

IN RE: FAITH THOMPSON

S.J.C. Order (One year and one day Suspension) entered by Justice Greaney on November 13, 2000, with an effective date of December 13, 2000. ¹

SUMMARY ²

The respondent was suspended for a year and a day for her conduct in two unrelated matters.

Count One of the petition for discipline arose from the respondent's abandonment of her law practice without notifying her clients or otherwise taking adequate steps to protect her clients' interests. In one matter the respondent failed to take any effective action on behalf of a client attempting to collect on a judgment, did not respond to his inquiries regarding the case's status, and delayed four months in turning over the file. In a second matter the respondent failed to respond to numerous inquiries from a client regarding the status of his appeal in a criminal matter. After Bar Counsel intervened, it was determined that the respondent had some sixty open files, many of which had hearing dates or other deadlines scheduled in the near future which the respondent was unable to meet.

The respondent's neglect of her clients and her clients' cases, her abandonment of her law practice, her failure to communicate with clients concerning her abandonment of their cases, her failure to protect the clients' interests or to return client files until after Bar Counsel had received several complaints, constitute conduct in violation of Mass. R. Prof. C. 1.1, 1.3, 1.15(b), and 1.16(a)(2) and (d), as well as conduct prejudicial to the administration of justice, in violation of Mass. R. Prof. C. 8.4(d). Count Two of the petition for discipline arose from Bar Counsel's receipt in late November and early December 1999 of three notices of dishonored check from the bank in which the respondent maintained her IOLTA account. The respondent maintained a commingled account, in that she issued checks from her IOLTA account to pay personal and business expenses. In addition, she did not deposit proceeds from personal injury settlements into her IOLTA account, but cashed settlement checks and distributed the proceeds in cash to her clients. She also failed to maintain adequate records of her handling of client personal injury settlements.

The respondent's conduct in this matter violated Mass. R. Prof. C. 1.15(a), (d), (e) and (f).

In addition, the respondent did not timely respond to Bar Counsel's inquiries, and did not provide information requested, in violation of Mass. R. Prof. C. 8.4(g) and Supreme Judicial Court Rule 4:01, sec. 3.

The respondent had no history of prior or subsequent discipline. In mitigation, the respondent suffers from chronic pain, diagnosed as neuropathic pain of the right upper and lower extremity, and major depression. Her physician considers her to be totally disabled.

The petition for discipline was filed with the Board of Bar Overseers on September 13, 2000, together with the respondent's answer and the stipulation of the parties. On October 16, 2000 the Board voted to recommend to the Court that the respondent be suspended for a year and a day. The Court ordered the respondent suspended for a year and a day on November 13, 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.

Please direct all questions to webmaster@massbbo.org.

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