

**IN RE: ANDREW WILLIAM PILTSEER COWAN**

**BBO # 673511**

**NO. BD-2022-054**

**S.J.C. Judgment of Disbarment entered by Justice Lowy on October 17, 2023.<sup>1</sup>**

*The respondent was disbarred on default, effective immediately, for intentional misuse of multiple clients' funds with continuing deprivation and failure to cooperate with bar counsel's investigation.*

**SUMMARY<sup>2</sup>**

The respondent, who founded a small law firm, was admitted to the Massachusetts bar on December 12, 2008. The nine-count petition for discipline reflects serious and repeated misconduct, including intentional misuse of over a half million dollars in client funds with continuing deprivation. Ultimately, the respondent abandoned his practice in or around 2022 having taken and misused the funds. The respondent failed to reply to the petition and that default established the facts and violations set forth below.

As charged in Counts One, Four, and Five, the respondent misused unearned retainers to pay his own business and/or personal expenses in three separate matters with three different clients. He provided the clients with false documents showing that he was holding the remainder of their retainers in trust in his IOLTA account when he had already withdrawn and misused the funds. The respondent stopped communicating with his clients and never returned the unearned portions of the retainers to any of the clients. This repeated misconduct violated Mass. R. Prof. C. 1.4(a)(3) and (4), 1.15(b)(1), (3), and (4), 1.15(c), 1.16(d), and 8.4(c) and (h).

Count Two charged the respondent with misuse of funds he was holding as a trustee. He failed to deposit the trust corpus into an individual trust account and misused all or most of the trust funds (approximately \$340,000) to pay his own business and/or personal expenses. He never provided the beneficiary with the required accountings or disbursed the monthly payments to the beneficiary required under the trust. He did make some payments to the beneficiary but they were late lump sum payments rather than monthly payments. By the end of 2021, the respondent ceased communicating with the beneficiary or making any payments. This conduct violated Mass. R. Prof. C. 1.3, 1.15(b)(1) and (4), 1.15(c), (d), and (e), and 8.4(c) and (h).

With regard to Count Three, the respondent was retained by a parent to defend his son in a civil matter for which the client paid a flat fee. The respondent did not perform any work on the matter, did not respond to communications from the client, and has not

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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 Massachusetts Board of Bar Overseers' Office of General Counsel based on the record filed with the Supreme Judicial Court.

refunded the flat fee. This conduct violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.4(a)(2), (3), and (4), 1.16(d), and 8.4(h)

Count Six describes the respondent's misuse of funds he was holding as a trustee of another trust. Again, the respondent misused the trust funds (over \$200,000) to pay his own business and/or personal expenses. He never provided the beneficiary, who was his client, with the required accountings or disbursed the assets to the beneficiary as required under the trust. The respondent ceased communicating with his client prior to December 2022. This conduct violated Mass. R. Prof. C. 1.3, 1.4(a)(3) and (4), 1.15(b)(1) and (4), 1.15(c) and (d), 1.16(d), and 8.4(c) and (h).

In Count Seven, the respondent is charged with accepting a retainer to represent a client in a restraining order matter, failing to deposit that retainer into an IOLTA account, and then abandoning the matter without performing any substantive work. The respondent failed to respond to his client's communications and did not refund her retainer. This conduct violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.4(a)(3) and (4), 1.15(b)(1), (3), and (4), 1.15(c), 1.16(d), and 8.4(h).

Count Eight describes the respondent's administrative suspension as of August 22, 2022, his failure to comply with bar counsel's requests for information, and his failure to comply with the SJC's Order. This conduct violated Mass. R. Prof. C. 3.4(c), 8.1(b), 8.4(d), (g) and (h), and SJC Rule 4:01, §3.

Count Nine describes the respondent's deceptive advertising on his firm's website. The respondent continued to advertise on his website that three attorneys were working at his firm through August 2022 when they had all ceased working for the respondent in 2021. In addition, although he was evicted from his Boston office in December 2021, the respondent continued to advertise the address of his Boston office on his website through September 2022. This conduct violated Mass. R. Prof. C. 7.1.

In aggravation, the respondent's actions harmed clients and there were multiple rule violations.

The respondent did not answer the disciplinary petition and that default established the facts and violations set forth above. On June 12, 2023, the Board of Bar Overseers voted to recommend that the respondent be disbarred. On October 17, 2023, after notice and a remote zoom hearing on October 16, 2023 which was attended by Assistant Bar Counsel but not the respondent, the Court (Lowy, J.) ordered the respondent disbarred, effective immediately.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO: BD-2022-054

IN RE: ANDREW WILLIAM PILTSEER COWAN

JUDGMENT OF DISBARMENT

This matter came before the Court, Lowy, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(6), with the Recommendation and Vote of the Board of Bar Overseers filed by the Board on July 6, 2023. After a remote zoom hearing was held on October 16, 2023, attended by assistant bar counsel, but not the lawyer;

It is ORDERED and ADJUDGED that:

1. Andrew William Piltser Cowan is hereby disbarred from the practice of law in the Commonwealth effective immediately upon the entry of this Judgment, and the lawyer's name is forthwith stricken from the Roll of Attorneys.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Judgment, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the disbarment with every court, agency, or

tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Judgment, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the disbarment all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Judgment, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been disbarred; that he is disqualified from acting as a lawyer after the effective date of the disbarment; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters

that the lawyer has been disbarred and, as a consequence, is disqualified from acting as a lawyer after the effective date of the disbarment;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Judgment, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Judgment and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries,

attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Judgment any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Judgment or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice;

f) the residence or other street address where

communications to the lawyer may thereafter be directed;  
and

g) any and all bar registration cards issued to the lawyer by the Board of Bar Overseers.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Judgment, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Judgment;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

By the Court, (Lowy, J.)

**/s/ Maura S. Doyle**

Maura S. Doyle, Clerk

Entered: **October 17, 2023**