

IN RE: LUCILLE R. Di PIETRO

S.J.C. Order of Indefinite Suspension entered by Justice Greaney on March 7, 2003, with an effective date of April 7, 2003.¹

SUMMARY²

On April 16, 1998, a client retained the respondent to represent her in a personal injury matter. On March 2, 1999, an insurance company issued a settlement check in the amount of \$6,500.00 payable to the client and the respondent. The check was deposited into the respondent's IOLTA account on March 8, 1999. Between March 8, 1999, and March 24, 1999, without the client's knowledge or authorization, the respondent wrote checks to herself and others using the client's funds for her own personal or business purposes unrelated to her representation of her client.

In February of 2001, after being contacted by the client about the status of her funds, the respondent, using her own funds, purchased a bank check in the amount of \$3,705.45, the amount the respondent calculated as the client's portion of the settlement minus fees and costs. By letter dated February 10, 2001, the respondent forwarded the bank check to her client.

The respondent's conduct of intentionally using client funds for her own personal or business purposes with intent to deprive her client of the funds at least temporarily, and with actual deprivation resulting, was in violation of Mass. R. Prof. C. 1.15(a) - (d) and 8.4(c) and (h).

This matter came before the Board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by indefinite suspension. On February 10, 2003, the Board voted to accept the parties' stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. On March 7, 2003, the Court 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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