

IN RE: GEOFFREY MICHAEL DOWD

NO. BD-2018-050

S.J.C. Order of Term Suspension entered by Justice Kafker on August 6, 2018.¹

SUMMARY²

The respondent, Geoffrey Michael Dowd, was admitted to the bar of Massachusetts on December 9, 2003. The respondent was also admitted to practice in the State of New Hampshire on May 25, 2004. He has no history of prior discipline.

On February 21, 2017, the respondent was administratively suspended from the practice of law for failure to pay registration dues in Massachusetts. The respondent has not cured his suspension and remains administratively suspended.

On November 29, 2017, the respondent was suspended from the practice of law in New Hampshire due to his failure to comply with Rule 53, the continuing legal education requirement, and his failure to appear at the show cause hearing on November 15, 2017.

In 2012, the respondent undertook the representation of a client and agreed to prepare his estate plan, including, but not limited to, a will, a durable power of attorney and a trust. At that time, the client was a widower with two minor daughters and was concerned about protecting their interests. The client paid the respondent a total of \$2,500 in increments for the respondent's preparation of an estate plan.

At various points between 2012 and 2017, the respondent and the client discussed finalizing the estate plan. By letter dated March 3, 2017, the client wrote to the respondent requesting that the estate plan and will that he had paid for in 2012 be finalized. In an exchange of emails over the next few weeks, the client explained to the respondent why he wanted a plan in place quickly. The respondent gave no indication to the client that he could not do the work quickly.

On March 16, 2017, because he was not reinstated within thirty days of his administrative suspension, the respondent was subject to the provisions of S.J.C. 4:01, §17, which required among other things, that he notify all his clients of his suspension and file an affidavit of compliance with the Office of Bar Counsel and a copy with the Clerk of the Supreme Judicial Court for Suffolk County. The respondent failed to do so.

In early April 2017, the respondent and the client met to discuss the status of the estate plan and to finalize the documents. The respondent agreed to complete the estate documents promptly and suggested that the client provide him with the name of a trustee for the trust. By email dated April 7, 2017, the client provided the respondent with the name and telephone information of his proposed trustee and requested that the respondent contact him. By email two days later, the client asked the respondent if he had spoken to the proposed trustee. By email dated April 10, 2017, the respondent stated that he will be "... reaching out today." The respondent never contacted the proposed trustee and took no further action of substance on behalf of the client.

By emails and text messages between April 13, 2017 and May 23, 2017, the client repeatedly requested from the respondent a status update on his estate matter and the completed estate documents. The respondent did not respond.

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 Board Overseers based on the record filed with the Supreme Judicial Court.

In June of 2017, the client filed a request for investigation with the Office of Bar Counsel. By letter dated June 20, 2017, bar counsel requested a written response to the allegations of misconduct. The respondent failed to respond.

By letter dated July 31, 2017, bar counsel required a detailed response from the respondent to the matter within ten days. The respondent was advised that failure to respond may result in the request for a subpoena. The respondent failed to respond necessitating the issuance of a subpoena requiring the respondent to appear before the Bar Counsel with his files in this matter. The respondent appeared pursuant to subpoena.

On February 23, 2018, bar counsel filed a petition for discipline. The respondent was charged with failing to competently and diligently represent the client on his estate plan, in violation of Mass. R. P. C. 1.1 and 1.3; failing to respond to the client's requests for information on the status of his case and to keep the client reasonably informed about the status of his estate plan, in violation of Mass. R. P. C. 1.4; continuing to represent the client while administratively suspended from the practice of law, in violation of Mass. R. P. C. 5.5(a) and 8.4(d), S.J.C. Rule 4:01, § 17 and 4:03(3); and failing to cooperate with bar counsel's investigation necessitating the issuance of a subpoena, in violation of S.J.C. Rule 4:01, §3 and Mass. R. P. C. 8.4(d) and (g). The respondent defaulted and the charges were deemed admitted. The respondent did not participate in any of the board's proceedings.

On May 14, 2018, the Board of Bar Overseers voted unanimously to recommend the respondent be suspended for six months and that he be required to undergo a hearing prior to reinstatement.

After a hearing before the Supreme Judicial Court for Suffolk County on July 24, 2018, at which the respondent and assistant bar counsel appeared, the county court, Kafker, J., entered an order on August 6, 2018 suspending the respondent for six months effective immediately upon the entry of judgment and requiring a reinstatement petition and hearing prior to reinstatement pursuant to S.J.C. Rule 4:01, § 18.