

**IN RE: MATTER WASSEM M. AMIN**  
**BBO No. 689159**

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**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT**

**MATTER OF WASSEM AMIN**

**BBO File No. C1-20-265138**

**MEMORANDUM OF BOARD DECISION ON RESPONDENT’S AFFIDAVIT OF  
RESIGNATION**

Wassem Amin, who currently faces bar discipline charges arising out of a criminal conviction, has filed an Affidavit of Resignation with the Board of Bar Overseers (“board”) pursuant to Supreme Judicial Court Rule 4:01, § 15. He does not contest the facts of proceeding. He acknowledges that a judgment of disbarment would be the likely outcome of further litigation. He requests that the Supreme Judicial Court (“court”) accept his affidavit of resignation and set the date of his disbarment retroactively to June 1, 2016, the date of his administrative suspension from the practice of law in the commonwealth. For the reasons set forth in this Memorandum, the board recommends that the court accept the Affidavit of Resignation and enter an order of disbarment with an effective date thirty days after entry of the order. The board recommends that the court reject Amin’s request for a retroactive date for his disbarment. Our reasons follow.

**Factual and Procedural Background**

Wassem Amin (“Amin” or “respondent”) was admitted to the Massachusetts bar on November 26, 2012. Approximately four years later, on November 16, 2016, he was indicted in the Suffolk County Superior Court for committing numerous financial crimes, Commonwealth v. Wassem Amin, Indictment Number 1684CR876. (Affidavit of Resignation Submitted by Wassem

Amin Pursuant to Supreme Judicial Court Rule 4:01, § 15 (“Amin Affidavit”) at ¶ 2). The indictment comprised 27 felony counts. On September 7, 2022, Amin accepted a plea offer from the Suffolk County District Attorney and entered into a plea agreement. (The Plea Agreement is attached as Exhibit 1 to the Amin Affidavit). The Superior Court judge accepted the plea agreement. (Amin Affidavit, ¶ 2). Pursuant to its terms, Amin pled guilty to Count One of the indictment, which charged him with larceny over \$250 from a client (the specific alleged amount was \$49,980). In exchange for his guilty plea, the government agreed to reduce the charge to a misdemeanor of larceny under \$250 from his client. Subject to the plea agreement, the court, upon request of the government, agreed to dismiss the remaining counts following a term of pretrial probation.

The plea agreement required Amin to resign his Massachusetts law license pursuant to Rule 4:01, § 15 and to cooperate with the board and the Clients’ Security Board with regard to any claims or complaints made in relation to his representation of clients. He acknowledged loss to the client on Count One of the indictment in the amount of \$49,980 and a loss to another client on Count Two in the amount of \$7,500.

With specific reference to his law license, the plea agreement required Amin to surrender and resign his license to practice law within fifteen days of the court’s acceptance of his plea. On October 18, 2022, Amin tendered his Affidavit of Resignation to the board.

On November 7, 2022, Amin submitted a letter to the board. (A copy of the letter is contained in the exhibits to the Information in this matter). In his November 7 letter, Amin acknowledged the filing of his Affidavit of Resignation and requested that any order resulting therefrom be effective retroactively to June 1, 2016, the date of his administrative suspension, in effect, receiving credit for the time he has been administratively suspended. The court had

imposed the administrative suspension on bar counsel's motion based on the respondent's failure to cooperate in bar counsel's investigation. (S.J.C. Rule 4:01, § 3(2)).<sup>1</sup> Shortly after the respondent was administratively suspended, he was arrested and detained in the Suffolk County jail, with bail set at \$1 million cash or \$10 million surety, later reduced to \$50,000/\$500,000. He maintained that he was unable to pay bail until it was subsequently reduced to \$1,000 on an unspecified date.

**Statement of Reasons for Denying Respondent's Request for Retroactivity of the Disbarment Order**

The board recommends to the court that it impose an order of disbarment effective thirty days following entry of the order. S.J.C. Rule 4:01, § 17(3). The board recommends that the order not be effective retroactively to June 1, 2016.

On occasion, the court has granted a request for retroactive application of a disbarment or suspension order. In general, these situations are limited to cases where a respondent attorney has complied with all prior orders, for example, orders of administrative or temporary suspension. Matter of Sullivan, 24 Mass. Att'y Disc. R. 667 (2008); Matter of Durkin, 26 Mass. Att'y Disc. R. 148 (2010) (suspension order retroactive to date of respondent's compliance with order of administrative suspension, not date of the order itself). Pursuant to Rule 4:01, § 3(3), an administratively suspended attorney must comply with the requirements of Rule 4:01, § 17. For example, suspended or disbarred attorneys must resign their roles as guardians, administrators, or executors. They must notify clients, wards, heirs, beneficiaries, attorneys, courts and agencies of the impending suspension or disbarment. They must return to their clients files and unearned

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<sup>1</sup> Amin wrote that he did not respond to inquiries from bar counsel on advice of counsel, who warned that responding could jeopardize his state and federal rights against self-incrimination.

fees. They must close their bank accounts, including trust accounts, and provide to bar counsel a schedule of accounts, a schedule of the disposition of client funds, and proof of proper distribution of funds. The lawyer must file a certificate of compliance with bar counsel and the Clerk of the Supreme Judicial Court for Suffolk County. Only attorneys who have complied with such orders may be considered for the substantial benefit of a retroactively effective order.<sup>2</sup>

In this case, the respondent did not comply with the requirements of Section 17 of Rule 4:01. He did not provide the required notices to his clients and others, nor did he file with bar counsel and the court the necessary affidavits of compliance. He concedes as much, and blames the failure on his incarceration, which followed closely his administrative suspension. We appreciate the practical challenges of complying with Section 17 while in jail. However, compliance was not impossible. The respondent has offered no explanation or evidence that he tried to comply but was frustrated in doing so. He does not provide evidence that he reached out to bar counsel for assistance or relief. Although represented by counsel, he apparently did not ask his lawyers for help. What we are left with is unexplained noncompliance with the requirements of Section 17. Accordingly, we do not give the respondent “credit” for the time since his administrative suspension.

Amin requests that the court consider retroactivity based on his personal circumstances. (*See* November 7, 2022 letter). He recites a compelling personal story as an immigrant seeking asylum in the United States who successfully completed law school and admission to the bar. He urges us to consider the personal challenges that led to his criminality. These circumstances are irrelevant to the question at issue. We may consider personal circumstances in

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<sup>2</sup> Matter of Dodd, 21 Mass. Att’y Disc. R. 196 (2005), cited by Amin, is not to the contrary. In that case, the respondent lawyer complied with an order of temporary suspension by limiting his practice in conformity with the order. Thus, he received credit for the time between the temporary suspension and the final judgment.

recommending a sanction, including factors the court has deemed mitigating. But those factors must be litigated. The respondent would bear the burden of proving their applicability by a preponderance of the evidence. Here, we have nothing other than the respondent's unsupported, unsworn, and un-tested assertions. In the absence of such evidence, we have no basis to confirm the statements in the respondent's letter. In addition, we have no assurance that Amin has not practiced law since 2016.

The decision to retroactively disbar a lawyer rests with the discretion of the court, upon the recommendation of the board. We are mindful of our obligation to protect the public and promote confidence in the bar. If the court were to accede to the respondent's request, he would be eligible for reinstatement in 2024, only two years after the entry of the disbarment order. He would receive this significant benefit based on no proof that he deserves it.

### **Conclusion**

For the foregoing reasons, we accept the respondent's Affidavit of Resignation and recommend that the Supreme Judicial Court disbar the respondent effective thirty days after entry of the disbarment order.

/s/ Frank E. Hill, III  
Frank E. Hill, III  
Secretary

Dated: December 12, 2022