

IN RE: RICHARD S. DANIELS, JR.

S.J.C. Judgment of Disbarment entered by Justice Botsford on February 4, 2011.\*

SUMMARY<sup>1</sup>

This matter came before the Court on an affidavit of resignation submitted by the respondent to the Board of Bar Overseers under S.J.C. Rule 4:01, § 15, in December 2010. The respondent acknowledged in his affidavit of resignation that there was a pending investigation of allegations of misconduct on his part and that material facts on which the allegations were based could be proved by a preponderance of the evidence, as follows.

From at least 1990, the respondent operated a law practice, substantially all of which involved the collection of accounts for major finance companies. Ordinarily, the clients paid the respondent a fee based on a percentage of the amount collected. The clients also paid for costs of filing suit, including court filing fees.

Between about 2008 and the fall of 2010, the respondent engaged in the practice of collecting filing fees prior to filing suit. In every instance where a client paid a filing fee, the respondent led the client to believe that suit had been filed. In fact, the respondent intentionally deferred the filing of some of the suits and instead applied the money received as filing fees to pay his office expenses. In other cases, suit was not filed. The respondent intentionally misused clients' funds in excess of \$100,000 with the intent to deprive the clients of the funds at least temporarily and with actual deprivation resulting. The respondent had not repaid all of the funds misused either by reimbursing the clients or by paying for court filing fees. The respondent did not account for all the funds.

The respondent's intentional misuse of clients' funds violated Mass. R. Prof. C. 8.4(c) and (h). The respondent's intentional misrepresentations to clients violated Mass. R. Prof. C. 1.4(a) and (b) and 8.4(c). The respondent's failure to account for all the funds he received and disbursed violated Mass. R. Prof. C. 1.15(d)(1). His failure to carry out his obligations to clients by not filing actions on their behalf and by intentionally delaying the filings so that he could use the funds for his own purposes violated Mass. R. Prof. C. 1.2(a).

The Board of Bar Overseers voted to recommend that the respondent's affidavit of resignation be accepted and that the respondent be disbarred. By a judgment entered on February 4, 2011, the Supreme Judicial Court for Suffolk County accepted the resignation and disbarred the respondent effective immediately upon entry of the judgment.

FOOTNOTES:

\* The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>1</sup> 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](mailto:webmaster@massbbo.org).