

IN RE: JOHN FRANCIS ADAMS

S.J.C. Order of Term Suspension entered by Justice Greaney on November 20, 2006, with an effective date of December 20, 2006.¹

SUMMARY²

The respondent misappropriated funds held for a client and spent those funds for his own purposes. After the client complained to Bar Counsel, the respondent retained counsel and made full restitution with interest. In view of the fact that restitution has been made, the Board of Bar Overseers recommended, and the court imposed, an indefinite suspension.

The respondent was retained and paid to probate the estate of a woman who was killed in a motor vehicle accident. During the probate process, he was also retained to pursue the wrongful death claim. The claim was settled for the policy limits. In October, 2004, the respondent deposited the \$50,000 settlement check in his trust account and immediately withdrew his fee. He did not remit any of the proceeds to the estate.

Beginning in January, 2005, the respondent made a series of \$5000 withdrawals from his trust account, one approximately every nine days. When the balance in the account fell below \$5000, he withdrew lesser amounts until the balance in the account was reduced to twelve dollars. He admitted that he withdrew as much as he possibly could even though he knew that he had not remitted the settlement proceeds to the estate.

The respondent offered evidence of family difficulties during the summer of 2004, and a failed relationship in October, 2004; after the petition for discipline was filed, he sought treatment for problems with alcohol. The hearing committee credited the respondent's testimony but declined to infer that his withdrawal and use of \$35,000 of his client's funds in \$5000 installments between January and March, 2005, was causally related to the claimed factors in mitigation.

The respondent's conduct constituted conversion of client's funds in violation of Mass. R. Prof. C. 1.15(b) and (c) and dishonesty, fraud, deceit, and misrepresentation in violation of Mass. R. Prof. C. 8.4(c).

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.