

IN RE: EDWARD J. COLLINS

BBO # 092240

P.O. Box 35

Wayland, Massachusetts 01778

NO. BD-2023-056

**Order (eighteen-month suspension) entered by the Supreme Judicial Court
on July 20, 2023¹**

The respondent was suspended for eighteen months for serial neglect, frivolous litigation, and violation of court orders in numerous state and federal courts.

SUMMARY²

After losing an eviction case in the Framingham District Court, the respondent attempted to re-litigate the eviction and related matters in the Superior Court, Probate Court, Small Claims Court, Bankruptcy Court, U.S. District Court and U.S. Court of Appeals for the First Circuit. He lost repeatedly, but continued to press the legal points he had unsuccessfully pursued. He did not cease his endeavors after his client terminated the representation.

The respondent was found to have engaged in misconduct in violation of numerous rules of professional conduct, among them 1.1 (competence), 1.2(a) (seek client's lawful objectives), and 1.3 (act with reasonable diligence and promptness) for his failure properly to appeal the adverse state court judgments; 3.1 (do not bring, continue or defend a proceeding unless there is a non-frivolous basis to do so) and 8.4(d) for making arguments in the Bankruptcy Court that had already been decided against him in the state court and for prosecuting moot and frivolous appeals in the U.S. District Court and First Circuit; 1.4 (keep client reasonably informed) for his failure to communicate with his client; 3.4(c) (knowingly disobey obligation under tribunal's rules) and 8.4(d) for disobeying court orders, among them an order to pay sanctions, resulting in a contempt judgment; and 1.16(a) (withdraw from representation if discharged) for failure to withdraw.

There were no mitigating factors. In aggravation, the respondent was found to be an experienced lawyer who had violated numerous disciplinary rules concurrently, and caused

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

harm to his client and third-parties. He lacked insight into or appreciation of his basic ethical obligations, and refused to acknowledge the nature, effects, or implications of his misconduct. Most significant, he had been disciplined before for nearly identical misconduct.

The hearing committee and, upon review, the Board of Bar Overseers, recommended an eighteen-month suspension from practice.

On July 20, 2023, Justice Lowy ordered the respondent suspended for eighteen months.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2023-056

IN RE: Edward J. Collins

ORDER OF TERM SUSPENSION

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 (Board) filed by the Board on June 14, 2023.

On July 10, 2023, an Order of Notice issued, and was served on the lawyer in the manner specified in S.J.C. Rule 4:01, § 20, directing him to appear before this Court on July 19, 2023. After a hearing was held, attended by assistant bar counsel and the lawyer;

It is ORDERED that:

1. Edward J. Collins is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of eighteen (18) months. In accordance with S.J.C. Rule 4:01, § 17(3), the suspension shall be effective thirty (30) days after the date of the entry of this Order. The lawyer, after

the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the lawyer may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

It is FURTHER ORDERED that:

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

a) file a notice of withdrawal as of the effective date of the suspension 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 Order, 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 suspension 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 Order, 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 suspended; that he is disqualified from acting as a lawyer after the effective date of the suspension; 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 suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

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 Order, 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 Order 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 Order 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 Order 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 Order, 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 Order;

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.

5. The lawyer's reinstatement to the practice of law in the Commonwealth of Massachusetts shall be pursuant to S.J.C. Rule 4:01, § 18 (2) (4) and (5).

By the Court, (Lowy, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: July 20, 2023