

IN RE: RANDALL B. WARREN

S.J.C. Judgment of Disbarment entered by Justice Cowin on June 6, 2001. 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 admitted to practice in the Commonwealth on December 22, 1978.

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.

The respondent represented several clients in connection with suits in toxic tort actions filed in the mid 1980s in Superior Court. A defendant insurance company filed for bankruptcy, and several other insurance companies were substituted as defendants in the litigation. In 1990 the claims of the respondent's clients were consolidated with the claims of plaintiffs represented by other attorneys.

Between April and July 1994 the respondent received partial recoveries for nine clients. He promptly turned over to six of the clients their portions of the settlement proceeds. However, without the knowledge or authorization of the other three clients, the respondent expended their funds for his own personal or business purposes. Thereafter, in January 2001 he paid a seventh client his portion of the 1994 settlement proceeds. He has never paid two of the clients their portions of these settlement proceeds.

In August 1996 the respondent received a second partial recovery for the same nine client. Without the authorization or knowledge of the clients, he expended their funds for his own personal or business purposes. He later turned over their portions of the 1996 settlement proceeds to one of the clients in November 1998, and to a second client in January 2001. He has never paid seven of the clients their portions of these settlement proceeds.

The respondent received a small additional recovery for five of these clients in 1997. Without the authorization or knowledge of the clients, the respondent expended the funds belonging to the clients for his own personal or business purposes. He has never turned over to any of these clients their portion of the 1997 settlement proceeds.

In August 1994 and August 1996 the respondent also received settlement funds belonging to a plaintiff in the litigation who was the client of another attorney. Without the knowledge or authorization of the other plaintiff or her attorney, the respondent intentionally expended those funds for his own personal or business purposes. The other attorney sued the respondent for these funds in small claims court. The parties settled the suit, and the respondent made ten payments of \$1,000 per month to the other attorney's client between April 2000 and February 2001.

In addition, the respondent deposited settlement funds in a bank account that was not a client trust account.

The respondent's conduct in converting some or all of the funds due his clients and one client of another attorney, and in intentionally using those funds for his own personal or business purposes without the knowledge or authorization of the clients, with the intent to deprive the clients of use of the funds at least temporarily and with actual deprivation resulting, violated Supreme Judicial Court Rule 3:07, Canon One, DR 1-102(A)(4) and (5) and Canon Nine, DR 9-102(B)(3) and (4), and also Mass. R. Prof. C. 1.15(a) and (b) and 8.4(c) and (d). The respondent's conduct in placing client funds in bank accounts that were not client trust accounts violated Supreme Judicial Court Rule 3:07, Canon Nine, DR 9-102(A) and Mass. R. Prof. C. 1.15(d).

On May 30, 2001 the respondent submitted his resignation from the practice of law. On June 11, 2001 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 6, 2001 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.

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