

IN RE: PETER L. SCHOFIELD

S.J.C. Judgment of Disbarment entered by Justice Cowin on May 25, 2006.¹

SUMMARY²

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, § 15. The respondent admitted in his affidavit of resignation that the material facts set forth in bar counsel's statement of disciplinary charges would be established by a preponderance of the evidence at a hearing and that a hearing committee, the Board of Bar Overseers and the Court would conclude that he had committed the acts set forth in the statement.

In or before January 2006, the respondent was retained to represent a husband and wife as sellers on the sale of their real estate in Grafton, Massachusetts. Prior to the closing, the buyers had remitted, and the respondent was to hold in escrow, a \$16,000 deposit. On March 6, 2006, the respondent represented the clients at the closing. The respondent was not the settlement agent. The clients, residents of New York, were not present at the closing and had authorized the respondent to deposit the proceeds of the sale into his IOLTA account. On or about March 6, 2006, the respondent received and deposited \$68,804.53, the net proceeds from the sale, into his IOLTA account. On or about March 7, 2006, the respondent withdrew \$530.00 in legal fees and expenses from the IOLTA account and sent the clients a check in the amount of \$68,274.53.

In reviewing the HUD settlement statement after the closing, the clients realized that they were owed the additional \$16,000 deposit, and they contacted the respondent's office. On March 14, 2006, the respondent sent the clients a check in the amount of \$16,000 drawn on his IOLTA account.

On March 21, 2006, the clients were notified by their bank that the \$68,274.53 check had been returned for insufficient funds. On or about March 27, 2006, the clients were notified by their bank that the \$16,000 check had been returned for insufficient funds as well.

In or before mid-March 2006, the respondent intentionally expended the clients' funds for his own personal or business purposes or those of other clients. By mid-March 2006, the IOLTA account was depleted before either of the checks to the clients was paid. The respondent intended by this conduct to deprive the clients of their funds at least temporarily and actual deprivation resulted.

The respondent's intentional misappropriation of client funds, with intent to deprive the client of the funds at least temporarily and with actual deprivation resulting, is conduct in violation of Mass. R. Prof. C. 8.4(c) and (h) and 1.15(b) and (c).

The affidavit of resignation was filed with the Board of Bar Overseers on April 25, 2006. On May 8, 2006, the Board voted to recommend that the affidavit of resignation be accepted and that an order of disbarment be entered forthwith. On May 25, 2006, 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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