

IN RE: PAUL P. HAYES

NO. BD-2017-115

S.J.C. Order of Term Suspension entered by Justice Cypher on April 4, 2019.¹

The respondent was suspended for six months based on his misuse of his IOLTA account and his failure to cooperate with bar counsel's investigation. The court added a requirement that the respondent file a petition for reinstatement if he seeks reinstatement to the bar, even though his suspension is for less than one year.

SUMMARY²

This matter came before the Supreme Judicial Court on February 25, 2019 on an information filed by the Board of Bar Overseers. The respondent filed a waiver of hearing and assent to entry of order on March 26, 2019.

The respondent maintained an IOLTA account to handle the receipt and distribution of client funds. In August 2017, the respondent wrote a series of eighteen checks from the IOLTA account for personal expenses. On August 30, 2017, the respondent wrote two checks from his IOLTA account that were dishonored due to insufficient funds. Bar counsel wrote the respondent in September requesting account records and an explanation for the dishonored checks. The respondent did not respond to bar counsel's letter, and bar counsel sent a second request for the information.

The respondent was administratively suspended by the Supreme Judicial Court on December 8, 2017, for failure to cooperate with bar counsel. He was not reinstated within thirty days of his suspension. The respondent, in violation of the order and S.J.C. Rule 4:01, §17, failed to provide an affidavit to the Office of Bar Counsel and the county court certifying his compliance with all of the provisions of S.J.C. Rule 4:01, §17.

On December 6, 2018, bar counsel filed a petition for discipline setting forth the above misconduct and alleging that the respondent had violated Mass. R. Prof. C. 1.15(b)(2) by paying personal expenses directly from his IOLTA account, Mass. R. Prof. C. 8.1(b) and 8.4(g) by failing without good cause to respond to bar counsel's requests for information during an investigation, and Mass. R. Prof. C. 3.4(c) and 8.4(d) by failing to comply with the order of administrative suspension and the provisions of S.J.C. Rule 4:01, §17. The respondent did not file an answer, and on December 28, 2019, the respondent was defaulted and the allegations and rule violations were deemed admitted.

On February 25, 2019, the Board of Bar Overseers filed an information with the Supreme Judicial Court recommending that the respondent be suspended from the practice of law for six months and that he be required to petition for reinstatement. On March 26, 2019, the respondent filed a waiver of hearing and assent to entry of order. On April 4, 2019, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent from the practice of law for six months, and requiring that he apply for formal reinstatement and be reinstated pursuant to S.J.C. Rule 4:01, §18(2), (4), and (5), effective on the date of entry.

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.