

IN RE: RICHARD W. HYNES

S.J.C. Judgment of Disbarment entered by Justice Ireland on July 26, 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 that the material facts described in bar counsel's amended petition for discipline could be proven by a preponderance of the evidence, as follows.

In June 2004, the respondent represented two persons as plaintiffs in litigation pending in the Essex Superior Court. In June 2004, the litigation was settled for \$9,000.

On or about June 22, 2004, the respondent received the defendant's check for \$9,000. The respondent did not, however, deposit the settlement check into his IOLTA account. Instead, on June 22, 2004, the respondent deposited the settlement check into his personal account.

Prior to the deposit of the defendant's check, the personal account held a balance of \$502.12. The respondent thereafter intentionally used his clients' settlement funds for personal and business purposes unrelated to the representation.

As of July 15, 2004, the balance in the respondent's personal account was \$6,196.78; as of September 14, 2004, \$2,429.73; and as of December 13, 2004, \$874.41, without any payment being made to or for the benefit of the clients with the exception of one payment described below.

From July 2004 to August 2005, one of the clients made repeated demands of the respondent for an accounting and distribution of the settlement funds that she was entitled to receive. On August 2, 2005, the respondent made one payment of \$100.00 payable to that client drawn on his personal account. No other payments were made and, as of the date of the respondent's affidavit, both clients remained deprived of the funds that they were entitled to receive.

For conduct on or after July 1, 2004, the respondent's commingling of client funds with personal or business funds and his intentional misuse of settlement funds with intent to deprive and actual and continuing deprivation resulting were in violation of Mass. R. Prof. C. 1.15(b)-(d) and 8.4(c) and (h). For conduct before to July 1, 2004, the respondent's conduct was in violation of Mass. R. Prof. C. 1.15(a)-(d), as appearing in 426 Mass. 1301, 1363 (1997), effective 1/1/98 through 6/30/04, and 8.4(c) and (h).

On July 10, 2006, the Board voted to recommend that the affidavit of resignation be accepted and that an order of disbarment be entered. On July 26, 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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