



IN RE: DONALD W. TODRIN

NO. BD-1994-044

S.J.C. Judgment of Reinstatement Denied entered by Justice Hines on July 29, 2016.¹

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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.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT**

_____)
In the Matter of)

DONALD W. TODRIN,)

Petition for Reinstatement)
_____)

SJC No. BD-94-044

BOARD MEMORANDUM

The petitioner has appealed to the full Board from the report of a hearing panel (consisting of one former and two present members of the Board) recommending that his petition for reinstatement be denied. Bar counsel's opposition to the appeal raised certain issues concerning the basis for the panel's recommendation. We considered the matter at our meeting on January 11, 2016, and again on March 7, 2016.

The rule governing reinstatement imposes on the petitioner "the burden of demonstrating that he or she has the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest." S.J.C. Rule 4:01, § 18(5); B.B.O. Rules, § 3.65. By this memorandum, we articulate the reasons for our acceptance of the panel's recommendation to deny reinstatement.

The panel, which heard five witnesses, including petitioner, and admitted fourteen exhibits, concluded that petitioner's nonchalant approach to matters of import fails to demonstrate the diligence and competency necessary for reinstatement to the bar, and, moreover, that his reinstatement would, therefore, have a deleterious effect on the public, the bar and the administration of justice.

The panel carefully analyzed whether petitioner, who has been suspended since 1994, demonstrated the diligence and competency which the panel found were “fundamental duties” of an attorney, as opposed to the entrepreneur role which petitioner played during the past two decades. The panel observed that petitioner’s supplemental application for reinstatement contained mathematical and typographical errors and that his standard form of consulting agreement used in his principal business similarly had simple mathematical errors. While petitioner was required to disclose his debts in Part II of his reinstatement questionnaire, petitioner could not even say whether he was obligated as guarantor on debts totaling \$600,000.00 or instead \$1.3 million. He did not even review his own record of public discipline prior to the reinstatement hearing.

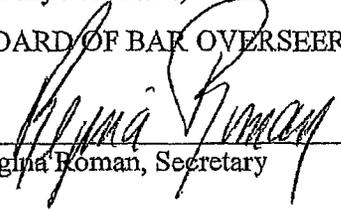
The panel found that his “slipshod” or “slapdash” attitude towards interpretation of legal requirements led him to repeatedly fail to disclose facts and circumstances that he was called upon to disclose. He failed to disclose thirteen civil suits involving his businesses in his reinstatement questionnaire, testifying that he “just didn’t think about” those matters. He failed to disclose an adversary proceeding in his questionnaire because he “did not consider it to be a real action.” He failed to report an administrative action by the Maryland Securities Division, and he also failed to disclose two of his businesses for no obvious reason or benefit to him.

In light of our usual deference to the panel’s credibility determination and the extensive record before us, we conclude that petitioner has not met his burden to demonstrate that he is of sufficient competency to be readmitted to the practice of law after an absence of 23 years, and, again based on this extensive record, that his reinstatement could have a deleterious effect on the public, the bar and the administration of justice.

In addition, some members of the Board are of the view that what the panel characterized as a lack of competency and diligence could also be seen as reflecting poorly on petitioner’s forthrightness. The panel clearly concluded on substantial evidence that it did not consider petitioner’s conduct to bear on his honesty or on his moral character generally. In fact, the panel specifically found that petitioner has reformed himself and has demonstrated good moral

character. Some members of the board, however, would find and conclude that petitioner's conduct, in addition to showing a lack of competency, is evidence of a lack of moral character and that, therefore, petitioner has failed to establish that he has the requisite moral qualifications to be readmitted to the practice of law. In any event, the Board is unanimous¹ that, however categorized, the shortcomings identified in the panel report are serious and that they prevent petitioner from satisfying his burden of showing he is a person to be held out by the court to the public as worthy of regaining the privilege of being a practicing attorney. Matter of Dawkins, 432 Mass. 1009, 16 Mass. Att'y Disc. R. 94 (2000).

Therefore, the Board is unanimous in its decision to recommend that petitioner's petition for reinstatement be denied.

Respectfully submitted,
THE BOARD OF BAR OVERSEERS
By: 
Regina Roman, Secretary

Voted: April 11, 2016

¹ Two members recused themselves because they were on the hearing panel.