

SUPREME JUDICIAL COURT OF MASSACHUSETTS

In the Matter of Abby R. Williams

SJC-13268 · No. SJC-13268 · Decided February 23, 2023

SUMMARY

The Massachusetts Supreme Judicial Court affirmed a judgment disbarring Abby R. Williams from the practice of law. The court held that substantial evidence supported findings that Williams personally and intentionally misappropriated client funds, including by inflating claimed costs and causing ongoing deprivation. The court concluded that disbarment was the appropriate sanction and was not markedly disparate from comparable disciplinary judgments.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
JURISDICTION	Massachusetts
DECIDED	February 23, 2023
DOCKET	SJC-13268
DISPOSITION	affirmed
PROCEDURAL POSTURE	The respondent attorney appealed under S.J.C. Rule 2:23 from a single justice's judgment disbarring her from the practice of law after the Board of Bar Overseers found that she intentionally misused client trust funds and caused ongoing deprivation.
STANDARD OF REVIEW	The court reviews the single justice's decision to determine whether it is supported by sufficient evidence, free from errors of law, and free from abuse of discretion. Subsidiary factual findings adopted by the board are upheld if supported by substantial evidence, and the disciplinary sanction is reviewed de novo to determine whether it is markedly disparate from judgments in comparable cases.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Abby R. Williams v. Board of Bar Overseers

TOPICS

- appellate procedure
- standard of review
- remedies
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported the finding that Williams personally and intentionally misappropriated client funds in the three matters at issue.
2. Whether the single justice improperly shifted the burden of proof by requiring Williams to establish that a former employee, rather than Williams, inflated the client expenses.
3. Whether disbarment was an appropriate sanction and was not markedly disparate from sanctions imposed in comparable attorney-discipline cases.

HOLDINGS

1. Substantial evidence supported the finding that Williams personally and intentionally charged inflated expenses, misappropriated client funds, and caused deprivation to clients.
2. The single justice did not improperly shift the burden of proof by rejecting Williams's claim that Annenberg was responsible for inflating client expenses.
3. Disbarment was warranted because Williams intentionally misappropriated client funds with ongoing deprivation, and the sanction was not markedly disparate from sanctions in comparable cases.

KEY QUOTATIONS

“When an attorney ‘intended to deprive the client of funds, permanently or temporarily, or if the client was deprived of funds (no matter what the attorney intended), the standard discipline is disbarment or indefinite suspension.’” (at 8-9)

“A bar discipline proceeding is not a forum best used broadly to cast blame or aspersions on others. It is a proceeding with a narrow focus: to determine whether there is a preponderance of evidence that an attorney has violated one or more rules of professional conduct and, if so, what sanction is warranted.” (at 9)

FACTUAL BACKGROUND

Williams controlled a Massachusetts law firm that experienced serious financial problems. In three medical-malpractice matters, she intentionally inflated client costs and withheld the resulting funds, including by charging clients amounts far above the firm's actual costs and using one inflated charge to repay a personal loan. In another matter, she filed a notice of appeal late, failed to prosecute the appeal, failed to tell the client that it had been dismissed, and deducted inflated appeal-related costs from funds owed to the client.

PROCEDURAL HISTORY

Bar counsel filed a seven-count petition for discipline in 2019. After an evidentiary hearing, the hearing committee found misconduct and recommended disbarment; the Board of Bar Overseers generally adopted the committee's findings and recommendation and filed an information in the county court. A single justice accepted the board's recommendation and entered a judgment of disbarment. The Supreme Judicial Court reviewed the record and affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Annenberg, 31 Mass. Att'y Discipline Rep. 8, 8 (2015)
- Matter of Zankowski, 487 Mass. 140, 144 (2021)
- Matter of Tobin, 417 Mass. 92, 99 (1994)
- Matter of Slavitt, 449 Mass. 25, 30 (2007)
- Matter of Diviacchi, 475 Mass. 1013, 1018-1019 (2016)
- Matter of McBride, 449 Mass. 154, 161-164 (2007)
- Matter of Laroche-St. Fleur, 490 Mass. 1020, 1023 (2022)
- Matter of London, 427 Mass. 477, 482-483 (1998)
- Matter of Moore, 442 Mass. 285, 291 (2004)
- Matter of Macero, 27 Mass. Att'y Discipline Rep. 554, 561-562 (2011)
- Matter of Finn, 433 Mass. 418, 423 (2001)
- Matter of Greene, 476 Mass. 1006, 1008 (2016)
- Matter of Schoepfer, 426 Mass. 183, 187 (1997)
- Matter of Ablitt, 486 Mass. 1011, 1017, 1019 (2021)
- Matter of Bryan, 411 Mass. 288, 291-292 (1991)
- Matter of Hoicka, 442 Mass. 1004, 1006 (2004)
- Matter of Hrones, 457 Mass. 844, 855 (2010)
- Matter of Saab, 406 Mass. 315, 326-327 (1989)