

IN RE: ROBERT H. CARP

NO. BD-2019-071

S.J.C. Judgment of Disbarment entered by Justice Lowy on July 24, 2019.¹

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. The respondent was admitted to practice in the Commonwealth on November 30, 2009. In the affidavit, the respondent acknowledged that the material facts and rule violations summarized below could be proved by a preponderance of the evidence.

Between July of 2016 and the time of filing the affidavit, the respondent deposited four clients' unearned retainers into his law office account, failed to hold those retainer funds separate from his own property, and knowingly used those funds for his own expenses with the result that the clients were deprived of their funds. Upon termination of the representations, he failed to return client files and unearned funds and failed to timely account for client funds upon his clients' requests. The respondent misrepresented to two clients that administrative applications had been filed when they had not been filed, failed to keep clients reasonably informed about the status of the matters, and failed to timely complete the work for which he was engaged. In 2016 and 2017, the respondent engaged in the unauthorized practice of law by accepting retainers from, entering into fee agreements with, and performing legal work for two clients, in matters that pertained solely to California and Michigan law without a license to practice law in those states. The respondent asked one of these clients to withdraw his disciplinary complaint in exchange for a refund of his retainer. By his conduct, the respondent violated Mass. R. Prof. C. 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(b), 1.15(d), 1.16(d), 5.5(a), 8.4(c), and 8.4(h), as well as S.J.C. Rule 4:01, Section 10.

On June 11, 2019, the respondent submitted an affidavit of resignation. Bar counsel recommended that the affidavit be accepted and that the respondent be disbarred. On July 8, 2019, the board unanimously voted to recommend that the affidavit of resignation be accepted and the respondent disbarred. On July 24, 2019, the Supreme Judicial Court for Suffolk County (Lowy, J.) accepted the affidavit of resignation and entered a judgment of disbarment effective immediately.

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.