

IN RE: IRINE S. BAVELSKY

S.J.C. Judgment of Disbarment entered by Justice Greaney on December 14, 2000. ¹

SUMMARY²

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, § 15.

The respondent was admitted to practice in the Commonwealth of Massachusetts on December 15, 1993.

Since 1994, the respondent has been engaged in the private practice of law in Brookline, Massachusetts, primarily representing plaintiffs in personal injury actions. In her capacity as plaintiffs' counsel, the respondent received settlement funds and other insurance payments such as personal injury protection (PIP) or medical payments when liability claims were resolved.

During and after 1995, the respondent on divers occasions, and without the knowledge and consent of her clients, intentionally diverted funds she received on behalf of her clients or her clients' medical providers for the respondent's personal or family purposes or to make payments to other unrelated clients. The respondent owes clients approximately \$230,000.00 for settlements received by the respondent on her clients' behalf, and does not have the funds available to pay those clients.

The respondent's conduct in intentionally using not less that \$230,000.00 of her clients' funds with the intent to deprive her clients of the use of those funds at least temporarily, resulting in actual and continuing deprivation, violated S.J.C. Rule 3:07, Canon One DR 1-102(A)(4) and Canon Nine, DR 9-102(A) and (B), and Rules 8.4(c) and 1.15 of the Massachusetts Rules of Professional Conduct.

The respondent was temporarily suspended from practice on -----October 5, 2000. On October 27, 2000, the respondent submitted her affidavit of resignation from the practice of law. In the affidavit, the respondent acknowledged that sufficient evidence existed to warrant findings that the facts summarized above could be proved by a preponderance of the evidence. On November 13, 2000, the Board of Bar Overseers unanimously voted to recommend that the affidavit be accepted, and that an order of disbarment be entered retroactive to October 5, 2000, the date of the respondent's temporary suspension. The Supreme Judicial Court so ordered on December 14, 2000.

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.