

IN RE: MARY-MARGARET QUINN

S.J.C. Order of Term Suspension entered by Justice Botsford on March 11, 2009.¹

SUMMARY²

On March 11, 2009, the Supreme Judicial Court for Suffolk County ordered that the respondent Mary-Margaret Quinn be suspended from the practice of law for one year and one day, effective immediately. The sanction arose from the respondent's conduct in representing a client in probating an estate.

In March 2002, the client retained the respondent to probate the last will and testament of a friend who had died without surviving family members. The respondent had drafted the document and was also a family friend of the decedent. The decedent's estate consisted solely of six bank accounts holding a balance of \$375,036.60, and a ring valued at \$120. According to the will, the estate was to be divided between the client and her two sisters. The client was nominated by the will as the executrix.

On June 10, 2002, the respondent filed the initial documents in the Bristol Probate Court to begin probating the will and shortly thereafter published a notice of petition for probate of will in the local newspaper.

On October 12, 2002, the client closed five of the decedent's six bank accounts and turned the proceeds over to the respondent. The value of these accounts was \$227,765.23. The respondent deposited the funds into her IOLTA account.

On October 25, 2002, the respondent issued a check drawn on her IOLTA account for \$82,500 for the client to deposit into an interest-bearing account that she had set up in the name of the decedent. A month later on November 26, 2002, the respondent issued two more checks drawn on the IOLTA account totaling \$82,505, and they were deposited by the client into another interest-bearing account.

On November 26, 2002, \$62,759 in estate funds remained in the respondent's IOLTA account. For the next ten months, the funds remained in the IOLTA account without earning interest for the client. Several months later, the respondent deposited into her IOLTA account a refund from the decedent's nursing home which brought the total amount of estate funds in respondent's IOLTA account to \$69,407.

On August 28, 2003, the client closed the first estate account and the proceeds of \$84,052.09 were deposited into the respondent's IOLTA account for distribution to the heirs. The following week, respondent distributed \$144,052.09. After these distributions were complete, respondent held \$9,407 of estate funds in her IOLTA account. On September 6, 2003, at the request of the respondent, the client closed the second estate account and gave \$83,867.22 to the respondent, who deposited them into her IOLTA account. On October 11, 2003, the third and last account held by the decedent was closed by the client and the balance deposited into the respondent's IOLTA account, for a total balance of \$220,498.23.

On November 15, 2003, the respondent made a second distribution to the heirs totaling of \$127,224.01. After these disbursements were complete, the respondent still held \$93,274 of

estate funds in her IOLTA account, which remained there until September 9, 2004.

During 2003, the three accounts that were open in the name of the estate earned an approximate total of \$4,531.67 in interest. The respondent had filed federal and state estate tax returns in 2002 but failed to file estate tax returns for 2003. The respondent knew that the estate had earned interest of approximately \$4,531.67 for 2003 and that penalties and interest would also be due on that amount since she had missed the filing deadline.

On September 9, 2004, the respondent made a third distribution to the legatees of \$60,000. After these disbursements were complete, the respondent's IOLTA account continued to hold \$33,274 in estate funds. This amount remained in the respondent's IOLTA account for over two and a half years while the respondent took no action of substance to conclude the estate.

In September 2005, the client began to have difficulty reaching the respondent and wanted to have the rest of the money disbursed as there were no outstanding expenses. She wrote letters and called the respondent for months with little response. The respondent had disconnected her office phone and did not have an answering machine on her home phone.

On October 12, 2005, the client filed a grievance with bar counsel. Two weeks later, the respondent filed the inventory and a first account in the probate court, three years after the last distribution of estate funds. On April 28, 2007, after years of being unable to get in touch with the respondent and knowing that no work had been done on the estate, the client terminated her representation.

On May 22, 2007, the respondent met with bar counsel and was instructed to immediately turn over the remaining estate funds in her IOLTA account, which she did with an additional amount for the interest that would have accrued. The client agreed to give the respondent a second chance and allow her to complete the estate. The respondent, however, failed to follow through.

After waiting six months for the respondent to complete the estate, the client again sent her a letter on October 24, 2007, requesting her file and terminating her representation. The respondent never responded to the client's letter and has not returned the file and the original documents it contains.

On February 11, 2008, the Board of Bar Overseers issued a subpoena duces tecum to respondent requiring her to appear at the Office of Bar Counsel with the file. The respondent failed to appear and to deliver the file. On February 21, 2008, the Court entered a judgment for the respondent's immediate administrative suspension. The respondent failed to withdraw as counsel in the probate court or to notify the client of her suspension and otherwise violated the order of suspension.

By delaying distributions of the estate funds, not filing an inventory and accounts in a timely manner and by failing to submit the second and final accounting, respondent violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.15(d)(1) as in effect on and after July 1, 2004, and 8.4(d).

By failing to respond to her client's reasonable requests for information, respondent violated Mass. R. Prof. C. Rule 1.4(a).

By failing to hold estate funds in an interest-bearing account when she held substantial funds and held estate funds for a substantial period of time, respondent violated Mass. R. Prof. C. Rule 1.1, 1.15(e) as in effect prior to July 1, 2004, and 1.15(e)(5) as in effect on and after July 1, 2004.

By failing to promptly deliver the estate funds to her client upon her discharge, respondent violated Mass. R. Prof. C. Rule 1.15(c) as in effect on and after July 1, 2004, and 1.16(d).

By failing to file federal and state taxes for the estate in 2003, respondent violated Mass. R. Prof. C. Rule 1.1 and 1.3.

By failing to respond and turn over the client file upon the request of her client and failing to deliver the client file after she was discharged, respondent violated Mass. R. Prof. C. Rule 1.15(c) as in effect on and after July 1, 2004, 1.16(d) and (e).

By failing to promptly withdraw after being discharged, respondent violated Mass. R. Prof. C. 1.16(a)(1) and (3).

By knowingly failing, without good cause, to timely withdraw from all of her appearances for clients after her administrative suspension, the respondent violated Mass. R. Prof. C. 1.4(a) and (b), 1.16(a)(1), 3.4(c) and 8.4(d) and S.J.C. Rule 4:01, § 17(1)(c) and (d).

By knowingly failing, without good cause, to timely make available to her client all client papers after her administrative suspension, the respondent violated Mass. R. Prof. C. 1.15(c) as in effect on and after July 1, 2004, 1.16(d) and (e), 3.4(c), 8.4(d) and S.J.C. Rule 4:01, § 17(1)(e).

By failing to file a timely affidavit of compliance after her administrative suspension, the respondent violated S.J.C. Rule 4:04, § 17(5) and (6), and violated Mass. R. Prof. C. 3.4(c) and 8.4(d).

By failing without good cause to appear in response to a subpoena issued by the Board of Bar Overseers, the respondent violated S.J.C. Rule 4:01, § (3)(1) and Mass. R. Prof. C. 3.4(c), 8.1(b) and 8.4(d) and (g).

The respondent was admitted to practice on December 17, 1997, and had no record of discipline. Bar counsel filed and served a petition for discipline on October 14, 2008. In aggravation, the respondent failed to file an answer to the petition. She was defaulted and failed to take any action for relief from the default.

On January 20, 2009, the Board of Bar Overseers unanimously voted to recommend that the respondent be suspended for a period of one year and one day for her misconduct. On March 11, 2009, the Supreme Judicial Court for Suffolk County (Botsford, J.) entered an order suspending the respondent from the practice of law for a period of one year and one day, effective on the entry date of the order.

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 filed with the Supreme Judicial Court.