

IN RE: THOMAS J. COTTER

S.J.C. Order of Disbarment entered by Justice Spina on March 16, 2001. ¹

SUMMARY ²

On March 22, 2000, the respondent was temporarily suspended from the practice of law. The suspension arose as a result of the respondent's conversion of funds belonging to clients and the law firm where he was employed as an associate.

The respondent was admitted to practice as an attorney on June 18, 1998. He was employed as a salaried associate at a law firm where he had worked before he was admitted to practice. During the time of his employment at the firm, and while he was an attorney, the respondent on divers occasions engaged in the conversion of funds entrusted to him during the course of his practice. He did this in two different manners.

First, when he conducted consumer loan closings he wrote checks directly to his own personal creditors off the firm's IOLTA account and misrepresented to the firm and the borrowers that these checks were to pay the borrowers' creditors. These included payments to satisfy personal credit card debts, student loans and automobile leases. Approximately \$22,000 was converted in this manner.

Second, the respondent asked clients of the firm whom he had represented to make payments directly to him and not to the law firm. The respondent never delivered these payments to the firm and wrongfully deposited them to his own account despite being a salaried associate of the law firm. Approximately \$12,500 was converted in this manner.

The respondent's conduct violated the Mass. R. of Prof. C. 1.15(a) and 8.4 (c) and (h).

On January 4, 2001, the respondent resigned from the practice of law pursuant to S.J.C. Rule 4:01, § 15. On March 16, 2001, a single justice accepted the resignation and entered an order of disbarment, retroactive to March 22, 2000, the date of the temporary suspension.

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 Board of Bar Overseers based on the record before the Court.