

IN RE: JOSEPH PAUL SULLIVAN, JR.

S.J.C. Order of Indefinite Suspension entered by Justice Cordy on January 13, 2004.¹
(S.J.C. Judgment of Reinstatement with Conditions entered by Justice Cordy on June 30, 2011.)

SUMMARY²

On June 2, 2000, the respondent filed a petition to probate a will and on October 11, 2000, the respondent was appointed executor of the estate. On July 13, 2000, without the knowledge or consent of the legatees, the respondent deposited a check from an insurance company in the amount of \$5,000.00 payable to the estate into his personal checking account. The respondent used all or substantially all of the funds for personal or business purposes unrelated to the purposes of the estate, with the intent to deprive the estate of the use of the funds, at least temporarily, and with actual deprivation resulting.

On or about October 9, 2001, the respondent filed his resignation as executor of the estate. His resignation was allowed on January 10, 2002. On January 25, 2002, per order of the Probate Court, the respondent filed his First Account as Executor of the Estate. The account was for the period of May 1, 2000, through December 31, 2001. The account did not include the receipt of the \$5,000.00 check from the insurance company. On October 10, 2003, after the matter was brought to the attention of Bar Counsel, the respondent made restitution to the estate.

The respondent had been suspended from the practice of law for one year and one day effective January 10, 2002, for conduct in a matter unrelated to that detailed above. He had not sought reinstatement.

The respondent's intentional misappropriation of client funds with intent to deprive the estate 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 December 8, 2003, the Board voted to accept the parties' stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. On January 13, 2004, 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.