

IN RE: DAVID M. FLEURY

NO. BD-2014-070

S.J.C. Judgment of Disbarment entered by Justice Duffly on May 27, 2015.¹

SUMMARY²

This matter came before the Board of Bar Overseers and the Court on the respondent's affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15. In the affidavit, the respondent acknowledged that the material facts and rule violations summarized below could be proved by a preponderance of the evidence.

The respondent was admitted to practice in the Commonwealth on June 23, 1989, administratively suspended on July 31, 2014 for non-registration, and temporarily suspended on August 18, 2014. Between about October 28, 2013, and April 28, 2014, the respondent intentionally misappropriated not less than \$40,000 from a client escrow fund established in a divorce matter, and thereafter did not pay those funds to the beneficiaries of the escrow fund. After June 19, 2014, the respondent failed to appear at five scheduled hearings in matters pending at the Bristol County Probate and Family Court, without permission of the court to withdraw from the matters and without notifying his clients of his intention not to appear, or of his intention to withdraw from their matters. By his conduct, the respondent violated Mass. R. Prof. C. 1.1; 1.2(a); 1.3; 1.4(a) and (b); 1.15(b), (c), (d), and (f); 1.16(c) and (d); 3.4(c); and 8.4(c), (d), and (h).

On April 21, 2015, the respondent filed an affidavit of resignation. Bar counsel recommended that the affidavit be accepted and that the board recommend that a judgment of disbarment enter.

On May 11, 2015, the board voted to recommend that the affidavit of resignation be accepted and the respondent disbarred. On May 27, 2015, the Supreme Judicial Court for Suffolk County accepted the affidavit of resignation and entered a judgment of disbarment effective immediately upon the entry of the judgment.

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.