



WILLIAM M. WAINWRIGHT
PUBLIC REPRIMAND NO. 2012-2

Order (public reprimand) entered by the Board on January 18, 2012.

SUMMARY¹

In June 2010, at the client's request, the respondent drafted a will for his client. The client was an experienced businessman and business associate of the respondent. The client was also a longtime close friend of the respondent. This will (the 2010 will) replaced a prior 2006 will that the respondent had also drafted. The 2010 will named the respondent as executor and left him a bequest.

The client died of cancer on November 16, 2010, and on November 29, 2010, the respondent offered the will for probate. The family of the decedent challenged the will and the respondent's appointment as executor. On April 22, 2011, the respondent filed a declination of any beneficial interest in the will. The parties are in the process of seeking appointment of a neutral special administrator to manage the estate.

There was no finding of undue influence, overreaching, fraud or misrepresentation in this matter. Mass. R. Prof. C. 1.8(c), however, strictly prohibits an attorney from writing an instrument for a non-relative in which the attorney or designated relatives of the attorney (including a spouse) receive a gift. The respondent's conduct in drafting a will for a non-relative that made a gift to the respondent violated Mass. R. Prof. C. 1.8(c).

The respondent was admitted to the bar of the Commonwealth on April 26, 1971 and has no history of discipline.

This matter came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. On January 9, 2012, the board accepted the parties' recommendation for a public reprimand.

¹Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.