

## IN RE: SHIRLEY A. HOAK

S.J.C. Judgment of Disbarment entered by Justice Greaney on July 31, 2001.<sup>1</sup>

SUMMARY<sup>2</sup>

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

In or about October 21, 1997, the respondent received \$253,042.73 from an elderly retiree to create and fund a trust. The respondent did not deposit the funds into a trust account and instead deposited the funds into her personal checking account. Without the client's authorization or consent, the respondent intentionally expended the bulk of the funds by March 13, 1998, for her own personal or business purposes and not for benefit of the client or the trust that was to be established.

In or about September 29, 1999, the respondent advised the same client that she could get a better rate of return for him on other funds that he had available for investment. The client entrusted the respondent with \$30,000 for this purpose. The respondent deposited the \$30,000 into her personal checking account. Without the client's authorization or consent, the respondent intentionally expended the bulk of the funds by November 23, 1999, for her own personal or business purposes and not for the benefit of the client.

In a second case, in or about June 1, 2000, the respondent was retained by a two individuals to prepare delinquent tax returns and to negotiate fines and penalties with the Internal Revenue Service and the Department of Revenue. One client gave the respondent a check for \$20,000.00 on or about June 1, 2000, and the other client gave the respondent a check for \$75,000.00 on or about July 17, 2000. In each instance, the funds were entrusted to the respondent to be used to pay the IRS and DOR. The respondent deposited the funds received from the clients into her personal checking account. Without the clients' authorization or consent, the respondent intentionally expended the \$20,000.00 by June 7, 2000, and the \$75,000.00 by August 10, 2000, all for her own personal or business purposes and not for the benefit of the clients.

The respondent's conduct in commingling trust funds with personal funds and in converting funds belonging to clients or beneficiaries, with intent to deprive the clients or beneficiaries of the funds at least temporarily and with actual deprivation resulting, violated (for conduct prior to January 1, 1998) Canon One, DR 1-102(A)(4), (5), and (6); Canon Nine DR 9-102(A),(B)(3),(4); and Canon Seven DR 7-101(A)(1), (2), and (3); and (for conduct after January 1, 1998) Mass. R. Prof. C. 8.4(b), (c), (d), and (h); Mass. R. Prof. C. 1.15(a); and Mass. R. Prof. 1.2(a).

On June 23, 2001, the respondent submitted her affidavit of resignation from the practice of law. The respondent admitted in the affidavit that the material facts underlying the charges against her can be proved by a preponderance of the evidence. On July 9, 2001, the Board voted to recommend that the respondent's affidavit of resignation be accepted and that an order of disbarment be entered. The Court so order on July 31, 2001.

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record before the Court.

Please direct all questions to [webmaster@massbbo.org](mailto:webmaster@massbbo.org).

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