IN RE: YURI LEVINTOFF

NO. BD-2016-003

S.J.C. Judgment of Disbarment entered by Justice Spina on February 12, 2016.[1]

SUMMARY[2]

The respondent represented a client in the negotiation and collection of a debt of $23,354.10. The debtor was represented by counsel. Without the client's knowledge or consent, the respondent agreed to resolve the matter for $11,677.05. In consideration of the compromised amount, the respondent signed a release without the client's knowledge or consent and provided the document to the debtor's counsel. The respondent received the settlement, deposited the funds into his IOLTA and converted the funds to his own use.

The respondent concealed his misconduct for a time with several acts of deceit. The respondent fabricated a settlement offer he purported to be from debtor's counsel, fabricated an agreement for judgment purportedly filed in a fictitious court and provided an altered image of a check he had received from the debtor. The respondent falsely claimed to the client that he was unable to deliver the funds because the debtor's check had been returned for insufficient funds. The client confronted the debtor's counsel and learned that the respondent had agreed to a compromise, and the debtor had paid the reduced sum.

While the respondent was negotiating the matter with the debtor's counsel, the respondent was administratively suspended from the practice of law. The respondent was not reinstated within thirty days and became subject to the notice requirements in the suspension order and S.J.C. Rule 4:01 § 17. The respondent failed to comply with the rule and the court order, by among other things, failing to inform the client of his suspension and continuing to practice law.

The client complained to bar counsel. The respondent failed without good cause to respond to bar counsel's request for information.

By agreeing to compromise the debt without the client's consent, the respondent violated Mass. R. Prof. C. 1.2(a), 1.4(a), 4.1(a) and 8.4(c) and (h) as in effect before July 1, 2015.

By intentionally making misrepresentations concerning the status of the matter to his client, the respondent violated Mass. R. Prof. C. 1.4(b), and 8.4(c) and (h) as in effect before July 1, 2015.

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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.

By intentionally misusing funds belonging to his client, the respondent violated Mass. R. Prof. C. 1.15(c) and 8.4(c) and (h) as in effect before July 1, 2015.

By failing to inform his client of his administrative suspension, failing to close his IOLTA account and continuing to practice law, the respondent violated Mass. R. Prof. C. 1.4(a) and 3.4(c), 5.5(a) and 8.4(d) and (h) as in effect before July 1, 2015.

By failing without good cause to respond to bar counsel's request for information, the respondent violated Mass. R. Prof. C. 8.1(b) and 8.4(d), (g) and (h) as in effect before July 1, 2015.

On September 24, 2015, bar counsel filed a petition for discipline, and served it on the respondent. The respondent failed to file an answer to the petition for discipline or otherwise participate in the disciplinary proceedings, and the allegations of the petition were deemed admitted.

On December 14, 2015, the Board of Bar Overseers voted to recommend that the respondent be disbarred. The board filed an information with the County Court. The Court scheduled the matter to be heard on February 10, 2016, and sent notice to the respondent. On February 10, 2016, the respondent failed to appear. On February 12, 2016, the Court entered an order disbarring the respondent, effective on the date the order entered.