

IN RE: SARAH K. CONNOR

S.J.C. Judgment of Disbarment entered by Justice Ireland on September 23, 2010.¹

SUMMARY²

On March 13, 2009, the respondent represented the buyers and the lender at a real estate closing. The seller was represented by her own attorney. The buyers and seller agreed to have \$10,000 from the proceeds of the closing held back to pay whatever costs were needed to repair the property's septic system. In addition, the respondent was to pay from the closing proceeds \$1,377.07 for title insurance, filing the municipal lien certificate, and reimbursing the buyers for expenses credited to them.

The respondent did not disburse the \$1,377.07 as required. She intentionally misrepresented on the HUD-1 settlement statement provided to the parties to the transaction and the bank that she had made the payments to the buyers, the title insurer and for the municipal lien certificate.

Between April 27 and September 25, 2009, the respondent converted the escrow funds and the \$1,377.07 to her own use. In June 2009, the respondent received notice from the buyers to release the escrowed funds to the seller, but the respondent failed to promptly notify the seller that the funds were due or turn over the funds to her. The respondent failed to respond to demands by the seller's attorney that she turn over the funds to him, and she failed to make restitution.

On December 31, 2009, bar counsel received a request from the seller's attorney for an investigation into the respondent's conduct. The respondent intentionally failed without good cause to respond to bar counsel's request for information. On March 11, 2010, the Board of Bar Overseers issued a subpoena directing the respondent to appear at the Office of the Bar Counsel. The respondent received the subpoena, but she intentionally failed without good cause to comply.

By failing to promptly turn over the escrow funds to the seller when due, the respondent violated Mass. R. Prof. C. 1.15(c). By failing to pay the buyers, the title insurer and other expenses listed on the HUD-1, the respondent violated Mass. R. Prof. C. 1.2(a), and 1.15(c). By intentionally misrepresenting on the HUD-1 that all the expenses and credits listed were paid from the proceeds of the closing, the respondent violated Mass. R. Prof. C. 8.4(b) and (c). By converting the escrow funds and other closing proceeds to her own use, the respondent violated Mass. R. Prof. C. 1.15(b) and 8.4(c). By creating a negative balance for any client matter, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C). By intentionally failing without good cause to respond to bar counsel's requests for information, the respondent violated Mass. R. Prof. C. 3.4(c), 8.1(b), 8.4(g) and S.J.C. Rule 4:01 §3(1).

On April 9, 2009, bar counsel filed a petition for discipline alleging this misconduct. The respondent did not file an answer and did not otherwise participate in the proceedings. On July 16, 2010, the Board of Bar Overseers voted to recommend to the Supreme Judicial Court for Suffolk County that the respondent be disbarred. On July 21, 2010, an information was filed in the county court. On September 23, 2010, after a hearing at which the respondent failed to appear, the county court entered a judgment of 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 filed with the Supreme Judicial Court.

Please direct all questions to webmaster@massbbo.org.