

IN RE: RONALD L. BRANDT

NO. BD- 2015-0111

S.J.C. Order of Indefinite Suspension entered by Justice Botsford on January 30, 2017.¹

SUMMARY²

On January 30, 2017, the Supreme Judicial Court for Suffolk County entered an order indefinitely suspending the respondent, effective immediately, for intentionally misappropriating client funds; neglecting three cases; abandoning his practice; failing to communicate with the clients; failing to refund unearned fees; failing to cooperate with bar counsel's investigation; and failing to comply with the resulting administrative suspension. The respondent was admitted to practice in Massachusetts in 1982 and had a previous public reprimand.

The first case involved clients who retained the respondent in a litigation matter. The clients paid the respondent a \$7,500 retainer. The respondent failed to take any action in connection with the matter. He then closed his practice leaving no forwarding address or telephone number. The respondent also closed his IOLTA account and withdrew all of the funds therein, including the client's unearned retainer. The respondent failed to respond to any attempts by the clients to communicate with him, failed to turn over the clients' file upon termination of representation and failed to refund any unearned fees.

The second case involved a client who retained the respondent in connection with an employment discrimination claim. Over the course of the litigation, the respondent failed to communicate adequately with the client and failed to act with diligence in connection with the litigation. The client terminated the respondent's services and retained successor counsel. Successor counsel requested a copy of the client's file. The respondent failed to provide the file. Successor counsel was forced to request that the court reopen discovery because of the respondent's inaction.

In the third case, the client retained the respondent to represent him in a contract dispute. The client and respondent executed a modified contingent fee agreement. The client also paid what the respondent characterized as a "non-refundable retainer". During the litigation, the respondent failed to join a necessary party, failed to conduct or respond to discovery and failed to respond to a motion to dismiss the client's counterclaims. When the dismissal was granted, the respondent did not advise the client that his counterclaims had been dismissed. The respondent failed to seek relief from the dismissal. The respondent failed to appear at a pre-trial conference and the court entered a default against the client. The respondent failed to seek relief

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.

from the default. The client was unable to contact the respondent and terminated the respondent's services and retained successor counsel. Successor counsel immediately requested a copy of the client's file and return of the retainer. The respondent failed to provide the file or refund the retainer fee. Successor counsel was able to revive the client's counterclaims.

The respondent's intentional misappropriation of client funds and failure to refund unearned fees violated Mass. R. Prof. C. 1.15(b), 1.15(d), 1.16(d), 1.16(e), 8.4(c) and 8.4(h). The respondent's failure to provide competent representation and to perform services with reasonable diligence, including failure to conduct and respond to discovery, failure to respond to a motion to dismiss and failure to seek relief from default, violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. The respondent's failure to keep his clients reasonably informed regarding the status of their case, and failure to explain the status of their matter to the extent required for them to make informed decisions about the matter, violated Mass. R. Prof. C. 1.4(a) and (b).

When the clients filed complaints with bar counsel, the respondent failed to cooperate in bar counsel's investigation. By failing without good cause to comply with bar counsel's requests for information, the respondent violated S.J.C. Rule 4:01, § 3, and Mass. R. Prof. C. 8.4(d), 8.4(g), and 8.4(h). On December 18, 2015, the respondent was administratively suspended for non-cooperation by order of the Supreme Judicial Court for Suffolk County pursuant to S.J.C. Rule 4:01, § 3(2). Thereafter, 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 August 9, 2016, bar counsel filed a petition for discipline against the respondent alleging the misconduct described above. The respondent failed to file an answer to the petition for discipline and was defaulted.

On December 12, 2016, the Board of Bar Overseers voted to recommend that the respondent be indefinitely suspended from the practice of law. On January 30, 2017, the Supreme Judicial Court for Suffolk County (Botsford, J.) entered a judgment of indefinite suspension.