

IN RE: JOHN EARL QUIGLEY

NO. BD-2019-107

S.J.C. Order of Term Suspension entered by Justice Kafker on January 28, 2020.¹

SUMMARY²

On January 28, 2020, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent for three years for intentionally withdrawing and misusing unearned retainer funds, failing to provide competent and diligent representation, failing to cooperate with bar counsel's investigation and making material misrepresentations to bar counsel.

A hearing committee found as follows:

The respondent was admitted to the Massachusetts bar on January 18, 2001. In late December 2016, the respondent was retained by a client for an uncontested divorce. The respondent and the client agreed to an hourly fee arrangement and a fee agreement was executed. The client paid to the respondent a \$3,500 retainer. The respondent deposited the retainer into his IOLTA account.

Without doing any work of substance for the client, the respondent withdrew \$2,500 of the client's retainer funds and spent the monies on personal and business items. The respondent did not provide any invoice or other notification to the client that he had withdrawn the retainer funds.

The respondent continued to withdraw funds in cash from his IOLTA account, including the remaining \$1,000 client retainer funds without doing any work of substance for the client. Again, the respondent failed to provide any accounting or notification of the withdrawal to the client and spent the retainer funds on personal and business expenses.

Despite several requests from the client by email, the respondent failed to prepare the divorce documents and failed to respond to the client's requests for a status of the case. In January 2018, the client terminated the respondent's services and requested a refund of his retainer. When the respondent failed to respond to the clients repeated demands for the return of his funds, the client filed a grievance with bar counsel.

The respondent failed to cooperate with bar counsel's investigation, resulting in the respondent's administrative suspension from practice. Only then did the respondent reimburse the \$3,500 to the client and cooperate with bar counsel. As a result, the respondent was reinstated.

During a statement made under oath, the respondent misrepresented to bar counsel that the client's retainer funds had remained intact in his IOLTA account for the duration of the representation. The respondent knew this was untrue.

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.

By intentionally removing unearned retainer funds from his IOLTA account and intentionally misusing those funds for his own personal and business purposes, and without delivering to his client in writing (i) an itemized bill or other accounting showing the services rendered, (ii) written notice of the amount and date of the withdrawal, and (iii) a statement of the balance of the client's funds in the trust account after the withdrawal, the respondent violated Mass. R. Prof. C. 1.15(b), 1.15(d)(2), 8.4(c) and 8.4(h). By failing to seek the lawful objectives of his client and to perform the contracted services with reasonable diligence, the respondent violated Mass. R. Prof. C. 1.2(a) and 1.3. By failing to cooperate without good cause to cooperate with bar counsel's investigation, the respondent violated Mass. R. Prof. C. 8.1(b), 8.4(g) and S.J.C. Rule 4:01, § 3. By knowingly misrepresenting a material fact to bar counsel in connection with a disciplinary action, the respondent violated Mass. R. Prof. C. 8.1(a), 8.4(c) and 8.4(h).

On January 28, 2020, the Court (Kafker, J.) ordered that the respondent be suspended from the practice of law for three years, effective immediately.