

IN RE: LISA BETH WILKINS BAKER

NO. BD- 2012-026

SUMMARY¹

The respondent was admitted to the Massachusetts Bar on June 20, 1996. On July 7, 2014, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent for a period of one year and one day. The order of suspension arose from the respondent's misconduct in two matters involving neglect, withdrawal from a case without notice and without protecting the client's interest, failure to promptly turn over client funds, and non-cooperation with bar counsel.

In the first matter, in 2007, the respondent was appointed as guardian ad litem (GAL) for a minor. The respondent's appointment required her to act as an educational surrogate parent and participate in the formulation of an individualized educational plan (IEP) for the minor. The school administrator could not implement the IEP without the respondent's signature.

Beginning in January 2010, the respondent failed to attend several meetings with the school administrator to set up an IEP. She also and stopped responding to her phone calls. As a result, the minor had no valid IEP in place until after December 2011, when a subsequent GAL was appointed. The respondent's failure to carry out her obligations as GAL violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 8.4(d).

In February 2011, while still holding the GAL position, the respondent closed her law practice. She did not notify the juvenile court, the minor, or the school administrator, and she took no steps of substance to protect the minor's interest. The respondent's withdrawal as GAL without notice to the client and without protecting her interests violated Mass. R. Prof. C. 1.4(a) and (b) and 1.16(d).

In the second matter, the respondent was given funds to put in trust for a minor until she reached the eighteen years of age. The respondent failed to deposit these funds into her IOLTA account or an individual, interest-bearing trust account and failed to maintain records of the receipt and maintenance of these funds in violation of Mass. R. Prof. C. 1.15(f). The respondent also deposited personal funds into her IOLTA account in violation of Mass. R. Prof. C. 1.15(b).

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

In February 2011, when the respondent closed her law practice, she failed to deliver to the minor, or to someone on behalf of the minor, the funds she was holding for her, in violation of Mass. R. Prof. C. 1.16(d). On August 6, 2011, the minor turned eighteen years old and was entitled to receive the funds. The respondent failed to promptly deliver the funds, in violation of Mass. R. Prof. C. 1.15(c). Thereafter, in violation of Mass. R. Prof. C. 1.4(a), the respondent ignored requests from an attorney for the minor for bank statements and other records that would have shown how the respondent had maintained the funds. She also failed to provide an accurate accounting of the funds, in violation of Mass. R. Prof. C. 1.15(d)(1).

The respondent also failed without good cause to provide bar counsel with information requested during the course of an investigation, and failed to comply with a subpoena issued by the Board of Bar Overseers. This conduct violated Mass. R. Prof. C. 3.4(c), 8.1(b), 8.4(g) and (h), and S.J.C. Rule 4:01, § 3.

On April 11, 2012, the respondent was administratively suspended by order of the Supreme Judicial Court for Suffolk County pursuant to S.J.C. Rule 4:01, § 3(2). The respondent intentionally failed without good cause to comply with the order of administrative suspension, in violation of S.J.C. Rule 4:01, § 17 and Mass. R. Prof. C. 3.4(c), 8.4(d) and (h).

On February 20, 2014, the board filed an information with the Supreme Judicial Court for Suffolk County. On June 26, 2014, a hearing was scheduled before a single justice of the Supreme Judicial Court and the respondent defaulted. On July 8, 2014, the County Court (Botsford, J.) entered an order suspending the respondent from the practice of law for one year and one day.