

IN RE: RICHARD G. SHEEHAN
NO. BD-2019-084

S.J.C. Order of Indefinite Suspension entered by Justice Gaziano on October 4, 2019.¹

The respondent stipulated to an indefinite suspension for misconduct in connection with his representation of a plaintiff in a personal injury case. He settled the case without his client's knowledge or consent, forging her name on documents and lying to her about the status, and he misused her portion of the settlement funds, although he subsequently made restitution of the full amount. In mitigation, the respondent was confronting mental health and substance use issues at the time for which he has sought and continues to receive treatment.

SUMMARY²

The respondent Richard G. Sheehan was admitted to the bar of the Commonwealth on June 23, 1993, and to the bar of New Hampshire in 1992. The respondent was suspended from the practice of law indefinitely, retroactive to June 1, 2018, for his misconduct in one client matter.

In 2013, the respondent agreed to represent a client on a contingent-fee basis in a personal injury matter arising out of a car accident. Pursuant to their agreement, the respondent was to receive 33.3% of all sums recovered on his client's behalf, plus costs and reasonable expenses. In 2013 and 2014, the respondent expended costs on the client's behalf in the amount of \$271.81. In or about May 2017, the respondent agreed – without his client's knowledge or consent – to settle his client's uninsured motorist claim for \$50,000. He signed the client's name, and his own as a witness, on a release with the insurance company, again without her knowledge or authority. The respondent received a settlement check on his client's behalf, endorsed the check in her name without her authority, and deposited it in his client trust account. Over the following four months, he misused at least \$33,028 of the client's funds for his own personal use. During the summer and fall of 2017, the client made repeated attempts to obtain information about the case from the respondent; the respondent either failed completely to respond to her reasonable requests for information or he offered excuses for his delay in discussing the case with her. In December 2017, the respondent informed the client he had agreed to settle the matter for \$50,000, and he informed her he would send her a release. Those statements were knowingly deceptive, as the respondent knew he had signed her name to a release and settled her claim several months earlier. In April 2018, and only after a complaint had been filed with New Hampshire bar discipline authorities, the respondent paid the client \$33,100.

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.

Beginning at least in 2017, the respondent failed to maintain records for his client trust account that were required by Mass. R. Prof. C. 1.15(f)(1), therefore violating both that rule and also Mass. R. Prof. C. 8.4(h). By agreeing to settle his client's matter without her knowledge or consent, the respondent violated Mass. R. Prof. C. 1.2(a) and 8.4(c). By failing to respond to his client's reasonable requests for information, failing to keep her apprised of the status of her matter, and by failing to consult with her about the means by which her objectives were to be accomplished, the respondent violated Mass. R. Prof. C. 1.4(a)(2), (a)(3), and (a)(4). By intentionally misusing his client's funds, the respondent violated Mass. R. Prof. C. 1.15(c) and 8.4(c). By signing his client's name on the release and the check without her knowledge and authorization, the respondent violated Mass. R. Prof. C. 8.4(c) and 8.4(h). Lastly, by falsely implying to his client that he had settled her matter in December 2017 and not in May 2017, and telling her that he would send her a release to sign when he already knew he had signed her name to a release months earlier, the respondent violated Mass. R. Prof. C. 8.4(c) and 8.4(h).

In mitigation, at the time of the misconduct, the respondent was suffering from alcoholism and severe depression, for which he began actively seeking treatment in 2018 and has continued treatment. Furthermore, as mentioned above, the respondent repaid to his client the misused funds.

As a result of disciplinary charges relating to the same facts as in the instant case, the respondent's license to practice law in New Hampshire was suspended on an interim basis on April 4, 2018. He ceased the practice of law in Massachusetts on or before May 31, 2018, and he resigned from the New Hampshire bar pursuant to that jurisdiction's Supreme Court Rule 37(11) on December 11, 2018. On July 26, 2019, bar counsel and the respondent filed with the Board of Bar Overseers the respondent's answer to the petition for discipline and stipulation of the parties, admitting the factual allegations and rule violations described above, and jointly recommending that the respondent be suspended from the practice indefinitely, retroactive to June 1, 2018. On September 9, 2019, the Board voted to accept the stipulation of the parties and their joint recommendation to file an information with the Supreme Judicial Court.

On October 4, 2019, the Supreme Judicial Court for Suffolk County (Gaziano, J.) entered an order suspending the respondent from the practice of law indefinitely, effective on June 1, 2018.