

IN RE: ANDREW P. PALMER

S.J.C. Order of Term Suspension entered by Justice Gants on June 29, 2009, with an effective date of July 28, 2009.¹
(S.J.C. Judgment of Reinstatement entered by Justice Gants on July 2, 2013.)

SUMMARY²

The respondent was admitted to practice on December 18, 1985. He last engaged in the practice of law in or about March 16, 2009, when he went on retirement status.

The respondent acted as settlement agent for twenty-five residential real estate closing transactions and represented the lender. The respondent prepared a HUD-1 settlement statement for each closing and caused it to be signed by each seller and each buyer. After each closing, the respondent forwarded the executed statement to his lender client. The respondent prepared the statement for each transaction knowing that each statement did not accurately describe the true financial aspects of the transaction, the amounts paid by each buyer and to each seller at the closing, and the allocation of various costs between buyer and seller.

The respondent never affirmatively disclosed to any lender client the existence of the actual financial terms between buyer and seller, and he never ascertained whether any of his lender clients was aware of the true nature of any of the transactions.

The respondent further knew that contemporaneously with or shortly after each closing the buyer would transfer title to the property to a nominee trust and knew that, under the terms of the mortgage, lender approval was required for such a transfer. The respondent did not disclose to any lender client that such a transfer would be or was made and did not forward to any lender a copy of the deed into the trust.

The respondent's conduct in knowingly preparing and causing the execution of false and misleading HUD-1 settlement statements was in violation of Mass. R. Prof. C. 4.1(a), 4.1(b), 8.4(c) and (h).

The respondent's failure to diligently represent his lender clients, his failure to make full disclosure of the details of the true nature of the transactions to his lender clients, and his providing his clients with false and misleading HUD-1 settlement statements were in violation of Mass. R. Prof. C. 1.2(a), 1.2(d), 1.3, 1.4, 8.4(c) and 8.4(h).

On February 2, 2009, bar counsel filed a petition for discipline against the respondent. On May 26, 2009, the respondent filed an amended answer and stipulation of the parties. On June 8, 2009, the Board of Bar Overseers voted to accept the stipulation and to recommend to the Court that the respondent be suspended for a term of twenty-one months. On June 29, 2009, the Supreme Judicial Court for Suffolk County so ordered.

FOOTNOTES:

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.

Please direct all questions to webmaster@massbbo.org.

© 2005. Board of Bar Overseers. Office of Bar Counsel. All rights reserved.