

**IN RE: ROBERT MICHAEL FOJO**

**BBO # 568786**

**NO. BD-2022-019**

**Judgment (Ordering Resignation As A Disciplinary Sanction) entered  
by Justice Lowy on October 18, 2022.<sup>1</sup>**

*New Hampshire lawyer's resignation from New Hampshire bar during investigation concerning misuse of client funds accepted as resignation as a disciplinary sanction in Massachusetts.*

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

The respondent, Robert Michael Fojo, is an attorney duly admitted to the Bar of the Commonwealth on December 16, 2014, who was also a member of the bar in the State of New Hampshire.

The respondent was also admitted to practice in New Hampshire. On February 10, 2022, the Supreme Court of the State of New Hampshire suspended the respondent from practice in that state, effective immediately. The suspension resulted from allegations that the respondent had misappropriated approximately \$14,666 from one client's settlement and used funds belonging to other clients to return \$12,000 to the first client. He also used \$50,020 of funds belonging to two additional clients to make up a shortfall in his IOLTA account for another client. There were additional allegations of misuse of client funds, as well as record-keeping violations.

Bar counsel filed his first petition for reciprocal discipline on February 22, 2022, and the Supreme Judicial Court temporarily suspended the respondent from practice in Massachusetts on June 22, 2022,

Following the respondent's temporary suspension in New Hampshire, he submitted an Affidavit of Resignation, which the New Hampshire Supreme Court accepted on May 18, 2022.

On June 30, 2022, bar counsel filed a second petition for reciprocal discipline asking the Court to accept the respondent's resignation from New Hampshire as a disciplinary sanction in Massachusetts. On October 18, 2022, following a hearing on October 13, 2022, the Court, Lowy, J., issued a judgment allowing the second petition for reciprocal discipline. The Court accepted the respondent's New Hampshire resignation as a disciplinary sanction in Massachusetts, effective immediately, with reinstatement in Massachusetts conditioned on the respondent's reinstatement in New Hampshire, and his compliance with S.J.C. Rule 4:01, sec. 18(2)(a).

---

<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.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO: BD-2022-019

IN RE: Robert Michael Fojo

JUDGMENT ORDERING RESIGNATION AS A DISCIPLINARY SANCTION

This matter came before the Court, Lowy, J., on a second petition for reciprocal discipline pursuant to S.J.C. Rule 4:01, §16 and the order entered May 18, 2022, in the Supreme Court of New Hampshire accepting the resignation of Robert Michael Fojo, filed by the Office of Bar Counsel on June 30, 2022.

On July 21, 2022, an order of notice was issued and served on the lawyer in the manner specified in S.J.C. Rule 4:01, § 21, directing him to inform this Court within 30 days of service why the imposition of the identical discipline would be unwarranted in Massachusetts. With no response from the lawyer, a second order of notice issued directing him to appear before this Court on October 13, 2022. On October 13, 2022, the lawyer filed a motion to continue the October 13, 2022 hearing, which was denied by order of this court. After a hearing was held with attendance of assistant bar counsel, but not the lawyer;

It is ORDERED and ADJUDGED that the second petition for

reciprocal discipline be, and hereby is, allowed, and

1. The New Hampshire resignation of Robert Michael Fojo is hereby accepted as a reciprocal disciplinary sanction 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 resignation 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 resignation 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 ordered to resign as a disciplinary sanction; that he is disqualified from acting as a lawyer after the effective date of the resignation; 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 ordered to resign as a disciplinary sanction and, as a consequence, is disqualified from acting as a lawyer after the effective date of the resignation;

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.

5. The lawyer shall comply with S.J.C. Rule 4:01, § 18(2)(a) for the purposes of reinstatement, conditioned upon reinstatement in New Hampshire, prior to Massachusetts.

By the Court, (Lowy, J.)

/s/ Maura S. Doyle  
Maura S. Doyle, Clerk

Entered: October 18, 2022