

**IN RE: KIRK Y. GRIFFIN****NO. BD-2013-081****S.J.C. Judgment of Disbarment entered by Justice Spina on February 25, 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 summarized below could be proved by a preponderance of the evidence.

The respondent was admitted to practice in the Commonwealth on March 24, 1969, and was temporarily suspended by order of the Court on September 13, 2013. In his capacity as an attorney and as a fiduciary, the respondent misappropriated client and fiduciary funds on deposit in his IOLTA account between approximately December 1, 2006, and approximately December 5, 2014. On multiple occasions the respondent intentionally misused client and fiduciary funds on deposit in the IOLTA account to make payments for personal or business purposes unrelated to the client or fiduciary matters. The respondent misused those client and fiduciary funds with the intent to deprive the clients and beneficiaries of the funds at least temporarily. As a result of the respondent's actions, clients or beneficiaries were deprived of their funds, including the beneficiaries in one estate matter who were not paid at least \$120,000 from funds that the respondent collected as executor. The respondent failed to timely account for client and fiduciary funds. On multiple occasions, the respondent drew checks on the IOLTA account that were not supported by sufficient funds. The respondent failed to hold trust property separate from his own property in the IOLTA account, and failed to maintain required records for the IOLTA account. In addition, after he was temporarily suspended, the respondent failed to timely resign his appointment as executor and to notify the probate court and the beneficiaries that he had been temporarily suspended. By his conduct, the respondent violated Mass. R. Prof. C. 1.1, 1.3, 1.15(b), 1.15(c), 1.15(d), 1.15(e)(5), 1.15(f)(1), 8.4(c), 8.4(d), and 8.4(h).

On June 12, 2014, bar counsel filed a petition for discipline. On December 5, 2014, the respondent filed an affidavit of resignation. On January 12, 2015, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and the respondent disbarred. On February 25, 2015, the Supreme Judicial Court entered a judgment accepting the affidavit of resignation and disbarring the respondent from the practice of law in the Commonwealth 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.