

IN RE: MAUREEN J. SULLIVAN

S.J.C. Judgment of Disbarment entered by Justice Cordy on August 9, 2001.<sup>1</sup>

SUMMARY<sup>2</sup>

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

The respondent was admitted to practice in the Commonwealth on July 15, 1987. In her affidavit of resignation the respondent acknowledged that "the material facts upon which the Statement of Disciplinary Charges is predicated can be proved by a preponderance of the evidence and that a Hearing Committee, the Board, and the Court would conclude that I have committed the material acts set forth in the Statement of Disciplinary Charges." Those material facts are as follows.

In the first matter, the respondent settled a personal injury claim for a client in or about April 1999 for \$8,500. The respondent received the settlement check and deposited it into a non-client trust account held jointly with her mother. Thereafter, without the client's knowledge or authorization, she intentionally expended the settlement funds for her own business or personal purposes.

The respondent's conduct in commingling and intentionally converting trust funds, with the intent to deprive the client of use of the funds at least temporarily and with actual deprivation resulting, was conduct in violation of Mass. R. Prof. C. 1.15(a)-(d) and 8.4(c) and (h). The respondent's conduct in placing the client's funds in a bank account that was not a client trust account violated Mass. R. Prof. C. 1.15(a)(d) and (e).

In the second matter, in September 2000 the respondent entered an appearance on behalf of a defendant in a criminal case who was charged with stealing lottery tickets from his employer. In February 2001, the respondent filed with the court a typewritten letter that purported to be from the employer. The letter stated that the employer continued to employ the employee, stated that the employee was making regular restitution, and asked that the employee not be sentenced to jail for his offense. The respondent represented to the court that she had received this letter by email the previous day. The client was sentenced to two years in the house of correction, suspended, with restitution payable at \$200/week.

The respondent had fabricated the letter and its contents were untrue. Two months later, in April 2001, the prosecutor learned that the letter purportedly written by the employer was not authentic and moved for reconsideration of the disposition. Although the motion for reconsideration was denied on procedural grounds, the judge referred the matter of the respondent's conduct to Bar Counsel and the District Attorney's office.

The respondent's conduct in submitting a false document to the court and misrepresenting to the court the source of the document, was conduct in violation of Mass. R. Prof. C. 3.3(a)(1) and (4) and 8.4(c) and (d).

On June 28, 2001, the respondent submitted her resignation from the practice of law. On July 9, 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 August 9, 2001, the Court (Cordy, J.) so ordered.

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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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