

IN RE: TONY BAYARD DE VOLO a/k/a ANTHONY BAYARD DE VOLO
NO. BD-2012-099

S.J.C. Order of Term Suspension entered by Justice Spina on March 21, 2013.¹

SUMMARY²

On July 16, 2012, the respondent, Tony Bayard de Volo, was suspended from the practice of law by the Supreme Court of California for one year, with the first ninety days to be served and the remainder stayed for two years with probationary conditions. The respondent has been reinstated to the California bar upon the completion of the ninety-day term. The circumstances resulting in the respondent's discipline were the following.

From late 2008 through mid-2010, the respondent represented five clients in mortgage loan modification matters. In each matter, the respondent had little or no contact with the client. He delegated each matter to non-attorney staff who provided incompetent legal services and whom the respondent failed to adequately supervise. When two of the clients complained about the respondent, he improperly sought their agreement not to press bar discipline complaints against him. When a third client requested a fee refund, the respondent had the client sign a broad release without advising her to seek independent counsel. In a sixth loan modification matter, the respondent had the client sign a fee agreement that contained a prospective release of the respondent from any claims that the client may have.

The respondent did not report the California discipline to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On October 4, 2012, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The parties filed a waiver of hearing and assent to an order of reciprocal discipline. On March 21, 2013, the Court (Spina, J.) entered an order suspending the respondent for one year effective immediately, with the respondent to be actually suspended for the first three months and the remaining nine months to be stayed subject to the lawyer's compliance with the conditions of probation imposed in California. The order further provided that after one year from the date of entry, the respondent may file an affidavit with bar counsel and the Court with proof of his successful completion of the above conditions of probation, and may request an order that he is no longer subject to the one-year suspension.

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.