

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. BD-2019-044

IN RE: ABBY R. WILLIAMS.

MEMORANDUM OF DECISION

After a hearing, a hearing committee of the board of bar overseers found that the respondent, Abby R. Williams, violated multiple rules of professional conduct, including intentionally misusing client trust funds with resulting and intended deprivation. It recommended that the respondent be disbarred. The board of bar overseers (board) adopted the hearing committee's findings (with one exception) and recommendation, and it filed an information and record of proceedings with the court.¹ After a hearing and consideration of the record and the parties' submissions, I accept the board's recommendation and order that the respondent be disbarred.

Background. The respondent was admitted to the Massachusetts bar in 1991. Between 1996 or 1997, and 2018, she established and practiced law at her own firm, "Abigail Williams & Associates, P.C." and then "Abigail Williams & Associates, L.L.C.," focusing on representing plaintiffs in personal injury matters. From approximately July 2007 until July 2013, Ross Annenberg was employed as associate attorney at the firm. He primarily handled the firm's non-

¹ The board did not adopt the hearing committee's finding, on count one, that the respondent violated Mass. R. Prof. C. 8.4 (d) (conduct prejudicial to the administration of justice), concluding that providing a settlement breakdown to clients was not sufficiently related to the operation of a tribunal for purposes of the rule.

medical malpractice personal injury matters, while the respondent handled medical malpractice cases and some others. Based on Annenberg's misuse of client funds while at the respondent's firm, Annenberg was disbarred in 2015 and pleaded guilty to criminal charges arising out of the same conduct in 2018.²

On September 9, 2019, bar counsel filed a seven-count petition for discipline against the respondent alleging that, in violation of multiple rules of profession conduct, she intentionally misused funds belonging to five different clients in separate matters; intentionally overstated client expenses in three matters to disguise that intentional misuse; comingled client and personal funds in one of those matters; failed to pay out trust funds promptly when due; failed to provide accountings and billings when withdrawing funds to pay fees and on final distribution of trust funds; created negative balances in individual client ledgers; failed adequately to supervise subordinate lawyers and staff members; failed to maintain required trust account records; failed to prosecute an appeal with competence and diligence; failed to cooperate in bar counsel's investigation and to respond to a lawful request by bar counsel for information; and failed to comply with an order of administrative subpoena.

A hearing was held over the course of nine days. Bar counsel presented seven witnesses in its case-in-chief, including three of the respondent's former clients (the subjects of counts one, two and four), three former employees of the respondent, bar counsel's chief financial investigator, a police detective who investigated Annenberg, and the special assistant attorney who prosecuted Annenberg. The respondent, who was represented by counsel, and two additional witnesses, testified on the respondent's behalf. The respondent primarily focused on

² Bar counsel initially determined not to file a petition for discipline against the respondent for conduct associated with Annenberg's misconduct; a petition for discipline was subsequently filed against her based on her own alleged misconduct.

three defenses: (1) that Annenberg was responsible for inflating client costs and expenses; (2) she was inattentive to the firm's financial affairs, including calculation of costs and expenses, but did not engage in intentional misconduct; and (3) that the firm's computer or other records that reflected higher costs were altered or lost. The respondent's defenses, however, largely depended on the hearing committee's assessment of her credibility. As to that, the committee found:

"In the face of the preponderance of evidence before us of the respondent's knowledge of and participation in the overcharging of her clients, the respondent's inability to provide corroborative evidence to support any explanation other than, perhaps, her own inattention (which consistently resulted in deductions of higher costs than justified), weighs substantially in our finding that her testimony, and therefore her defenses to the charges, lack credibility. The finding of general lack of credibility is also based in part on our observations of the respondent while testifying."

Ultimately, the hearing committee issued a detailed seventy-one-page report determining that, in addition to other misconduct, the respondent calculated the reimbursable expenses and costs in multiple client matters, intentionally inflated those costs, and intentionally misused client funds. In aggravation of sanction, the committee weighed the respondent's multiple violations of the rules of professional conduct, her substantial experience in the practice of law, failure to recognize her own ethical obligations or the consequences of her own actions by trying to blame others for the misconduct and providing testimony that was "utterly unsupported and in many important respects simply false, demonstrating a lack of candor before the committee." It weighed no factors in mitigation of sanction and recommended that the respondent be disbarred. The board voted to adopt the hearing committee's report and recommendation and filed an information with the court.

Discussion. The respondent's argument before this court is limited in scope. In her amended answer, she admitted to the misconduct charged in four of the seven counts of the petition for discipline, and she does not challenge the relevant findings here. With respect to the

remaining three counts, which include the most serious allegations, she does not dispute the findings that client expenses were improperly inflated as to each of the client matters or that the clients were deprived of their funds. She contends, instead, that her associate -- Annenberg -- was responsible for the thefts, and that the hearing committee and the board improperly shifted the burden to her to prove that she did not engage in intentional misconduct. She also argues that an adverse inference ought to be drawn from bar counsel's failure to call Annenberg as a witness. Neither claim has merit.³ The substantial evidence supports the hearing committee's findings, which were adopted by the board. See Matter of McBride, 449 Mass. 154, 161 (2009); Matter of Moore, 442 Mass. 285, 290 (2004).

a. Respondent's brief. The respondent's principal focus before this court appears to be an attempt to distract from the evidence of misconduct itself. Rather than challenging the premise that misappropriation of client funds occurred, she posits that it is equally likely that her rogue associate, Annenberg, falsely inflated client expenses. She argues that bar counsel failed to carry his burden of proving both that it was the respondent who engaged in that misconduct and that she did so intentionally. Rather, she contends, the board impermissibly shifted the burden to her to prove that Annenberg was the culprit. There is nothing to the argument, and the board correctly rejected it.

Although the respondent surmises that Annenberg also could have been responsible for the misconduct, not only does she fail to support the claim -- other than by her own testimony, which the hearing committee essentially declined to credit -- but there was substantial evidence

³ As the hearing committee found, "[t]he respondent presented nothing beyond her speculation that Annenberg took money from the settlements due to the clients at issue in this case." (Hrg. Rep. ¶12). A former bookkeeper for the firm testified that the respondent calculated costs for medical malpractice cases. (Hrg. Rep. ¶13).

that it was the respondent who intentionally charged inflated expenses on the three matters at issue, that she was aware that the expenses were inflated, and that she was motivated in part by financial pressures on her firm. For example, the board's financial analyst's testimony explained the documents evincing the financial transactions and traced the settlement funds misappropriated by the respondent. Further, Annenberg was no longer employed by the firm by the time the costs were calculated in one matter, which involved inflated appellate costs. The hearing committee characterized the respondent's attempts to shift blame to Annenberg as speculative and lacking in corroboration, and her testimony as lacking in credibility. See Matter of London, 427 Mass. 477, 482 (1998) (hearing committee not required to credit respondent's explanation"). It is both the hearing committee's role and its responsibility to judge the credibility of the witnesses at the hearing. S.J.C. Rule 4:01, § 8(5). Absent evidence that its credibility findings are "wholly inconsistent" with other findings, which has not been shown to be the case here, those findings may not be disturbed. See Matter Hachey, 11 Mass. Att'y Discipline Rep. 102, 103 (1995). In short, there was substantial evidence to support the hearing committee's determination that the respondent was responsible for her own misconduct.

The respondent additionally asserts that because Annenberg was "the only witness expected to offer direct evidence in support of [b]ar [c]ounsel's allegations that the [R]espondent intentionally inflated the expenses at issue," bar counsel's failure to call Annenberg as a witness should have resulted in an adverse inference being drawn, akin to a missing-witness instruction. The argument is without merit. Comparing the respondent's request to a "missing witness" jury instruction in criminal cases, the hearing committee reasoned that even in that context (which a bar discipline proceeding is not), such an instruction is not necessary when the testimony is corroborative of other evidence. In this case, there was no error in the hearing committee's

conclusion that there was nothing to suggest that Annenberg's testimony would have been helpful to the respondent. In any event, the respondent could have called Annenberg herself, yet failed to do so. See Matter of London, 427 Mass. 477, 482 (1998). It is not bar counsel's responsibility to call witness that, the respondent contends, would have supported her defense.

b. Substantial evidence of misconduct. Having addressed the respondent's broad defenses, what remains is consideration of the substantial evidence of misconduct and the sanction to be imposed. As summarized below, the substantial evidence -- set out in considerable detail in the hearing committee's report -- supports the hearing committee's determination, adopted by the board, that bar counsel proved the respondent violated the rules of professional conduct. See Rule 3.28 of the Rules of the Board of Bar Overseers. See, e.g., Matter of Balliro, 453 Mass. 75, 84 (2009); Matter of Driscoll, 447 Mass. 678, 685 (2006). Recognizing the hearing committee's role as the sole judge of credibility, like the board, I conclude there is substantial evidence to support its findings. See Matter of McBride, 449 Mass. 154, 161-162 (2007); Matter of Moore, 442 Mass. 285, 290 (2004) (hearing committee not required to credit applicant's testimony).

1. Count one. Count one charged the respondent with intentional misuse of settlement proceeds involving a wrongful death lawsuit she filed on behalf of J.B. and S.B. The respondent settled the case before trial for \$2,000,000, and a portion of the proceeds was placed in a structured settlement. The respondent deposited the remaining settlement proceeds, \$1,450,000, into her IOLTA account. The hearing committee credited the testimony of bar counsel's financial analyst that the total costs properly attributable to the case were \$33,392.78. When those costs were combined with the firm's \$545,000 contingent fee, the total payment due to the firm was \$578,392.78. Instead, the firm took a fee of \$705,000, falsely claiming reimbursement

for \$160,000 in expenses -- \$126,607.22 more than were actually incurred. The respondent was the only authorized signatory on the relevant IOLTA and operating accounts. The hearing committee determined, and the board agreed, that the clients were deprived of that amount, \$126,607.22.

The respondent's transfer of the excess expense portion of the settlement funds into her operating account and intentional misuse of the settlement funds, with continuing deprivation resulting, violated Mass. R. Prof. C. 1.15 (b) (segregation and safekeeping of trust property), as appearing in 471 Mass. 1380 (2015); Mass R. Prof. C. 8.4 (c) (dishonesty, deceit, misrepresentation or fraud), as appearing in 471 Mass. 1483 (2015); and 8.4 (h) (other conduct reflected adversely on fitness to practice), as appearing in 471 Mass. 1483 (2015).⁴ Her failure to promptly pay her clients the funds that were due to them violated Mass. R. Prof. C. 1.15 (c) (failure to promptly pay funds held in trust). Her failure to render a full written accounting to her clients, particularly with respect to a full accounting of the \$160,000 she claimed were due to the firm for costs, violated Mass. R. Prof. C. 1.15 (d)(1) (accounting due on final distribution); her failure to provide the clients, in writing, on or before the date of the withdrawal from her IOLTA account to pay her attorneys' fees, with an itemized bill or other accounting of her services rendered, and a statement of the balance of their funds remaining in the account, violated Mass. R. Prof. C. 1.15 (d)(2) (duty to render bill and accounting on withdrawal of funds from account). The respondent's creation of a negative balance in her IOLTA account for the client matter

⁴ The hearing committee did not find that bar counsel proved that the respondent violated Mass. R. Prof. C. 5.1 (a) (responsibilities of managerial attorney), as appearing in 471 Mass. 1445 (2014); Mass. R. Prof. C. 5.1 (b) (responsibilities of supervisory attorney); 5.3 (a) (managerial attorney's responsibility to establish firm systems), as appearing in 471 Mass. 1447 (2015); or Mass. R. Prof. C. 5.3 (b) (direct supervisory attorney's responsibility over nonlawyers). Instead, the hearing committee concluded that it was the respondent's personal misconduct, not that of her staff, that resulted in deprivation to her clients.

violated Mass. R. Prof. C. 1.15 (f)(1)(C) (negative client ledger balance). Her intentional misrepresentation to the clients, in the form of a false settlement breakdown, that the amount of costs she incurred on their matter was \$160,000 violated Mass. R. Prof. C. 8.4 (c) (conduct involving misrepresentation) and 8.4 (d) (conduct prejudicial to the administration of justice).

Although the respondent suggested that Annenberg was responsible for the misappropriation, the hearing committee found no credible evidence that Annenberg (or the firm's bookkeeper) altered the firm's records concerning expenses for the case. For reasons detailed in the hearing committee's report, it declined to credit much of the respondent's testimony. Based on the testimony and other evidence it credited, the hearing committee specifically found that "the respondent knew the amount the clients were being charged, and that it was grossly excessive, and that she participated in setting that number." In short, the hearing committee determined, and the board accepted, that bar counsel proved that the respondent affirmatively engaged in the charged misconduct.

2. Count two. Count two charged the respondent with intentional misuse of funds in connection with the settlement of a lawsuit brought on behalf of I.O. She filed suit in 2008 and settled the case against one defendant in 2012 for \$725,000. After trial, a jury thereafter returned a verdict for the remaining defendant. The hearing committee determined that of the \$725,000 in gross proceeds, the firm was entitled to a contingent fee of \$226,250, plus expenses of \$59,736.90, for a total payment of \$285,986.90. The remaining amount -- less \$3,578.83 that was owed on a lien -- was due to the client: \$435,434.27. The firm, however, paid the client a total of \$300,000. The hearing committee determined that the difference, \$135,434.27, was falsely charged by the respondent as expenses, that that amount has never been paid to the client, and that ongoing deprivation has resulted.

The net amount paid to the client, \$300,000, was reported to the client in a settlement breakdown. The hearing committee found that the respondent knowingly provided a fraudulent settlement breakdown to her client, which was "reverse-engineered to justify the under-payment. It found that she knew that the firm was "vastly overcharging costs," that the claimed expenses were very high for a case that resulted in a net settlement of only \$300,000 and noted the suspiciously round number of the settlement proceeds. By knowingly participating in the firm's overcharging of expenses, underpayments to the client, misrepresentations to the client about the costs in the case, her intentional misuse of the funds, and transfer of settlement funds to her operating account, the respondent violated Mass. R. Prof. C. 1.15 (b), and Mass. R. Prof. C. 8.4 (c) and (h). In addition, her failure promptly to pay the client the funds due violated Mass. R. Prof. C. 1.15 (c). Her failure to provide a full accounting to the client violated Mass. R. Prof. C. 1.15 (d)(1). Her failure to notify the client in writing on or before withdrawing funds for attorneys' fees, with the amount of the fee, the services provided, and the balance of the client's funds remaining violated Mass. R. Prof. C. 1.15 (d)(2). Her creation of a negative balance in her IOLTA account for the client matter violated Mass. R. Prof. C. 1.15 (f)(1)(C). Her intentional misrepresentation to the client that the amount of costs and fees incurred was \$195,171.17 violated Mass. R. Prof. C. 8.4 (c). As with the misconduct charged in the first count, while the respondent alleged that Annenberg was responsible for the misappropriation of client funds, the hearing committee found and the board accepted, that the evidence established her own culpability.

3. Count three. Count three charged the respondent with violations of trust account rules. See Mass. R. Prof. C. 1.15. The respondent admitted, the hearing committee found, and the board accepted that she failed to "maintain" a three-way reconciliation of the relevant IOLTA

account, in violation of Mass. R. Prof. C. 1.15(f)(1)(E); that she failed to "maintain" a ledger for all attorney funds in the IOLTA account for bank fees and expenses, in violation of Mass. R. Prof. C. 1.15(f)(1)(D); that she failed to "maintain" an individual client ledger for each client matter with a list of every transaction and running balance, in violation of Mass. R. Prof. C. 1.15(f)(1)(C); and that she failed to "maintain" complete records of the receipt, maintenance, and disposition of trust property, in violation of Mass. R. Prof. C. 1.15(f). In addition, the respondent failed to "make or maintain" a check register with a client identifier after every transaction, a list of every transaction and a running balance, in violation of Mass. R. Prof. C. 1.15(f)(1)(B).

4. Count four. Like counts one and two, count four charged the respondent with intentional misuse of client funds arising out of falsely inflated expense charges. On September 17, 2012, the respondent filed a wrongful death lawsuit on behalf of the estate of S.M. A settlement of \$50,000 was reached with one defendant in 2015. The respondent deposited the check into her IOLTA account, and subsequently issued a check to her firm in the amount of \$29,000 -- representing a legal fee of \$20,000 and costs in the amount of \$9,000. The personal representative of the estate was paid \$21,000. The following year, a second defendant settled for \$75,000. After an insurer paid a medical lien directly, the respondent received a settlement check for \$62,777.93, which she deposited into her IOLTA account. A settlement breakdown was provided to the estate's personal representative, representing that the respondent was entitled to a \$30,000 fee from the settlement; that \$15,000 was to be deducted for costs; and that the balance due to the personal representative was \$21,194.74. However, the respondent previously had agreed to cap costs for the case at \$15,000. Since \$9,000 in costs already had been deducted from the first settlement check, an excess withholding occurred; the personal representative, however, agreed that the respondent could hold the settlement proceeds to cover appellate costs.

For that reason, the hearing committee concluded that, if there was deprivation, it was the result of negligent not intentional misuse. After a defense verdict for the remaining defendants, judgment of dismissal as to the remaining claim, asserting violation of G. L. c. 93A, entered on August 26, 2016.

On September 27, 2016, the respondent filed or caused to be filed a notice of appeal. The defendants subsequently moved to dismiss the appeal (perhaps, on timeliness ground). The motion was not opposed, and the appeal was dismissed. In 2018, the personal representative received a check from the respondent for \$7,960.21, reflecting the remaining settlement amount, less claimed appellate costs of \$18,819.09. A settlement breakdown, but not a detailed statement of costs, was included. The hearing committee concluded that the claimed \$18,819.09 in appellate-related costs was intentionally false, and that the actual costs were \$8,000.76. The respondent has never paid the difference, \$10,818.33, to the client.

The hearing committee determined that the respondent knowingly misrepresented the amount of appellate costs and knowingly misused for unrelated purposes funds that should have been held for the client, and intentionally misused settlement funds by transferring the funds to her operating account, with deprivation resulting, in violation of Mass. R. Prof. C.1.15 (b), and Mass. R. Prof. C. 8.4 (c) and (h). The respondent's failure promptly to deliver funds to the client, violated Mass. R. Prof. C. 1.15 (c). Her disbursement from her IOLTA account funds that created a negative balance in an individual client ledger violated Mass. R. Prof. C. 1.15 (f)(1)(C). Her failure to render a full written accounting to her client violated Mass. R. Prof. C. 1.15 (d)(1). In addition, the hearing committee determined that the respondent failed to perform any work of substance to prosecute the appeal, in violation of Mass. R. Prof. C. 1.1 (competence), and Mass. R. Prof. C. 1.3 (diligence).

5. Count five. Count five generally charged the respondent with commingling trust funds and intentional misuse of settlement funds in two cases. The respondent admitted, the hearing committee found, and the board accepted that in two separate matters, the respondent deposited a settlement check into her IOLTA account, disbursed some of the proceeds without maintaining sufficient funds to satisfy the amount owed to a third party -- in one case, the Commonwealth, and in the other, an insurer -- and then intentionally used a portion of the remaining balance to make payments for unrelated client, business and/or personal matters. The respondent's failure to keep client funds separate from personal and business funds, and her intentional misuse of client funds violated Mass. R. Prof. C. 1.15 (b), and Mass. R. Prof. C. 8.4 (c) and (h). The respondent's disbursement of funds from her IOLTA account, creating a negative balance for individual clients, violated Mass. R. Prof. C. 1.15 (f)(1)(C). To the extent that nonlawyer assistants, or other lawyers associated with or affiliated with the respondent handled or was responsible for handling any aspect of either case, the respondent failed to supervise the lawyer or nonlawyer assistant adequately, and failed to make reasonable efforts to ensure there were procedures in place in her practice giving reasonable assurance the conduct of such persons was compatible with her own (or, in the case of lawyers, their own) professional obligations, in violation of Mass. R. Prof. C. 5.1 (a) and (b), and Mass. R. Prof. C. 5.3 (a) and (b).

6. Count six. Count six charged the respondent with failure to cooperate with bar counsel. The respondent admitted, the hearing committee found, and the board accepted that she knowingly failed without good cause to provide bar counsel with information in connection with bar counsel's investigation into allegations of misconduct, and she was administratively suspended as a result. See S.J.C. Rule 4:01, § 3(2). By knowingly failing without good cause to

cooperate with bar counsel's investigation, the respondent violated Mass. R. Prof. C. 8.4 (d), (g) and (h) (g). She was not reinstated within thirty days and became subject to the provisions of S.J.C. Rule 4:01, § 17, which required among other things, that she close all trust accounts and provide proof of distribution of funds. By knowingly failing without good cause to comply with the order of administrative suspension, the respondent violated Mass. R. Prof. C. 3.4 (c).

Although the respondent failed to fulfill the formal certification requirements, the hearing committee found that the trust accounts were closed before the order entered, and that the respondent had complied with the requirements of the order pertaining to closure of the accounts.

7. Count seven. Count seven also charged the respondent with failure to cooperate with bar counsel. The respondent admitted that, during a recorded statement made under oath, she agreed to provide additional information to bar counsel but failed, without good cause to reply to bar counsel's requests. By knowingly and without good cause failing to cooperate in bar counsel's investigation, the respondent violated Mass. R. Prof. C. 3.4(c), 8.1 (b), 8.4 (g) and 8.4 (h).

c. Sanction. With the misconduct established, the question now becomes what sanction is warranted. The most serious of the respondent's misconduct involves her knowing and intentional overstatement of expenses, which resulted in her clients -- in three separate matters -- being intentionally deprived of settlement funds. In addition, she did not honestly respond to questions from clients concerning the disbursements. In one matter, she failed to prosecute an appeal competently and diligently, while at the same time charging the clients substantial "appellate" costs for what was essentially a nonexistent appeal. She failed to cooperate with bar counsel in multiple respects and failed to comply with applicable trust accounting rules. Distilling the misconduct into the most serious acts, intentional misuse of client funds with

deprivation resulting, the presumptive sanction is disbarment or indefinite suspension. See Matter of Schoepfer, 426 Mass. 183, 188 (1997); Matter of the Discipline of an Attorney, 392 Mass. 827, 836 (1984). Because restitution has not been demonstrated, the presumptive sanction is disbarment. See Matter of Ablitt, 486 Mass. 1011, 1017 (2021); Matter of Bryan, 411 Mass. 288, 292 (1992); Matter of Corbett, 455 Mass. 872 (2010) (disbarment for intentional misuse with deprivation; restitution discounted because made after petition for discipline was filed).

There are no matters to weigh in mitigation of sanction, but both the hearing committee and the board appropriately weighed several factors in aggravation. The respondent violated multiple rules of professional conduct in multiple different cases. See Matter of Saab, 406 Mass. 315, 326-328 (1989) (considering cumulative effect of several violations). She was an experienced attorney. See Matter of Luongo, 416 Mass. 308, 311-312 (1993). She failed to recognize her own obligations, and repeatedly blamed others for her own misconduct. See Matter of Ablitt, 486 Mass. at 1019; Matter of Diviacchi, 475 Mass. 1013, 1018 n.4 (2015). Finally, both the committee considered that her testimony at the hearing lacked candor and, in many respects, was simply false. See Matter of Ablitt, *supra*; Matter of Hoicka, 442 Mass. 1004, 1006 (2004). For all of these reasons, the respondent must be disbarred.

ORDER

The respondent engaged in multiple violations of the rules of professional misconduct, including intentional and knowing misuse of client funds, with deprivation resulting, in three separate client matters. There were multiple factors in aggravation, and there is no evidence of restitution. The board has recommended disbarment, and, after consideration, I agree that disbarment is the correct sanction. A judgment shall enter disbaring the respondent from the practice of law.

So ordered.

/s/ Scott C. Kafker
Scott C. Kafker
Associate Justice

Dated: March 29, 2022

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2019-044

IN RE: Abby R. Williams

JUDGMENT OF DISBARMENT

This matter came before the Court, Kafker, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(6) and the Recommendation and Vote of the Board of Bar Overseers filed by the Board on November 2, 2021. After a hearing was held via zoom with participation by assistant bar counsel, the lawyer and the attorney for the lawyer,

It is ORDERED and ADJUDGED in accordance with the Memorandum of Decision of this date that:

1. Abby R. Williams 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 she 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 her 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, Section 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, (Kafker, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: March 29, 2022