

IN RE: JOHN PATRICK LONG

NO. BD-2016-100

S.J.C. Judgment Accepting Affidavit of Resignation As A Disciplinary Sanction entered by Justice Budd on September 29, 2016, with an effective date of October 29, 2016.¹

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 16, 1983. Between December of 2013 and January of 2016, the respondent intentionally misused the funds of three separate clients totaling \$66,272.00 that were to be held in escrow for the benefit of the clients. There was no deprivation to these clients because the respondent replaced the funds before they were due the clients. In each of these matters, the respondent failed to place the clients' funds in separate interest-bearing trust accounts for the benefit of the clients.

From at least August of 2013 through January of 2016, the respondent failed to properly maintain his IOLTA account. The respondent deposited earned fees and other personal funds to his IOLTA account, failed to promptly withdraw retainer funds when earned and failed to keep adequate records of his receipt, maintenance and disbursement of clients' funds. The respondent's check register did not contain a client name for each client transaction and he did not maintain individual client ledgers for clients whose funds were held in the account. The respondent failed to perform a three-way reconciliation of his IOLTA account. He withdrew earned fees from his IOLTA account without rendering to clients in writing an itemized bill of services rendered, notice of the date and amount withdrawn, and a statement of the balance of client funds left in the account. The respondent routinely paid personal and business expenses from his IOLTA account and failed to maintain complete records of the receipt, maintenance and disposition of client funds for a period of six years following termination of representation.

By intentionally misusing clients' funds, the respondent violated Mass. R. Prof. C. 1.15(b) and 8.4(c) and (h). By failing to maintain the clients' funds in a separate interest-bearing trust account, the respondent violated Mass. R. Prof. C. 1.15(e)(5)(ii), as in effect prior to July 1, 2015.

By failing to properly maintain his IOLTA account as referenced above, the respondent violated Mass. R. Prof. C. 1.15(d), 1.15(f)(1)(C), 1.15(f)(1)(E), as in effect prior to July 1, 2015.

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.

On August 15, 2016, the respondent filed an affidavit of resignation. Bar counsel recommended that the affidavit be accepted as a disciplinary sanction. On September 21, 2016, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted as a disciplinary sanction. On September 29, 2016, the Supreme Judicial Court for Suffolk County accepted the affidavit of resignation as a disciplinary sanction, effective thirty days after the date of entry of the judgment.