDRO was to direct her ex-husband's retirement plan to make payments to the client. The respondent had never prepared a QDRO before. Between about July 2013 and May 2014, the respondent failed to take any action of substance to prepare the QDRO, and he failed to reply to his client's requests for information about the status of the matter.

On March 25, 2014, bar counsel opened a file to investigate a request for investigation from the client. On or about May 7, 2014, the respondent prepared a proposed QDRO, and delivered it to the probate court to be signed by the judge who had issued the divorce judgment. The respondent erroneously listed the wrong retirement plan on the draft order. On May 7, 2014, the judge signed the QDRO. Shortly after receiving the executed QDRO from the Court, the respondent determined that the order did not name the correct retirement plan. On or about June 13, 2014, the respondent informed the client of the problem, and told her that he would prepare a new QDRO, send it to the retirement plan administrator for pre-approval, and then file it for execution by the court.

After June 2014, the respondent performed no additional work of substance on the matter. The respondent did not prepare a new QDRO, and he did not notify his client that he would not be taking any additional steps to assist her with the matter. Between June and September 2014, the respondent did not reply to telephone calls from his client or from a lawyer who attempted to contact the respondent on the client's behalf. In October 2014, the new lawyer agreed to prepare the QDRO for the client and the respondent sent her the file.

By failing to represent his client with reasonable diligence, promptness and competence, and to seek the lawful objectives of his client, the respondent violated Mass. R. Prof. C. 1.1, 1.2(a), and 1.3. By failing to respond to reasonable requests for information from his client and

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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.

her representative, and by terminating his representation of his client without giving her reasonable notice, the respondent violated Mass. R. Prof. C. 1.4(a) and (b), 1.16(d), and 8.4(h).

In the second matter, the respondent represented a client who was serving as the permanent guardian of the person and estate of his sister. In September 2014, the sister was hospitalized. Due to her physical condition, the sister was unable to return home and needed to be placed in a facility equipped to care for her needs. After consultation with the sister's care provider, the client agreed to seek court authority to expand the terms of his guardianship to permit him to take actions to place his sister in a long term care facility appropriate for her needs.

On September 13, 2014, the respondent agreed to represent the client in his guardianship matter, and to charge an hourly fee of \$100/hour for the representation. The client paid the respondent \$450. The respondent did not perform any work of substance on the guardianship matter. He did not file any guardianship papers with the court. The respondent also did not respond to telephone calls from his client or the hospital's counsel.

On December 29, 2014, bar counsel opened a file to investigate the guardian's complaint and sought a response from the respondent. The respondent knowingly failed without good cause to respond to bar counsel. The respondent did not return the client's unearned fee in the amount of \$450.

On February 26, 2015, the respondent was administratively suspended pursuant to S.J.C. Rule 4:01, § 3(2), for failing to cooperate with bar counsel's investigation. On April 30, 2015, the respondent was administratively suspended pursuant to S.J.C. Rule 4:02, § (1), for failure to register with the Board of Bar Overseers. The respondent knowingly failed without good cause to comply with the requirements of the administrative suspension orders and S.J.C. Rule 4:01, § 17. Among other things, the respondent failed to notify his clients in writing that he had been suspended, and to return their files and their unearned fees. The respondent also did not file affidavits of compliance with the Court and bar counsel. On May 8, 2015, the Board of Bar Overseers issued a subpoena directing the respondent to appear before bar counsel with his files and to answer questions. The respondent knowingly failed without good cause to appear on May 22, 2015, for the subpoena meeting with bar counsel. The respondent did not respond to additional correspondence from bar counsel asking him to provide the subpoenaed records and to reschedule the meeting.

By failing to represent his client with reasonable diligence, promptness and competence, and to seek the lawful objectives of his client in his guardianship matter, the respondent violated Mass. R. Prof. C. 1.1, 1.2(a), and 1.3. By failing to respond to reasonable requests for information from his client and the hospital's counsel, the respondent violated Mass. R. Prof. C. 1.4(a) and 8.4(h). By failing to return the unearned advance fee to his client upon the termination of his representation, the respondent violated Mass. R. Prof. C. 1.16(d). By knowingly failing without good cause to respond to bar counsel's requests for information in connection with an investigation and to comply with a subpoena requiring him to appear with records and to testify, the respondent violated S.J.C. Rule 4:01, § 3(1)(a) and (b), and Mass. R. Prof. C. 3.4(c), 8.1(b), and 8.4(g). By failing to comply with administrative suspension orders, the respondent violated S.J.C. Rule 4:01, § 17(1), and Mass. R. Prof. C. 3.4(c) and 8.4(d).

On August 5, 2015, bar counsel filed a petition for discipline against the respondent. The respondent failed to file an answer to the petition, and was defaulted. On October 19, 2015, the board voted to recommend that the respondent be suspended from the practice of law for six months and that he be required to undergo a reinstatement hearing. The board filed an information with the Supreme Judicial Court for Suffolk County. After a hearing on November 23, 2015, at which the respondent did not appear, the Court (Cordy, J.) entered an order on November 30, 2015, suspending the respondent for six months effective immediately, and requiring a hearing as a prerequisite to reinstatement.