

IN RE: PETER M. HEINTZELMAN

NO. BD-2010-124

SUMMARY¹

The respondent had his own firm in Worcester. He maintained an IOLTA account to handle the receipt and distribution of client funds.

Between May 2009 and December 2010, the respondent made deposits of personal funds into the IOLTA account. In June 2010, the respondent wrote a check from his IOLTA account payable to the Worcester Housing Court. The check was dishonored due to insufficient funds.

Bar counsel wrote to the respondent in July 2010 requesting account records and an explanation for the dishonored check. The respondent did not respond to bar counsel's letter, and bar counsel sent a second request for the information. The respondent informed bar counsel that he intended to send a written response, but he failed to send the requested information.

The respondent was administratively suspended by the Supreme Judicial Court on December 10, 2010, for failure to cooperate with bar counsel. He was not reinstated within thirty days of his suspension. The respondent failed to close his IOLTA account or otherwise comply with the order of administrative suspension.

On July 1, 2011, bar counsel filed a petition for discipline setting forth the above misconduct and alleging that the respondent had violated Mass. R. Prof. C. 1.15(b)(2) by depositing personal funds in an IOLTA account; Mass. R. Prof. C. 8.1(b) and 8.4(g) by his knowing failure without good cause to respond to bar counsel's inquiries; and Mass. R. Prof. C. 3.4(c) and 8.4(d) by failing to comply with the order of administrative suspension. The respondent did not file an answer, and on July 28, 2011, the respondent was defaulted and the allegations and rule violations were deemed admitted. The respondent failed to move to set aside the default and answer the petition for discipline.

On September 2, 2011, bar counsel filed a memorandum with the Board of Bar Overseers recommending that the respondent be suspended from the practice of law

¹ Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

for one year and one day, effective on the date of entry. The respondent did not file a reply.

On November 1, 2011, the Board of Bar Overseers filed an information with the Supreme Judicial Court recommending that the respondent be suspended from the practice of law for six months and that he be required to petition for reinstatement. On November 4, 2011, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent from the practice of law for six months, and requiring that he apply for formal reinstatement and be reinstated pursuant to S.J.C. Rule 4:01, §18(2), (4), and (5), effective on the date of entry.