



IN RE: WENDY JANE RICKLES

NO. BD-2013-121

S.J.C. Order of Disbarment entered by Justice Cordy on March 17, 2014.[†]

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[†] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. BD-2013-121

IN RE: WENDY JANE RICKLES

MEMORANDUM OF DECISION

This case is before the court on an Information filed by the Board of Bar Overseers (board) recommending that the respondent attorney, Wendy Jane Rickles, be disbarred. The misconduct at issue occurred in the course of two separate client representations for actions of divorce between 2004 and 2009, as well as during a dispute with the first client as to legal fees, which occurred between 2008 and 2012. The findings of the hearing committee support the charges that Attorney Rickles: failed to deposit client funds into an IOLTA account; converted client's funds and intentionally misrepresented to the client that his checks to her had been fraudulently negotiated or endorsed; charged and collected a clearly excessive fee; failed to pay promptly funds due to the client; failed, after the client objected to the withholding of funds, to retain the disputed funds in escrow; failed to provide the client with an itemized bill or other accounting and a statement of the balance

before the date she paid herself a fee; paid herself a fee from the client's funds other than by a check payable to her or her law firm; failed to respond adequately to client's requests for itemized bills; failed to keep a client ledger showing the receipt and disbursement of client funds; knowingly violated her obligation to serve pleadings on opposing counsel; knowingly made false statements to tribunals; intentionally made false statements to bar counsel in the course of her investigation; knowingly submitted false itemized time sheets to bar counsel; failed to take any action of substance on a second client's divorce case; and failed to respond to second client's requests for information. The respondent has not made restitution on the converted client funds. The respondent contested the findings of fact of the hearing committee and the allegations of misconduct underlying the board's findings and recommendation.

The procedural history of this case extends back more than nine years. Attorney Rickles was retained by a client (client one) in 2004 to represent him in a divorce proceeding. The respondent failed to deposit the retainer check she received into her IOLTA account, and instead deposited the funds directly into her personal checking account. Over the course of the divorce action, the respondent failed to provide itemized billing sheets to the client, and failed to timely disburse funds owed to him

from the divorce settlement. The dispute over the respondent's claimed fees with the client began in 2008 (client one filed his request for arbitration with the Massachusetts Bar Association Fee Arbitration Board in early 2009) and continued until 2012 when Attorney Rickles' application for further appellate review was denied by this court. During the dispute, Attorney Rickles failed to maintain the disputed funds in an escrow account and made knowingly false statements to tribunals (to the Superior Court in her complaint, the Appeals Court regarding service, and the Supreme Judicial Court in her application for further appellate review).

Attorney Rickles was retained by another client (client two) in 2009 to represent her in an action for divorce and child support. The respondent deposited the retainer check directly into her personal bank account and not into an IOTA account. The respondent was discharged by the client in early 2012. Between 2009 and 2012 Attorney Rickles failed to take any action of substance in the divorce or child support proceedings.

The respondent was notified by June 25, 2010, that bar counsel was investigating a complaint regarding the disputed fees. Attorney Rickles provided bar counsel with what was claimed to be her itemized billing sheets in December, 2010. These time sheets contained eighty-seven more hours of billable

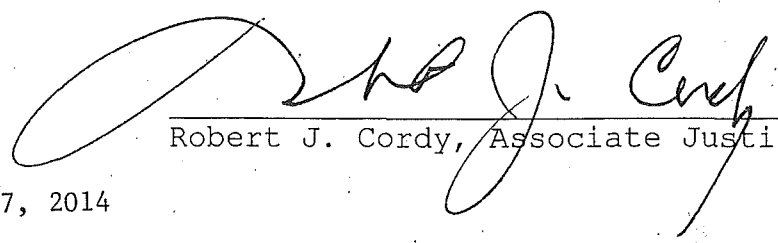
time than were contained in the 2009 time sheets previously provided to counsel for client one. The hearing committee found that Attorney Rickles altered her previous time sheets so as to justify her challenged fee.

On July 22, 2013, the hearing committee issued its report and recommendation for disbarment. An appeal was filed and heard, and on November 25, 2013, the board unanimously voted that an Information be filed with the Supreme Judicial Court recommending disbarment of Attorney Rickles.

The respondent's argument was that the hearing committee's findings of facts were wrong because, in part, they credited certain testimony and discredited other testimony. The credibility determinations of the hearing committee will not be rejected unless it can be "'said with certainty' that [a] finding was 'wholly inconsistent with another implicit finding'" (internal citations omitted). In re Murray, 455 Mass. 872, 880 (2010). The respondent has failed to make the appropriate showing which would justify setting aside the findings of the hearing committee.

The court's primary concern must be the protection of the public. Accordingly, I order that the respondent be disbarred from the practice of law, effective as of the date of the entry

of this judgment.


Robert J. Cordy, Associate Justice

Entered: March 17, 2014