

IN RE: ROLAND SHRULL

BBO # 548751

NO. BD-2022-050

Order (Term Suspension) entered by Justice Kafker on August 1, 2022, with an Effective Date of August 31, 2022.¹

The respondent was suspended for nine months for dishonesty in billing; he submitted to clients invoices that were false because, without consulting his associate, he repeatedly increased her time and included in her entries time he had spent.

SUMMARY²

The respondent's practice involved the representation of clients in all aspects of customs and international trade law. He used a standard engagement agreement which provided that he and any of his colleagues assigned to a matter would bill on an hourly basis at the firm's standard hourly rates, with a minimum of fifteen minutes to be billed for each action performed for the client.

In 2016, the firm hired a junior associate who had no prior experience with international trade law or customs work. Throughout 2018 and 2019, the respondent adjusted the associate's billing entries for several client matters to bill for time she had not included. He made two types of adjustments: he increased her entries to reflect time that *he* had spent conferencing with her about the client's matter, time he had not included in his own entries; and he increased time where he thought she had underbilled, including failing to bill in fifteen-minute increments. At no point did he consult with the associate about these adjustments.

In 2018, the respondent increased the associate's hours for a total additional time value of approximately \$16,575. In 2019, he increased her hours by a total additional time value of approximately \$31,229. The 2018 and 2019 invoices were inaccurate in two respects: the respondent failed to identify accurately the attorney who performed the work; and, because he did not consult with the associate about the accuracy of the time changes, he failed to ensure that the invoices were indeed accurate. This conduct violated Mass. R. Prof. C. 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation) and 8.4(h) (conduct reflecting adversely on fitness to practice).

In neither mitigation nor aggravation, the respondent believed it was an acceptable practice to bill his time at the associate's lower rate, because the transfer of his time helped the client by resulting in a lower amount billed to the client. At the time of the billings, the SJC had not yet decided Matter of Zankowski, 487 Mass. 140 (2021), which clarified that this method of billing was improper. In neither mitigation nor aggravation, the respondent believed that the associate had significantly underbilled, and could not have completed the assignments

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.

she had been given in the amount of time she recorded. In neither mitigation nor aggravation, the respondent agreed to retire permanently from the practice of law at the conclusion of the disciplinary proceeding.

The parties filed a stipulation as to the misconduct and rule violations and jointly recommended to the Board a nine-month suspension. By vote dated June 13, 2022, the Board of Bar Overseers recommended to the S.J.C. that it accept the parties' stipulation to a nine-month suspension.

On August 1, 2022, Justice Kafker imposed a nine-month suspension, effective thirty days after the date of the entry of his Order.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2022-050

IN RE: Roland Shrull

ORDER OF TERM SUSPENSION

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), with the Recommendation and Vote of the Board of Bar Overseers, and the stipulation of the parties filed by the Board on July 20, 2022. Upon consideration thereof, it is ORDERED that:

1. Roland Shrull is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of nine (9) 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.

By the Court, (Kafker, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: August 1, 2022