

**RICHARD J-J MANCHESTER****Public Reprimand No. 2012-020****Order (public reprimand) entered by the Board on October 25, 2012.****SUMMARY**<sup>1</sup>

The respondent received a public reprimand for his misconduct described in two counts.

In the first count, the respondent assisted a friend who was a mortgage holder of a real property. The friend loaned money to others, but was not in the business of holding mortgages. However, he held a mortgage on this one property. In 2008, the friend asked the respondent to assist him in placing the property into a foreclosure auction and to attend to other legal matters pertaining to the property. The respondent diligently arranged a foreclosure auction of the property that took place on December 31, 2009. The respondent also performed other legal services in connection with the foreclosure. The friend purchased the property at the auction.

In January of 2010, the friend told the respondent that he wished to sell the property, but it was in a state of substantial disrepair and had outstanding liens. The respondent offered to oversee renovations of the property, obtain the necessary building permits and ascertain the outstanding tax liens in order to sell. At the time, the respondent was a licensed real estate broker. The respondent worked on the renovations of the property from February 2010 through July of 2010. Thereafter, the respondent successfully represented his friend in two matters related to the property.

At no time did the respondent communicate in writing the specific terms under which the respondent would be paid for his services, how advanced funds would be maintained and accounted for, the scope of the work that was to be done or an estimate of the labor and materials. The respondent anticipated that once the repairs were complete, the respondent would then be the listing agent to sell the property, but none of the specific terms were memorialized in writing. At no time did the respondent suggest to his client that he should

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<sup>1</sup>Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

review the terms of the proposed transaction with independent counsel and the friend did not consent to the terms of the transaction in writing.

By July 24, 2010, after visiting the property, the client concluded that the respondent had made little progress in coordinating repair of the property and it was not ready to be put on the market. On or before August 6, 2010, the friend discharged the respondent and requested that he cease and desist working on the property. Shortly thereafter, the friend retained counsel, conducted an investigation and filed a civil action against the respondent for breach of contract and for other civil claims.

The respondent's conduct of entering into a business transaction with his client, not fully disclosed and transmitted in writing, without recommendation to seek the advice of independent counsel, and without obtaining consent in writing thereto, as described above, is conduct in violation of Mass. R. Prof. C. 1.8(a).

In the second count, the respondent failed to cooperate with an investigation of bar counsel resulting, on October 29, 2010, in an order of an immediate administrative suspension. On December 10, 2010, the respondent filed an affidavit of compliance with the Supreme Judicial Court and on December 17, 2010, the respondent's license was reinstated. On January 26, 2011, bar counsel sent a letter to the respondent asking for additional information. The respondent failed to provide the requested additional information until after bar counsel initiated formal disciplinary proceedings.

The respondent's failure to cooperate with bar counsel without good cause, resulting in an immediate administrative suspension, and his failure to timely provide additional information to bar counsel upon request, violated Mass. R. Prof. C. 8.4(g) and S.J.C. Rule 4:01 § 3.

This matter came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. On October 15, 2012, the board accepted the parties' recommendation and imposed a public reprimand.