

IN RE: MICHAEL LEON DASH

S.J.C. Order of Term Suspension entered by Justice Cordy on May 9, 2006, with an effective date of June 8, 2006.¹

(S.J.C. Judgment of Reinstatement with Conditions entered by Justice Cordy on January 20, 2011.)

SUMMARY²

The respondent entered into an agreement with a non-lawyer to operate a legal practice in Boston. Under the terms of the agreement, the non-lawyer served as paralegal and office manager and was paid a weekly salary. At the request of the non-lawyer, the respondent agreed to call the practice "Marshall's Legal Services, Attorneys at Law." Marshall is the non-lawyer's family name. The non-lawyer brought five tort cases to the practice when she came.

During the several months in 2004-2005 that the practice operated, the respondent failed to supervise the non-lawyer. He permitted her to accept new clients; to assemble records and to make presentations to insurance companies; to advise clients on legal matters, including whether to accept a settlement offer; and to receive and disburse settlement funds. Without the respondent's knowledge, the non-lawyer held herself out as an attorney while performing these functions.

The respondent permitted the non-lawyer to make deposits and withdrawals from his IOLTA account, but failed to supervise her operation of the account. The non-lawyer commingled personal funds with client funds, used the IOLTA account to pay her personal bills, and violated other rules concerning the operation of trust accounts. The non-lawyer signed the respondent's name to correspondence without presenting the correspondence to him for review.

One of the tort cases referred to the practice by the non-lawyer involved the non-lawyer's sister, whose name was Marshall. When an insurance adjustor inquired about the coincidence and the practice name and about Marshall's relationship to the non-lawyer, the respondent acknowledged that Marshall was the non-lawyer's sister but then made false assertions. He falsely stated that the non-lawyer was "my landlord, not my employee" and falsely stated that there was no relationship between Marshall's surname and the name of his law practice.

The respondent's failure to supervise his non-lawyer employee and to take reasonable actions to ensure that her conduct was compatible with the professional obligations of a lawyer was a violation of Mass. R. Prof. C. 5.3(a) and (b).

The respondent's operation of a commingled trust account and his failure to maintain or cause his employee to maintain the account in conformance with regulatory requirements was a violation of Mass. R. Prof. C. 1.15(b) and (e).

The respondent's false statements to the insurance adjustor were a violation of Mass. R. Prof. C. 4.1(a) and 8.4(c).

The respondent admitted the allegations and agreed to Bar Counsel's recommendation of a suspension from practice for six months and one day. The Board recommended that the

stipulation be accepted, and the Court did accept the agreement. The Court imposed a suspension of six months and one day.

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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