

IN RE: LEWDORSEY WILLIAMS

S.J.C. Judgment of Disbarment entered by Justice Cowin on June 11, 2008.¹

SUMMARY²

The respondent represented the sellers of residential real estate. On March 29, 2006, the property closed and as of July 21, 2006, the respondent was holding \$52,100.00 of the net proceeds of the sale of the property in his then existing IOLTA account. The respondent was escrow agent of the proceeds and continued to hold the proceeds intact in his account pending resolution of a civil suit between the buyers and sellers of the property.

In April 2007, the issue of entitlement to the funds and interest was resolved by oral agreement with the understanding that the litigation would be dismissed upon completion of the terms of the settlement. Pursuant to the agreement, the respondent forwarded a bank check in the sum of \$15,000.00 drawn on his IOLTA account to the attorney for the buyers who accepted the payment in satisfaction of his clients' claims. Upon finalization of the paperwork in connection with the settlement, the respondent's clients, the sellers, were entitled to the balance of the funds, minus attorney fees and costs.

On June 25, 2007, without the knowledge of his clients, and without providing any accounting to his clients, the respondent misappropriated his clients' funds by making two cash withdrawals from his IOLTA account representing all of the escrow funds remaining, and thereafter intentionally used the funds for personal or business purposes without any payment being made to or for the benefit of his clients. In July 2007, the respondent's clients retained successor counsel who made multiple demands upon the respondent for the funds. The respondent has not accounted for the funds nor given to his former clients the funds to which they are entitled.

The respondent's intentional use of client property for his own personal or business purposes, with actual and continuing deprivation resulting, was in violation of Mass. R. Prof. C. 1.15(b), (c) and (d), and Mass. R. Prof. C. 8.4(c).

In aggravation, on June 21, 2007, the respondent received a public reprimand for commingling escrow funds in a business account that he and others controlled, without the knowledge and permission of all the parties to the escrow agreement, in violation of Mass. R. Prof. C. 1.15(b). The respondent further received a public reprimand in 2003 for neglect and other misconduct in violation of Mass. R. Prof. C. 1.3 and 1.4, PR 2003-12, 19 Mass. Att'y Disc. R. 492 (2003), and an admonition in two unrelated files for mismanagement of his IOLTA account when he was new to solo practice. AD No. 99-57, 15 Mass. Att'y Disc. R. 757 (1999).

On January 15, 2008, bar counsel filed a petition for discipline against the respondent. The respondent failed to file an answer to the petition in conformance with the requirements of the Rules of the Board of Bar Overseers Section 3.15(d) and failed to participate in the proceeding. Pursuant to S.J.C. Rule 4:01, § 8(3), the allegations were therefore deemed admitted. On April 14, 2008, the Board of Bar Overseers voted to recommend to the Court that the respondent be disbarred, and on June 11, 2008, the Supreme Judicial Court for Suffolk County ordered the respondent's disbarment, effective immediately.

FOOTNOTES:

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 Supreme Judicial Court.

Please direct all questions to webmaster@massbbo.org.

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