

IN RE: APOLO JUAN CATALA
NO. BD-2012-034

S.J.C. Judgment of Disbarment entered by Justice Botsford on November 1, 2012.¹

SUMMARY²

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, § 15.

The respondent was the subject of a prior investigation by the Office of Bar Counsel in 2008 and 2009 relating to the maintenance of his IOLTA account. In conjunction with this investigation, in April of 2009, the respondent produced to bar counsel copies of 87 checks issued by the respondent, totaling \$44,864.53 and identified as monies owed to clients or third parties. A substantial amount of this total was for title insurance premiums that had been collected by the respondent. In June of 2009, the respondent intentionally misrepresented to bar counsel that these checks had been appropriately disbursed. Instead, the respondent intentionally misused those funds for his own personal or business purposes, thereby depriving the clients, title insurers and other third parties of their funds, and has not made restitution.

In June of 2012, in the context of another investigation into his handling of those funds, the respondent intentionally misrepresented to bar counsel that the funds referenced above were held in an IOLTA account.

The respondent agreed that the above facts would be established by a preponderance of the evidence and that a hearing committee, the board and the Supreme Judicial Court would conclude: that he had violated Mass. R. Prof. C. 1.15(b) and 8.4(c) and (h) by intentionally misusing client funds, with deprivation; and that his intentional misrepresentations to bar counsel in June of 2009 and June of 2012 violated Mass. R. Prof. C. 8.1(a) and 8.4(c), (d), (g) and (h). On October 15, 2012, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and that the respondent be disbarred. The Court so ordered on November 1, 2012.

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.