

IN RE: JULIETTE HICKEY MONTAGUE

S.J.C. Order of Indefinite Suspension entered by Justice Botsford on August 31, 2010.¹

SUMMARY²

The respondent, Juliette H. Montague, was admitted to the practice of law in Massachusetts on December 15, 1982.

The client was injured in a motor vehicle accident in June of 1994. Shortly thereafter, the client and his wife engaged the respondent to represent them in claims against the owner and driver of the motor vehicle that struck the client. In October 1997, the respondent settled all claims with the defendants for a total amount of \$1,500,000.

By the end of December 1997, the respondent had deposited all of the settlement funds in her IOLTA account. On December 31, 1997, the respondent issued and delivered to the client and his wife the final settlement checks issued on her IOLTA, including a check to the client in the amount of \$252,669.

The client did not negotiate the check. On two occasions in 1998, the respondent wrote to the client urging him to contact her about his failure to negotiate the check. The client did not respond to those letters.

The respondent retained the client's funds in her IOLTA until 2003. On December 31, 2003, the respondent intentionally withdrew the \$252,669 from her IOLTA and deposited those funds into a non-interest bearing savings account in the name of her law practice. The respondent kept the funds intact in the savings account until May 2005. Subsequent to May 2005, the respondent intentionally withdrew all of the funds from the savings account and spent the money for personal purposes.

By intentionally converting client funds to her own use, the respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Mass. R. Prof. C. 8.4(c) and conduct that adversely reflects on her fitness to practice law, in violation of Mass. R. Prof. C. 8.4(h).

By depositing and maintaining client funds in an account that was not clearly identified as a trust account, the respondent violated Mass. R. Prof. C. 1.15(e)(2) and (for conduct prior to July 1, 2004) 1.15(d).

By retaining a non-nominal amount of client funds for a more than a short amount of time in her IOLTA, the respondent violated Mass. R. Prof. C. 1.15(e)(5) and (for conduct prior to July 1, 2004) 1.15(e).

The respondent has made full restitution to the client of the converted funds.

The matter came before the Court, Botsford J., on a stipulation of the parties and Vote and Recommendation of the Board of Bar Overseers, filed by the Board on August 20, 2010. On August 31, 2010, the Court issued an order imposing on the respondent an indefinite suspension from the practice of law.

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.