

**IN RE: RAYMOND T. DELANEY**

**NO. BD-2011-053**

**S.J.C. Order of Term Suspension entered by Justice Cordy on March 20, 2012.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

The respondent was suspended for a year and a day for failing in his capacity as the lawyer for the executor to timely complete the work necessary to conclude the probate of an estate for over ten years, causing harm to the beneficiaries; failing to file any accountings with the probate court, in violation of G.L. c. 206, § 1; failing to distribute cash and stocks to the beneficiaries; and failing to provide an accounting upon request. See *Matter of Nissenbaum*, BD-2011-135 (March 20, 2012).

On May 5, 2011, bar counsel served the respondent with a subpoena by certified and first-class mail, and required the respondent to appear at the Office of the Bar Counsel and to produce the estate file and records. The respondent failed to appear and to produce the required file and records.

The respondent was administratively suspended by the Supreme Judicial Court on June 14, 2011, for failure to cooperate with bar counsel. He was not reinstated within thirty days of his suspension. The respondent failed to comply with the order of administrative suspension.

On August 19, 2011, bar counsel filed a petition for discipline setting forth the above misconduct and alleging that the respondent had violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(d) by failing to complete the estate, file timely tax returns, distribute the property of the estate for over ten years and causing harm to the beneficiaries. Bar counsel alleged that the respondent's failure to file any accountings with the probate court and to provide an accounting upon request of the beneficiary violated Mass. R. Prof. C. 1.1, 1.3, 1.15(d), 3.4(c), 8.4(d) and (h). Bar counsel also alleged that the respondent failed to cooperate with bar counsel's investigation in violation of S.J.C. Rule 4:01, § 3, and Mass. R. Prof. C. 8.1(b) and 8.4(d) and (g).

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

The respondent did not file an answer, and on September 12, 2011, the respondent was defaulted and the allegations and the rule violations were deemed admitted. The respondent failed to move to set aside the default and answer the petition for discipline.

On October 17, 2011, bar counsel filed a memorandum with the Board of Bar Overseers recommending that the respondent be suspended from the practice of law for one year and one day, effective on the date of entry. The respondent did not file a reply.

On December 12, 2011, the Board of Bar Overseers voted unanimously to recommend a suspension for one year and one day. On December 21, 2011, the board filed an information with the Supreme Judicial Court recommending that the respondent be suspended from the practice of law for one year and one day. On March 20, 2012, the Supreme Judicial Court of Suffolk County entered an order suspending the respondent from the practice of law for one year and one day effective on the date of entry.