

IN RE: CHRISTOPHER F. LONG

S.J.C. Order of Indefinite Suspension entered by Justice Sosman on November 8, 2004, with an effective date of December 8, 2004.¹

SUMMARY²

On February 28, 2002, the respondent was retained to represent the executor of an estate. Between March 1, 2002 and November 1, 2003, the executor sold personal property that belonged to the estate. The executor deposited the sale proceeds into an estate account.

On October 31, 2003, the executor transferred \$165,000.00 of the estate's funds to the respondent's IOLTA account. On November 24, 2003, the respondent, at the executor's direction, disbursed \$112,500.00 to two of the estate's beneficiaries. The respondent did not make any additional disbursements to the estate's other heirs.

The executor died in December 2003. At the time, the respondent was holding at least \$51,500.00 of the estate's funds in his IOLTA account. Between December 3, 2003, and January 23, 2004, the respondent misappropriated at least \$51,200.00 of the estate's funds with the intent to deprive the estate's beneficiaries of those funds at least temporarily, and with actual deprivation resulting.

In March 2004, one of the beneficiaries retained an attorney to assist him in his efforts to obtain information about the status of the probate of the estate. On or about March 22, 2004, the attorney met with the respondent. The respondent agreed to provide the attorney with an accounting of all transactions regarding the estate, copies of all estate bills and checks in payment of those bills, and a check drawn on the respondent's IOLTA account for the balance of the estate's funds. The respondent failed to provide the attorney with the accounting, documentation, or the check.

On March 30, 2004, the attorney wrote to the respondent reiterating his request for an accounting and documentation related to the estate. The respondent did not respond to the attorney.

On April 23, 2004, the beneficiary's attorney submitted a request for investigation to the Office of the Bar Counsel because the respondent had failed to respond to requests for information about the estate and to provide an accounting of the estate's funds. On May 3, 2004, a copy of the complaint was sent to the respondent. Subsequent to his receipt of the complaint, the respondent made complete restitution to the estate.

The respondent's commingling and conversion of the estate's funds to his own use and his failure to turn over the funds promptly to the persons entitled to them violated Mass. R. Prof. C. 1.2(a) (lawyer shall seek the lawful objectives of his client); Mass. R. Prof. C. 1.3 (lawyer shall act with reasonable diligence and promptness in representing a client); Mass. R. Prof. C. 1.15(a) and (b) (lawyer shall hold property of clients or third persons separate and apart from the lawyer's own property and shall promptly deliver funds to a third person entitled to receive those funds) and Mass. R. Prof. C. 8.4(c) and (h) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, or any other conduct that adversely reflects on his fitness to practice law).

The respondent failure to provide an accounting of the estate's transaction violated Mass. R. Prof. C. 1.15(b).

In 2000, the respondent was suspended from the practice of law for three months for neglecting two matters and for misrepresenting to a court his reason for requesting a continuance. Matter of Long, 16 Mass. Att'y Disc. R. 250 (2000).

On September 23, 2004, the parties submitted a petition for discipline and a stipulation of the parties recommending to the Board of Bar Overseers that the respondent be indefinitely suspended from the practice of law. On October 18, 2004, the Board of Bar Overseers voted to accept the stipulation.

On November 8, 2004, the Supreme Judicial Court for Suffolk County entered a judgment indefinitely suspending the respondent from the practice of law.

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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