

IN RE: STEPHEN R. FOLLANSBEE

Order (public reprimand) entered by the Board July 19, 2002.

SUMMARY¹

On January 4, 2000, the respondent's former client filed a complaint with Bar Counsel and, among other matters, requested an accounting of \$24,506.49 of funds that the respondent received in January 1994. The respondent did not provide Bar Counsel with a satisfactory explanation of the disposition of the funds and, on April 2, 2001, Bar Counsel and the respondent met to discuss the matter further. At the meeting, Bar Counsel requested additional information. Despite three written reminders, the respondent did not provide the information requested, requiring Bar Counsel to obtain and serve a subpoena duces tecum.

On July 7, 2001, the respondent appeared at the subpoena meeting and was again requested to provide certain information. The respondent again failed to provide the information requested, requiring Bar Counsel to serve a second subpoena. The respondent was directed to appear before Bar Counsel on January 8, 2002, but did not appear.

On January 9, 2002, and pursuant to Supreme Judicial Court Rule 4:01, § 3(2), Bar Counsel filed a petition for administrative suspension with the Supreme Judicial Court for Suffolk County as a result of the respondent's failure to cooperate. On January 14, 2002, the respondent was administratively suspended from the practice of law pursuant to S.J.C. Rule 4:01, § 3(2). Shortly thereafter, the respondent appeared before Bar Counsel and provided Bar Counsel with the information requested. The respondent's accounting of the client's funds was in order. On January 23, 2002, the Supreme Judicial Court for Suffolk County reinstated the respondent to the practice of law.

The respondent's failure to cooperate with Bar Counsel's investigation was in violation of S.J.C. Rule 4:01, § 3, and Mass. R. Prof. C. 8.4(g).

The respondent's failure to provide a full and prompt accounting of client funds at the request of the client and of Bar Counsel from April 2001 to January 2002 was in violation of Mass. R. Prof. C. 1.15(b).

The parties stipulated that the appropriate sanction was a public reprimand conditioned on the respondent's attendance at a continuing legal education course designated by Bar Counsel. On July 8, 2002, the Board of Bar Overseers voted to adopt the parties' stipulation and proposed sanction, and the respondent was publicly reprimanded.

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