

## IN RE: MARK S. WILLIAMS

S.J.C. Judgment of Disbarment entered by Justice Cowin on December 22, 2006.<sup>1</sup>

SUMMARY<sup>2</sup>

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 the affidavit that sufficient evidence existed to warrant findings that the facts alleged in bar counsel's petition for discipline could be proved, as follows.

The respondent's client was awarded \$26,246 by the Social Security Administration as a lump sum payment for past disability benefits, with monthly benefits thereafter of \$1,590. The client was required by the SSA to have a representative payee for these payments, and the respondent agreed to serve as his client's representative payee.

In February 2005, the respondent, on his client's behalf, received \$27,836, representing the retroactive social security disability insurance award plus one month's benefit ("SSDI funds"). The respondent deposited the \$27,836, into an account in the name of his wife.

In February 2005, the respondent withdrew \$21,836 of his client's SSDI funds from his wife's account and transferred this sum to a joint account with his wife. After a series of withdrawals over the next year, the balance in the joint account was \$16.99. The respondent also made additional withdrawals from the account to which he had originally deposited the funds, reducing the balance in that account to \$44.54.

Between March and May 2005, the respondent paid his client a total of \$7,000 reducing the balance of funds due his client to \$20,836. The respondent, as his client's representative payee, also received the monthly social security benefit payments of \$1,590 and remitted that sum to his client each month.

In February 2005, the respondent agreed to file a petition for bankruptcy on behalf of the client. The client authorized the respondent to take \$1,000 from his SSDI funds to file the bankruptcy petition. The respondent failed to file the bankruptcy petition. For the next year, the respondent repeatedly and falsely represented to the client and the client's mother that he had filed the bankruptcy petition in the bankruptcy court. He also repeatedly and falsely represented that he was holding the balance of the SSDI funds in an escrow account "due to an automatic stay in effect from the Bankruptcy Court."

In February 2006, the client inquired as to the balance of the remaining SSDI funds and demanded that the respondent provide him with an accounting of all funds. The respondent thereafter met with the client and informed him that he had failed to file the bankruptcy case and that the SSDI funds were "gone." The respondent promised the client that he would make full restitution within two weeks. However, the respondent failed to remit or deliver the funds remaining due.

The respondent's conduct in intentionally converting his client's funds with intent to deprive the client of these funds at least temporarily and with actual deprivation resulting, his conduct in failing to provide the client with a full written accounting upon request, in failing

to promptly pay the client, and in failing to maintain and safeguard client funds in a designated trust account violated Mass. R. Prof. C. 1.15(b), (c) and (d); and 8.4(c) and (h). The respondent's conduct in failing to file a petition for bankruptcy on behalf of his client violated Mass. R. Prof. C. 1.1 and 1.3. The respondent's failure to keep his client reasonably informed about the status of his case and his misrepresentations about the status of his bankruptcy case violated Mass. R. Prof. C. 1.4(a) and (b) and Mass. R. Prof. C. 8.4(c).

On December 11, 2006, the Board of Bar Overseers unanimously voted to recommend to the Supreme Judicial Court that the respondent's affidavit of resignation be accepted and that an order of disbarment be entered. On December 22, 2006, the Court so ordered.

<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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