

**IN RE: DONNA M. SOWA**

**NO. BD-2019-045**

**S.J.C. Judgment of Disbarment entered by Justice Gaziano on April 29, 2019, with an effective date of May 29, 2019.<sup>1</sup>**

*The respondent was disbarred upon her filing an affidavit of resignation arising out of her intentional misuse of life insurance proceeds, which should have been placed in trust for a decedent's minor children.*

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

The respondent Donna M. Sowa signed an affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15, that was filed with the Board of Bar Overseers on March 6, 2019. In the affidavit, the respondent acknowledged that bar counsel would be able to prove by a preponderance of the evidence that she engaged in the conduct described below and that the Board of Bar Overseers and the Supreme Judicial Court would find that she violated the Massachusetts Rules of Professional Conduct set forth below.

In her capacity as attorney for a personal representative of an estate, in 2012 the respondent received \$212,173.34 from a life insurance policy of the decedent. The respondent was directed by her client to place the funds in a trust account for the benefit of the decedent's minor children. The respondent did not do so, and instead intentionally misused the funds, resulting in continuing deprivation to the decedent's minor children. The personal representative did not become aware of the respondent's misuse until at least November 2017. Except for two payments that the respondent made in the amounts of \$16,460.21 on behalf of the beneficiaries in 2013 and \$7,000 to one beneficiary in November 2017, the respondent did not repay the funds to the estate or the beneficiaries. In aggravation, the respondent had substantial experience in the practice of law at the time of her misconduct and the beneficiaries were minor children who sustained substantial detriment. The respondent asserted in mitigation that at the time of the misconduct, she suffered from a substance abuse problem. The respondent's misconduct violated Mass. R. Prof. C. 1.15(b), 8.4(c), and 8.4(h).

On April 8, 2019, the board voted to recommend to the Court that the affidavit of resignation be accepted and that a judgment of disbarment be entered. On April 29, 2019, the Supreme Judicial Court for Suffolk County accepted the resignation and entered a judgment of disbarment effective thirty days later.

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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.