

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

BAR COUNSEL,
Petitioner,
v.
Christopher J. Kiely, Esq.,
Respondent

Public Reprimand No. 2020-2

BBO No. C2-19-00257915

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On May 11, 2020, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Christopher J. Kiely be and he is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Christopher J. Kiely, be and hereby is PUBLICLY REPRIMANDED.

BY: Frank E. Hill, III
, Member
BOARD OF BAR OVERSEERS

DATED: June 8, 2020

CHRISTOPHER J.KIELY
Public Reprimand No. 2020-2

Order (public reprimand) entered by the Board on June 8, 2020.

The respondent stipulated to a public reprimand for failing to promptly distribute trust funds and failing to cooperate in bar counsel's investigation.

SUMMARY¹

The respondent served as the settlement agent in a real estate transaction. The seller had two mortgages on the property. The respondent was required to use the sale proceeds to pay off the two mortgages, totaling over \$314,000.00, at the closing. The respondent also was required to distribute the remaining proceeds in the amount of \$190,244.49 to the seller at the closing.

The closing occurred on February 15, 2019. The respondent did not bring a check for the seller, but agreed to wire him the money. The respondent wired the seller funds that day, but the funds were deficient by \$744.78. The respondent paid the remaining \$744.78 in sale proceeds to the seller on February 22, 2019.

On February 21, 2019, the seller discovered that the respondent had not yet paid the two mortgages off. This delay caused the seller to incur additional per diem interest on the mortgages. The respondent paid the mortgage holders, including the per diem charges caused by his delay, and the mortgages were satisfied by February 25, 2019.

By failing to carry out his responsibilities as settlement agent with competence and reasonable diligence, the respondent violated Mass. R. Prof. C. 1.1 and 1.3. By failing to promptly deliver the funds held in his IOLTA account to the seller and the mortgage lenders, the respondent violated Mass. R. Prof. C. 1.15(c).

Once notified of the seller's complaint by bar counsel, the respondent failed to respond to bar counsel's correspondence and failed to appear pursuant to a subpoena. The Supreme Judicial Court administratively suspended the respondent on June 17, 2019 for failure to cooperate in bar counsel's investigation. The respondent failed to comply with Court's Order of Immediate Administrative Suspension.

By knowingly failing without good cause to respond to bar counsel's requests for information during the course of an investigation, the respondent violated Mass. R. Prof. C. 8.1(b) and 8.4(d), (g), and (h). By failing to comply with the Order of Immediate Administrative Suspension, the respondent violated Mass. R. Prof. C. 3.4(c), 8.4(d), and 8.4(h), and S.J.C. Rule 4:01, §§3 and 17.

¹ Compiled by the Board of Bar Overseers based on the record of proceedings before the board.