

IN RE: KEVIN P. REYNOLDS

NO. BD-2010-066

S.J.C. Judgment of Disbarment entered by Justice Gants on September 17, 2012.¹

SUMMARY²

On September 17, 2012, the respondent, Kevin P. Reynolds, was disbarred by the Supreme Judicial Court. The disbarment was based upon the following misconduct.

The respondent was retained by the client in February 2010 to represent him in divorce proceedings. The respondent charged and collected \$2,100 from the client.

In March 2010, the client and his then wife executed a separation agreement. Pursuant to the agreement, the client was to receive sole title to a piece of real estate held jointly with his wife, free and clear of all liens. In April of 2010, in order to clear a lien placed on the property in October of 2008, based upon the wife's debts, the client gave the respondent a check for \$6,112.39. The respondent then deposited the check into his IOLTA account and intentionally misused the client's funds for his own purposes.

Again due to the wife's debts, a second lien was placed on the property in July of 2010 in the amount of \$9,872.17. In April of 2011, in order to clear this second lien, the client gave the respondent a check for \$10,000. The respondent deposited the check into his IOLTA account and again intentionally misused the client's funds for his own purposes. Also in April 2011, the client's former wife cleared the first lien of \$6,112.39. The respondent failed to return the \$6,112.39 that he had received from the client the previous year for the purpose of clearing this lien.

The client made numerous attempts to contact the respondent between May and August of 2011. The respondent failed to respond to any of the client's several phone calls. The respondent also failed to provide the client with an accounting.

The client filed a complaint with the Office of Bar Counsel in September 2011. The respondent failed to respond to two requests for a response to the complaint.

The respondent was then served on November 9, 2011, with a subpoena to appear before the Office of Bar Counsel on November 30, 2011. On November 29, 2011, the respondent's attorney contacted bar counsel and requested an extension of time for the meeting. Bar counsel agreed to an extension until December 20, 2011. On that date, respondent's counsel appeared before the Office of Bar Counsel without the respondent, an answer or an accounting.

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.

By intentionally misusing his client's funds for his own purposes, with intent to deprive the client of the funds at least temporarily and with actual deprivation resulting, the respondent violated Mass. R. Prof. C. 1.15(b) and (c), and 8.4(c) and (h).

By failing to respond to his client's telephone calls and messages, the respondent failed to act with reasonable diligence and promptness and failed to promptly reply to his client's requests for information, in violation of Mass. R. Prof. C. 1.3 and 1.4(a) and (b).

By failing to cooperate with the Office of Bar Counsel, the respondent is in violation of S.J.C. Rule 4:01, § 3, and Mass. R. Prof. C. 8.4(d), (g), and (h).

Bar counsel filed a petition for discipline alleging the above misconduct on April 9, 2012. In aggravation, the respondent failed to answer the petition or otherwise participate in the formal proceeding. As a result, the above facts were deemed admitted.

On July 9, 2012, the Board of Bar Overseers voted unanimously to file an information with the Supreme Judicial Court recommending that the respondent be disbarred. On September 17, 2012, the Court issued a judgment of disbarment from the practice of law.