

IN RE: ROBERT A. FANEUIL

S.J.C. Judgment of Disbarment entered by Justice Cowin on December 30, 2005.¹

SUMMARY²

The respondent, Robert A. Faneuil, Esq., is an attorney duly admitted to the Bar of the Commonwealth on December 16, 1975.

The respondent's law practice consisted primarily of high-volume collection work. Pursuant to a longstanding agreement with a corporate client, that client referred all of its collection work in the United States to the respondent. The respondent was authorized to hire local counsel and divide the legal fees with that counsel for cases outside of Massachusetts. Local counsel remitted collected sums to the respondent, who in turn was to forward the funds, less the legal fees, to the client.

In October of 2001, after a determination that the respondent was not accounting or reporting to the client in a timely fashion for collected funds, the client informed the respondent that local attorneys handling its collection cases must begin reporting directly to the client. Over the next several years, employees of the client began reviewing and reconciling the amounts collected and turned over to the client by the respondent.

In July of 2004, the client informed the respondent that it had found \$40,000 in discrepancies. Ultimately, both the respondent and the client hired accountants to conduct independent audits.

Between January of 2000 and May of 2005, the respondent collected and deposited to his trust account not less than \$739,718.96 in funds on behalf of the client. Of this sum, \$61,414.30 represented total fees due to the respondent for legal services. The respondent did not remit all of the remaining funds due and owing to the client and instead intentionally misappropriated not less than \$160,524.30 for his own personal and business purposes unrelated to the client.

Also between January of 2000 and May of 2005, the respondent failed to maintain adequate records of his handling of collections on behalf of the client and other clients. The respondent and the client have not finally agreed upon the exact amount of funds converted. To date, the respondent has made restitution of \$160,524.30 and the client is seeking an additional \$23,443.76.

The respondent's intentional misappropriation of client funds for personal and business purposes unrelated to the clients resulted in actual deprivation and constituted conduct in violation of Mass. R. Prof. C. 8.4(c) and (h) and 1.15 (a) and (b) as appearing in 426 Mass. 1301, 1363 (1997) effective 1/1/98 through 6/30/04.

On November 4, 2005, the respondent filed an affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15. On December 12, 2005, the Board of Bar Overseers voted to recommend to the Supreme Judicial Court that the respondent's affidavit of resignation be accepted, and that an order of disbarment be entered forthwith. On December 27, 2005, the Supreme Judicial Court for Suffolk County 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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