

**IN RE: RICHARD A. DALTON**

**NO. BD-2015-014**

**S.J.C. Judgment of Disbarment entered by Justice Cordy on March 30, 2015.<sup>1</sup>**

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

The respondent was admitted to the practice of law in Massachusetts on December 15, 1978. On petition filed by bar counsel pursuant to Supreme Judicial Court Rule 4:01, § 3, he was administratively suspended by the Supreme Judicial Court on January 28, 2013, for failure to reply to bar counsel's inquiries on a complaint unrelated to this matter.

Shortly before he was administratively suspended, the respondent was appointed personal representative of the estate of a decedent who died testate on September 23, 2012. The decedent's will left his real estate and tangible personal property to his two daughters, with the residue to his daughters and grandchildren.

The respondent did not, as required by the order of administrative suspension and S.J.C. Rule 4:01, § 17, resign as personal representative 30 days after his administrative suspension in January 2013 and did not notify the beneficiaries of his suspension. The respondent sold the real estate in 2013 and made certain distributions to the daughters and grandchildren, but net of his fees, failed to account for over \$22,000. Instead, he intentionally withdrew these funds from the estate accounts and used the money for his own personal or business purposes, unrelated to the estate or the beneficiaries. He misused the funds with the intent to deprive the estate and beneficiaries of the funds at least temporarily, with deprivation resulting and continuing.

The respondent's misuse of estate funds is conduct in violation of Mass. R. Prof. C. 1.15(b) and 8.4(c) and (h). His continued representation of the estate following his suspension in January 2013 constitutes unauthorized practice of law in violation of Mass. R. Prof. C. 5.5(a). By knowingly failing without good cause to respond to bar counsel's requests for information in connection with an investigation, the respondent violated S.J.C. Rule 4:01, § 3(1)(b), and Mass. R. Prof. C. 3.4(c) and 8.1(b), and 8.4(g). His failure to abide by the administrative suspension order and the court rule constituted a violation of Mass. R. Prof. C. 3.4(c) and 8.4(d).

Bar counsel filed a petition for discipline against the respondent on November 21, 2014. The respondent failed to file an answer to the petition. By letter dated December 16, 2014, the Board of Bar Overseers notified the respondent that the allegations in the petition were deemed admitted and that he had waived his right to be heard in mitigation.

---

<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.

In aggravation, the respondent was suspended for a year and a day on January 15, 2015 for misrepresentations to the court in his personal bankruptcy case. In addition, he has a prior public reprimand from 2010 for negligent misuse of client funds and related violations. *Matter of Dalton*, 26 Mass. Att'y Disc. R. 126 (2010). The respondent's failure to cooperate in the disciplinary process was also considered by the board in aggravation.

On February 23, 2015, the board voted to recommend to the Supreme Judicial Court that the respondent be disbarred. The Court so ordered on March 30, 2015.