

IN RE: EDWARD DAVID FRIEDMAN

S.J.C. Judgment of Disbarment entered by Justice Cordy on February 23, 2006.<sup>1</sup>

SUMMARY<sup>2</sup>

The respondent was admitted to practice on December 18, 1979. On October 15, 2005, bar counsel filed a fifteen-count petition for discipline against the respondent. In pertinent part, the petition alleged as follows.

As described in Counts One and Two, the respondent settled client cases without permission, endorsed clients' names to settlement checks without authority, failed to notify clients of receipt of settlement funds and intentionally misused funds entrusted to him for his own personal or business purposes, with actual deprivation resulting.

The respondent's conduct violated Mass. R. Prof. C. 1.2(a), 1.4, 1.5(c), 1.15(b), 1.15(c), 8.4(c) and 8.4(h).

Counts Three through Six also involve the respondent's mishandling of client funds including intentional misappropriation of trust funds, failure to notify a client of receipt of settlement funds, failure to promptly deliver settlement funds to a client, failure to render accountings, lack of diligent representation of client matters and a failure to return client files. The respondent's conduct violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.4, 1.5(c), 1.15(b), 1.15(c), 1.15(d), 1.16(d), 1.16(e), 8.4(c), 8.4(d), 8.4(h) and 1.15(a) and (b), as appearing in 426 Mass. 1301, 1363 (1997), effective 1/1/98 through 6/30/04.

Counts Seven through Ten again involve the respondent's lack of diligent representation and failure to return client files. In one instance, the respondent misrepresented the status of a matter to his client. The respondent's conduct violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.4, 1.16(d), 1.16(e), 8.4(c), 8.4(d) and 8.4(h).

On August 13, 2004, the respondent was administratively suspended from the practice of law for failing to cooperate with bar counsel's investigation. The respondent's failure to cooperate resulting in an administrative suspension was in violation of S.J. C. Rule 4:01, §3(1), and Mass. R. Prof. C. 8.1(b) and 8.4(g). As described in Count Eleven and other counts, the respondent also continued to practice law while administratively suspended in violation of Mass. R. Prof. C. 5.5(a) and 8.4(d) and (h).

In addition, as described in Counts Twelve and Thirteen, the respondent failed to comply with orders of the Supreme Judicial Court arising from his administrative suspension, resulting in a finding by the Court of contempt. The order of contempt has not been purged. The respondent's failure to comply with the terms of his administrative suspension and the orders of Court, resulting in an entry of an order of contempt, constitutes conduct prejudicial to the administration of justice and conduct adversely reflecting on the respondent's fitness to practice law in violation of Mass. R. Prof. C. 8.4(d) and (h), as well as in violation of Supreme Judicial Court Rule 4:01, §17 and §3(3).

Count Fourteen arises from the respondent's failure to comply with orders of the bankruptcy court in connection with nine bankruptcy petitions he had filed on behalf of clients, resulting

in a finding of contempt against the respondent and his arrest. The respondent's conduct was in violation of Mass. R. Prof. C. 8.4(d) and 8.4(h).

Count Fifteen arises from the respondent's bad faith filing of his own bankruptcy petition, resulting in an order from the bankruptcy court prohibiting the respondent from filing any further personal bankruptcy petitions on his own behalf for a period of one year. The respondent's conduct was in violation of Mass. R. Prof. C. 3.1, 3.2, 3.3, 8.4(d) and 8.4(h).

In aggravation, on December 3, 1991, the respondent was suspended from the practice of law for one year for making materially false statements to a tribunal and other misconduct. On March 16, 1993, the respondent was convicted, upon a plea of guilty, for failure to file an income tax return. As a result, on October 5, 1993, the respondent was again suspended for one year retroactive to December 3, 1992, the date the respondent would have become eligible to apply for reinstatement. On October 27, 1995, the respondent was reinstated to the practice of law.

On October 17, 2005, bar counsel filed a petition for discipline against the respondent. The respondent failed to file an answer to the petition in conformance with the requirements of the Board of Bar Overseers Rule 3.15(d) and failed to participate in the proceeding. Pursuant to S.J.C. Rule 4:01, § 8(3), the allegations were therefore deemed admitted. On January 9, 2006, the Board of Bar Overseers voted to recommend to the Court that the respondent be disbarred, and on February 23, 2006, the Supreme Judicial Court for Suffolk County ordered the respondent's disbarment, effective immediately.

<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record before the Court.

Please direct all questions to [webmaster@massbbo.org](mailto:webmaster@massbbo.org).

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