

IN RE: PATRICK J. McDONOUGH

NO. BD-2011-095

S.J.C. Judgment of Disbarment entered by Justice Cordy on September 29, 2011.¹

SUMMARY²

This matter came before the Board of Bar Overseers and the Court on the respondent's affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15. In the affidavit, the respondent acknowledged that sufficient evidence existed to warrant findings that the material facts summarized below could be proved by a preponderance of the evidence.

The respondent was admitted to practice in the Commonwealth on December 17, 1973. In April 2003, the respondent represented a corporation in the sale of real property in Massachusetts. The respondent intentionally misappropriated the closing proceeds to pay personal and unrelated business expenses. As the attorney representing the co-administrators of an estate, the respondent failed to provide competent services and to act with reasonable diligence and promptness in settling the estate between 1996 and 2011, did not prepare and file a probate inventory for nine years, did not prepare timely and accurate accounts for his clients upon request, did not promptly distribute estate assets, held estate assets in non-interest-bearing accounts, charged excessive legal fees, and intentionally misappropriated estate assets. As a result of the respondent's misappropriations, the balance in his IOLTA account was at least \$137,000 short of the amount that should have been on deposit, and he did not have adequate funds available to make payments to his clients. By his conduct, the respondent violated Mass. R. Prof. C. 1.1; 1.2(a); 1.3; 1.4(a) and (b); 1.5(a); 1.15(b), (c), (d)(1), and (e)(5); and 8.4(c) and (h).

On August 8, 2011, the respondent filed an affidavit of resignation. Bar counsel recommended that the affidavit be accepted and that the board recommend that a judgment of disbarment enter.

On September 12, 2011, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and the respondent disbarred. On September 29, 2011, the Supreme Judicial Court for Suffolk County accepted the affidavit of resignation and entered a judgment of disbarment effective immediately upon the entry of the judgment.

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.