

IN RE: JAMES C. CORCORAN, JR.

S.J.C. Judgment of Disbarment entered by Justice Cowin on July 26, 2000.¹

SUMMARY²

This matter came before the Court on the respondent's affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, sec. 15.

The respondent was reinstated to the Bar of the Commonwealth of Massachusetts on May 10, 1990, after having been disbarred on March 9, 1965 for misappropriation of client funds. He was administratively suspended on March 21, 2000 for failure to register.

In his affidavit of resignation the respondent acknowledged that "the material facts upon which the Statement of Disciplinary Charges is predicated would be established by a preponderance of the evidence adduced at a hearing and that a Hearing Committee, the Board, and the Court will conclude that I have committed the material acts set forth in the Statement of Disciplinary Charges." "Those material facts are as follows.

In one matter the respondent represented the guardian of an elderly woman who was a nursing home patient. After obtaining court permission, the guardian sold the ward's home in October 1995. The respondent deposited the sale proceeds in his IOLTA account, then paid a creditor of the ward and his own fee. Thereafter, he failed to account to the guardian for these funds and, between November 1995 and July 1999, without the guardian's knowledge or authorization, the respondent intentionally expended the balance of \$55,234.81 for his own personal or business purposes and not for the benefit of the guardian's ward, and with the intention to deprive the guardian's ward at least temporarily of the use of these funds and with actual deprivation resulting. The respondent has not reimbursed any portion of the funds to the guardian. The respondent's conduct in this matter was in violation of Disciplinary Rules 1-102(A)(4) and (5) and 9-102(B)(3) and (4) and also Mass. R. Prof. C. 1.15(a) and (b) and 8.4(c) and (d).

In a second matter, in or about November 1995 the respondent agreed to represent a client in connection with his claim for damages resulting from injuries received when assaulted by another inmate in the lock-up at Quincy District Court in March 1994. The respondent sent demand letters to several court officials, and subsequently filed suit in March 1997 on the client's behalf in Norfolk Superior Court against several Norfolk County officials. In June 1999 the defendants' attorney served the respondent with a copy of their motion for summary judgment on the grounds that the court officers responsible for the custody, control and supervision of prisoners in the holding cell at the time of the altercation were employees of the Commonwealth. The respondent took no action to oppose the defendants' motion, nor did he move to amend his complaint to substitute the Commonwealth or its employees as a defendant. The case was dismissed in August 1999, and the respondent did not notify the client of that fact. The client only learned of the dismissal after contacting the Office of Bar Counsel in December 1999. The respondent's conduct in this matter was in violation of Disciplinary Rules 6-101(A)(1)(2) and (3) and Mass. R. Prof. C. 1.1, 1.2, 1.3, and 1.4.

In a third matter, during a five month period in late 1999 and early 2000 the Office of Bar Counsel received 19 notices of dishonored checks pursuant to Mass. R. Prof. C. 1.15(f). The respondent admitted to Bar Counsel that he had failed to keep accurate records of funds deposited in his IOLTA account, had commingled personal and client funds in his IOLTA

account, and had made payments for business and personal expenses from his IOLTA account. The respondent's conduct in this matter was in violation of Mass. R. Prof. C. 1.15(d).

The respondent did not respond to Bar Counsel's request for information on three complaints until he appeared in the Office of Bar Counsel under subpoena. The respondent's failure to cooperate was in violation of Mass. R. Prof. C. 8.4(g).

On June 9, 2000 the respondent submitted his resignation from the practice of law. On June 12, 2000 the Board of Bar Overseers voted to recommend to the Supreme Judicial Court that the affidavit of resignation be accepted, and that an order of disbarment be entered forthwith. On July 26, 2000 the Court (Cowin, J.) so ordered.

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.

Please direct all questions to webmaster@massbbo.org.

© 2001. Board of Bar Overseers. Office of Bar Counsel. All rights reserved.