

## IN RE: JOHN F. SHEEHAN

S.J.C. Order of Indefinite Suspension entered by Justice Ireland on August 30, 2002, with an effective date of September 29, 2002.<sup>1</sup>

SUMMARY<sup>2</sup>

In April of 1996, the respondent undertook to represent the client in a claim for injuries sustained in a motor vehicle accident. On June 9, 2000, without obtaining authorization from the client, the respondent entered into a settlement agreement with the other driver's insurer and signed the client's name to a release of all claims. The respondent forwarded the release of claims and a stipulation of dismissal to the insurer.

The insurer sent the respondent a check in the amount of \$7,000 made payable to the client and the respondent. On June 22, 2000, without the client's authorization, the respondent deposited the check in his operating account.

On June 23, 2000, the respondent withdrew this \$7,000 for personal use by cashing a check drawn on his operating account. On and after June 23, 2000, the respondent concealed from the client his misuse of the settlement funds. Between June of 2000 and January 14, 2002, when the client filed a complaint with Bar Counsel, the respondent returned only a few of the many telephone calls that the client made to him inquiring about the status of the case. In July of 2001, the client consulted an attorney to investigate the respondent's handling of the case. On October 22, 2001, the respondent spoke with the client and admitted misuse of the settlement funds. On April 5, 2002, the respondent paid the client \$8,121.00, which represents full restitution of the \$7,000, plus interest.

The respondent's intentional misuse of client funds, with intent to deprive the client of the funds at least temporarily and with actual deprivation resulting, violated Mass. R. Prof. C. 1.15(a) and 8.4(c), (h). The respondent's settlement of the client's personal injury claim without her knowledge or consent constituted conduct in violation of Mass. R. Prof. C. 1.2(a) and 8.4(c), (h).

This matter came before the Board on a stipulation of facts and disciplinary violations and a joint recommendation for an indefinite suspension. On August 26, 2002, the Board of Bar Overseers voted to accept the stipulation and to recommend the agreed upon disposition to the Supreme Judicial Court. The Court so ordered on August 30, 2002.

<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.