

David A. Berman

DAVID A. BERMAN

S.J.C. No. 91-2 BD

Judgment (one-year suspension, effective February 1, 1991) entered January 24, 1991.

Summary*

The parties entered into a stipulation whereby they agreed that the allegations set forth in the petition for discipline be treated as proven. These allegations included that the respondent was retained by a client, the executor and sole heir of an estate, to represent his interests, which included taking all steps necessary to enable the executor to sell the decedent's real estate. The respondent took no substantive action to enable the sale of real estate. In order to conceal his lack of action, the respondent fabricated a decree purporting to authorize the sale. The respondent forged the signature of an associate justice of the Probate Court on the decree. The respondent also fabricated a certificate purporting to be from the Massachusetts Department of Revenue releasing the estate tax lien on the real estate.

The parties waived hearing before a hearing committee of the Board of Bar Overseers and agreed that the Board might conclude as a matter of law that the Disciplinary Rules cited in the petition for discipline were violated. These rules included Canon One, DR 1-102iA1(4), (5), and (6). Canon Six, DR 6-101(A)(2) and (3), and Canon Seven DR 7-101(A) (1), (2), and (3).

The Board accepted the stipulation of the parties and

***Compiled by the Board of Bar Overseers based on the record submitted to the Supreme Judicial Court.**

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Bar Counsel's recommendation to file an Information with the Court recommending that the respondent be suspended for one year.

On January 24, 1991, the Court ordered that the respondent be suspended for one year, effective February 1, 1991.

Order

This matter came before the Court, O'Connor, J., presiding on an Information and Record of Proceedings filed by the Board of Bar Overseers and argument was waived by Bar Counsel, Respondent, and Respondent's counsel.

Whereupon it is ORDERED that David A. Berman be suspended from the practice of law in the Courts of the Commonwealth of Massachusetts for one year effective February 1, 1991.

It is further ORDERED that David A. Berman shall within twenty-eight (28) days from the date of this judgment file with this court in accordance with S.J.C Rules 4:01, &17, his affidavit of compliance.

January 24, 1991

Richard J. Rouse
Clerk of Court