

IN RE: CYNTHIA LEE ANDERSEN

S.J.C. No. BD-2019-048

SUMMARY¹

The respondent was suspended for a year and a day for abandoning her law practice and failing to cooperate with Bar Counsel's investigation.

The respondent abandoned her law practice by January 2019 without notice to her clients and without taking steps to protect the clients' interests. She did not return their files, refund unearned fees, or advise the clients to seek other counsel. She vacated her law office and ceased responding to inquiries from her clients about the status of their cases and the location of their files. Specific matters abandoned included: (a) four instances of clients seeking the originals of wills, in one of which the will was needed to commence probate proceedings to support a wrongful death action; (b) a personal injury claim in which the respondent had obtained a default judgment in the amount of \$135,000 but did not advise the clients, then failed to take action to collect; (c) the voluntary administration of an estate; and (d) the failure to produce corporate records held as corporate counsel and to respond to inquiries from the client seeking those records. About twenty additional clients contacted the Office of Bar Counsel because the respondent did not return their calls.

The respondent's abandonment of her clients and her practice without notice violated Mass. R. Prof. C. 1.1 (competence), 1.2 (a) (pursue the lawful goals of the client), 1.3 (diligence), 1.4 (a) and (b) (communication with clients), 1.15A (b) and (c) (storage and disposition of client files), and 8.4 (h) (other conduct reflecting adversely on fitness to practice).

The respondent did not cooperate with bar counsel's investigation of the foregoing. Among other things, she failed to respond to inquiries into the specific matters identified above, and she failed to comply with an investigative subpoena from the Board, resulting in her administrative suspension. She has not been reinstated and has not filed the required affidavit of compliance with the administrative suspension order.

The respondent's failure to respond to bar counsel's investigation violated Mass. R. Prof. C. 8.4 (d) (conduct prejudicial to the administration of justice), 8.4 (g) (failure to cooperate with disciplinary investigation), 8.4 (h), and S.J.C. Rule 4:01, § 3 (compliance duties). Her failure to comply with the order of administrative suspension violated Mass. R. Prof. C. 3.4 (c) (knowing disobedience to obligations under rules of tribunal) and 8.4 (h).

The respondent did not answer the disciplinary petition and that default established the facts and violations set forth above. Throughout the investigation and the disciplinary

¹ Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

proceedings, the Office of Bar Counsel made repeated efforts to contact the respondent using the information the respondent had supplied to the Board's registration department.

On January 13, 2020, the Board of Bar Overseers voted to recommend that the respondent be suspended for a year and a day. The Court (Kafker, J.) so ordered on August 17, 2020.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2019-048

IN RE: Cynthia Lee Andersen

ORDER OF TERM SUSPENSION

This matter came before the Court, Kafker, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(6), with the Recommendation and Vote of the Board of Bar Overseers (Board) recommending that the lawyer be suspended for one (1) year and one (1) day filed by the Board on February 4, 2020.

On July 8, 2020, an Order of Notice issued and served on the lawyer as specified by S.J.C. Rule 4:01, § 21, directing her to appear before this Court on August 12, 2020. After a hearing was held, attended by assistant bar counsel, but not the lawyer, it is ORDERED that:

1. Cynthia Lee Andersen is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of one (1) year and one (1) day effective immediately upon the entry of this Order;

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this

Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that she is disqualified from acting as a lawyer after the effective date of the suspension; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the

circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in her possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance

shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and

administrative jurisdictions to which the lawyer is admitted to practice; and

f) the residence or other street address where communications to the lawyer may thereafter be directed.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, §17.

4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

By the Court, (Kafker, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: August 17, 2020