

IN RE: MAUREEN V. ANDRICOPOULOS

S.J.C. Judgment of Disbarment entered by Justice Cowin on June 9, 2004.¹

SUMMARY²

This matter came to Bar Counsel's attention as a result of Bar Counsel's receipt on September 18, 2002 of a notice of dishonored check drawn on the respondent's IOLTA account. From 2002 to the present, the respondent on multiple occasions, and without the knowledge or consent of her clients or other parties in interest, intentionally expended funds owed to clients or others or on their behalf for the respondent's own personal or business purposes or those of other unrelated clients and third parties, including funds wrongly expended by the respondent in the following five instances.

In the first matter, on or about January 2002, the respondent undertook to act as informal trustee for a boxing trainer whom the respondent had known since they were teenagers. The client received payment for his services in the form of a share of the proceeds of boxing matches. Between January 11, 2002, and June 9, 2003, the client remitted, or caused to be remitted, checks totaling \$188,293 to the respondent to hold on his behalf and to disburse to him or for his benefit as needed. The respondent did not, as required, establish an individual trust account with interest payable to the client, but instead deposited the checks that comprised this \$188,293 to either her IOLTA account, her business checking account or her personal checking account.

The respondent made payments totaling approximately \$50,000 to the client or on his behalf in 2002 and 2003. The respondent intentionally misappropriated the balance of the client's funds. Without the client's knowledge or consent, the respondent, between May 23, 2002 and July 22, 2003, wrote 68 checks totaling \$137,955 from her three bank accounts to herself, all denominated by the respondent as relating to this matter. These sums have not been repaid.

In a second matter, the respondent was retained to act as closing attorney for a cash sale of real estate. On August 9, 2002, the respondent received and deposited to her IOLTA account a check in the amount of \$7500 representing the buyers' down payment on the purchase. Without the authorization or consent of any of the parties to the transaction, the respondent intentionally misappropriated the entirety of the down payment with a series of checks payable to herself.

The closing took place on September 13, 2002. On that date, the respondent deposited to her IOLTA account a check for \$231,258.55, representing the net proceeds of the buyers' sale of their prior residence. She also received additional funds totaling \$19,451 directly from the buyers, but deposited this sum to her personal account. Without the authorization or consent of any of the parties to the closing, the respondent intentionally misappropriated the entirety of this \$19,451 for her own business or personal purposes.

As a result of her commingling and misappropriation of funds, the respondent did not have sufficient funds available at the closing to pay off the sellers' junior mortgages to their credit union. The respondent therefore falsely represented on the HUD-1 settlement statement that \$26,934.63 had been paid outside of the closing directly to the credit union. The respondent falsely certified on the settlement statement that the settlement statement was true and that

she had caused the funds to be disbursed in accordance with the statement.

Three weeks after the closing, the respondent on October 7, 2002, paid off the mortgages to the credit union, \$40,955.97 plus additional accrued interest. She was enabled to make these payments only after obtaining and depositing to her IOLTA account a personal loan for \$25,000.

In a third matter, on or about October 4, 2002, the respondent received a wire transfer to her IOLTA account in the amount of \$4,837.78, representing a payment from a debtor in a collection matter to the respondent's client. The respondent paid herself her fee in this matter, \$722.78, on or about October 8, 2002. Without the client's knowledge or authorization, the respondent then intentionally misappropriated the balance of the client's funds for her own personal or business purposes or those of other clients. On December 24, 2002, the respondent remitted \$3930 to the client. The respondent was enabled to make this payment only by the use of unrelated trust funds, including funds held for the client in the first matter and for the parties to the real estate transaction in the fourth matter described below.

In a fourth matter, on or about October 31, 2002, the respondent deposited in her IOLTA account a check for \$24,000 representing the buyer's deposit on a sale of real estate. Without the knowledge or authorization of the parties to the transaction, the respondent intentionally misappropriated a portion of these funds for her own business or personal purposes or those of other clients. The transaction closed on January 17, 2003, with another attorney as settlement agent. On or about that same date, the respondent remitted a check for \$24,000 to the real estate broker on account of this transaction. The respondent was enabled to make this payment only by the use of unrelated trust funds, including funds held for the client in the first matter described above.

In a fifth matter, on or about July 11, 2002, the respondent deposited two checks totaling \$8,250 to her IOLTA account, representing the deposit on a sale of real estate. Without the knowledge or authorization of any of the parties to the transaction, the respondent intentionally misappropriated these funds for her own business or personal purposes or those of other clients. On August 19, 2003, the respondent remitted a check drawn on her IOLTA account in the amount of \$8,250 payable to the closing attorneys. The check was returned on account of insufficient funds on August 20, 2003. The respondent replaced this check with a bank check on December 11, 2003.

In all five of these matters, the respondent's commingling and intentional misappropriation of trust funds is conduct in violation of Mass. R. Prof. C. 1.15(a),(b) and 8.4(c),(h). In all but the fourth matter, the respondent intended to deprive the parties of the funds at least temporarily and actual deprivation resulted. In the first matter, the respondent's failure to deposit the client's funds to an individual trust account with interest payable to the client is also in violation of Mass. R. Prof. C. 1.15(e). In the second matter, the respondent's false representations on the settlement statement that funds had been paid to the credit union outside of the closing is additional conduct in violation of Mass. R. Prof. C. 8.4(c),(h).

The respondent was also charged with failing to cooperate with Bar Counsel. After providing an initial reply to Bar Counsel's inquiries concerning the dishonored check notices, the respondent did not respond to Bar Counsel's follow-up correspondence, necessitating the issuance of a subpoena to compel her appearance at the Office of Bar Counsel on March 13, 2003. The respondent appeared for subpoena meetings in March and again in May, but then ceased any cooperation with Bar Counsel.

On petition by Bar Counsel, the Supreme Judicial Court for Suffolk County on November 24, 2003 issued an order administratively suspending the respondent from the practice of law pursuant to Supreme Judicial Court Rule 4:01, § 3, for failure to cooperate with Bar Counsel's investigation. The respondent took no steps to become reinstated. She also failed either to

file the required affidavit of compliance with the order of suspension or to send notice of her suspension to clients and others as required by Supreme Judicial Court Rule 4:01, § 17.

The respondent's failure to reply to Bar Counsel's inquiries or otherwise to cooperate with Bar Counsel's investigation, and her failure to comply with the terms of the order of administrative suspension, is conduct in violation of Mass. R. Prof. C. 8.4(g) and Supreme Judicial Court Rule 4:01, § 3 and § 17.

Bar Counsel filed a petition for discipline against the respondent on March 1, 2004. The respondent failed to file an answer to the petition. By letter dated March 24, 2004, the Board of Bar Overseers notified the respondent that the allegations in the petition were deemed admitted and that she had waived her right to be heard in mitigation. The respondent's failure to cooperate in the disciplinary process was considered as a matter in aggravation.

On May 10, 2004, the Board voted to recommend to the Supreme Judicial Court that the respondent be disbarred. The Court so ordered on June 9, 2004.

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.

Site Index

Please direct all questions to webmaster@massbbo.org.

© 2004. Board of Bar Overseers. Office of Bar Counsel. All rights reserved.