

BLAKE JAMES GODBOUT

Order (public reprimand) entered by the Board June 7, 2002.

SUMMARY¹

Commencing in October 1998 the respondent held \$9,250.00 as escrow agent. The funds were held in the respondent's IOLTA account and represented a deposit on the prospective sale of a condominium unit pursuant to the terms of an executed purchase and sale agreement. The respondent was the attorney for the seller in the transaction and held the deposit funds in escrow as attorney for the seller as provided in the purchase and sale agreement. The sale was not consummated. Between October 22, 1998, and December 19, 1999, the buyer made demands upon the seller and the respondent for return of the funds. The seller also claimed entitlement to the funds. As of January 1999, the respondent was aware that it was not likely that the dispute would be shortly resolved. However, he did not transfer the funds into an individual interest-bearing account until December 1999, when the buyer filed suit against the seller, the respondent and others for damages. At all times before the litigation was filed, the respondent held the funds intact in his IOLTA account, pending resolution of the dispute. The respondent's holding of substantial disputed funds, long term, in his IOLTA account was in violation of Mass. R. Prof. C. 1.15(d).

In connection with the above complaint, the respondent failed to respond to correspondence from Bar Counsel, requiring Bar Counsel to serve a subpoena. The respondent's failure to cooperate with Bar Counsel's investigation was in violation of Mass. R. Prof. C. 8.4(g) and S.J.C. Rule 4:01 § 3.

In an unrelated matter, prior to December 2001, the respondent and an attorney with whom he shared spaced used letterhead that identified the law office as a professional association. The respondent also used a fax cover sheet and an office sign that similarly identified the law office. The respondent and the other attorney were not partners. The respondent's conduct in suggesting or implying that he practiced in a partnership when he did not, absent any disclaimer, was in violation of Mass. R. Prof. C. 7.5(d).

In aggravation, the respondent has a history of prior discipline. In 1999 the respondent received an admonition for his failure to cooperate in the investigation of two complaints. In 1994 the respondent received an admonition for failure to timely refund an unearned fee and his failure to provide an accounting upon discharge.

This matter came before the Board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. The parties stipulated that the appropriate sanction was a public reprimand. On May 13, 2002, the Board of Bar Overseers voted to adopt the parties' stipulation and proposed sanction. On May 21, 2002, the respondent received a public reprimand.

¹ Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.

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