

**IN RE: CHRISTOPHER ANTHONY ROMEO**

**NO. BD-2016-109**

**S.J.C. Order of Term Suspension entered by Justice Gaziano on October 31, 2016, with an effective date of November 30, 2016.<sup>1</sup>**

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

The respondent, who was admitted to practice in 1987, received a two-year suspension for his conduct as described below, which included his intentional misuse of client funds intended to pay expenses, and his withdrawal of retainer funds from his IOLTA account before those funds were earned.

On about April 18, 2014, the respondent agreed to represent a client in connection with her divorce. They agreed that the respondent would charge an hourly fee at the rate of \$250 per hour, plus costs. The client gave the respondent a \$6,000 check for a retainer, and a \$250 check for the court filing fee. The respondent deposited both checks to his IOLTA account on April 25, 2014.

Between April 25, 2014 and April 29, 2014, the respondent withdrew \$5,000 from the retainer by transferring funds from the IOLTA account to his personal and office account, and by writing a check to his law partner. At the time of the withdrawals, the respondent had not earned those funds. In addition, prior to withdrawing \$5,000 of his client's retainer from his IOLTA account, the respondent did not deliver to the client in writing (i) an itemized bill or other accounting showing the services rendered, (ii) written notice of the amount and date of the withdrawal, and (iii) a statement of the balance of the client's funds in the IOLTA account after the withdrawal.

On about June 14, 2014, the respondent filed a complaint for divorce on behalf of his client.

On July 17, 2014, the respondent requested that the client pay him \$5,500 to hire a private investigator in connection with the divorce case. The respondent instructed the client to wire the funds to a personal account in the name of the respondent and his wife, which the client did on July 17, 2014. The next day, the respondent paid the private investigator \$3,000 in cash for his services on behalf of the client. The respondent did not pay any additional funds to the private investigator or to any other private investigator on behalf of his client. The respondent intentionally misrepresented to the client that he had paid \$5,500 to a private investigator on her behalf.

The respondent intentionally misused \$2,500 of the expense funds the client paid him to hire a private investigator. The respondent misused the funds with the intent to deprive the client of the funds at least temporarily, and he deprived the client of the funds.

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<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.

On about July 29, 2014, the client's husband was served with the divorce complaint and summons.

On about August 12, 2014, the client terminated the respondent's representation. By a letter dated August 20, 2014, the client requested that the respondent return the unused balance of the money he had charged, and that he provide an itemized account of all funds she had paid him. On August 23, 2014, the respondent notified the client that there were no funds to be returned as the funds had all been earned, and that he could not provide an itemized account for her. The respondent did not return the unearned portion of the retainer and the unused \$2,500 in expense funds that she had paid him to hire a private investigator.

On about September 25, 2014, the client filed a request for investigation with the Office of Bar Counsel. After receiving a copy of the complaint from bar counsel, the respondent provided bar counsel with a billing summary and other records concerning his handling of the client's funds. In these records and in his response to bar counsel, the respondent intentionally misrepresented that he had paid the investigator \$5,500.

In the billing summary, the respondent showed that he charged the client a total fee of \$9,662.50 for his legal services, exclusive of costs, including \$3,587.50 in hourly charges, \$4,200 for text messages, and \$1,875 for emails. The \$9,662.50 total fee charged by the respondent was clearly excessive. The \$6,000 fee collected by the respondent for legal services, exclusive of costs, was clearly excessive for the services performed by the respondent.

By withdrawing funds from his IOLTA account to pay his fees before they were earned, and without delivering to his client in writing (i) an itemized bill or other accounting showing the services rendered, (ii) written notice of the amount and date of the withdrawal, and (iii) a statement of the balance of the client's funds in the trust account after the withdrawal, the respondent violated Mass. R. Prof. C. 1.15(b)(1), and 1.15(d)(2). By intentionally misusing \$2,500 of expense funds his client paid him with the intent to deprive the client of the funds at least temporarily, and with deprivation resulting, the respondent violated Mass. R. Prof. C. 8.4(c). By intentionally misrepresenting to his client and to bar counsel that he had used all of the \$5,500 in expense funds to make payments to private investigators on his client's behalf, the respondent violated Mass. R. Prof. C. 1.4(b), 8.1(a) and (b), 8.4(c), and 8.4(d). By failing to promptly render a full written accounting of the trust funds upon request of his client, and by failing to refund the advance payments of fees and expenses that had not been expended or incurred upon termination of his representation, the respondent violated Mass. R. Prof. C. 1.4(a), 1.15(c), 1.15(d)(1), and 1.16(d). By charging and collecting a clearly excessive fee, the respondent violated Mass. R. Prof. C. 1.5(a).

On June 24, 2016, bar counsel filed a petition for discipline against the respondent. On September 15, 2016, the respondent reimbursed the client for the \$2,500 in unused expense funds she had paid him. On September 15, 2016, the parties filed a stipulation of facts and disciplinary violations and a joint recommendation that the respondent be suspended for two years. On October 17, 2016, the Board of Bar Overseers voted to recommend that the Supreme Judicial Court for Suffolk County accept the parties' stipulation and joint recommendation for discipline. On October 31, 2016, the Court (Gaziano, J.), ordered that the respondent be suspended from the practice of law for two years, effective thirty days from the date of the order.