

IN RE: ANDREW S. BREINES

NO. BD-2016-084

S.J.C. Order of Indefinite Suspension entered by Justice Lowy on May 9, 2017, with an effective date of June 8, 2017.¹

SUMMARY²

Andrew S. Breines, the respondent, was admitted to the bar of the Commonwealth on December 19, 1991. On May 9, 2017, the respondent was suspended indefinitely for misconduct in the following two matters.

In the first matter, On October 29, 2007, the respondent pleaded guilty in the United States District Court for the District of Massachusetts to two counts of false statements to a federal agency in violation of 18 U.S.C. § 1001(a)(2). He was sentenced to two years of probation, with conditions. The respondent did not report this conviction to bar counsel, as required by S.J.C. Rule 4:01, § 12(8).

The conduct to which the respondent pleaded guilty was as follows. In April of 2006 and again in January of 2007, the respondent met with FBI agents and complained that a bank had “misdirected” a wire transfer of \$88,000 from an account he maintained at the bank to an unknown recipient. He further reported that the bank refused to refund the money. In support of his various claims, the respondent provided the FBI with copies of a number of documents, including bank statements, correspondence and court documents. In fact, as the respondent knew, his claims were false and the documents he provided were forgeries and fabrications.

The respondent’s criminal conduct violated Mass. R. Prof. C. 8.4(b), (c), (d) and (h). His failure to report the conviction to bar counsel violated S.J.C. Rule 4:01, § 12(8), and Mass. R. Prof. C. 8.4(d).

In the second matter, in 2014 the respondent and his family lived in a house rented from another lawyer. At some point, the landlord told the respondent that he wanted to sell the house. In June of 2014, the respondent gave the landlord an agreement pursuant to which the house would be purchased by a trust. The agreement was purportedly signed by a relative of the respondent as trustee of the trust. The landlord signed the agreement. Then, in July the respondent sent to the landlord a copy of a purchase and sale agreement for other property of the trust, the sale of which was a condition of the first agreement. That agreement was purportedly signed by the trustee and a buyer. In fact, the respondent had fabricated both agreements and forged the trustee’s signature on both. The trustee had no knowledge of either transaction.

The respondent’s conduct in the second matter violated Mass. R. Prof. C. 8.4(c) and (h).

In mitigation, the respondent’s misconduct did not occur in connection with the practice of law. The respondent lacked any financial motive and his misconduct did not result in any financial gain; he was motivated by family-related issues. Further in mitigation as to the first matter, at the time of the events in issue the respondent suffered from undiagnosed depression.

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.

In aggravation, the respondent engaged in two unrelated instances of dishonest conduct seven years apart that included the fabrication of documents.

On August 31, 2016, bar counsel filed a Petition for Discipline with the Board of Bar Overseers charging the respondent with the above misconduct. On March 8, 2017, the parties filed a stipulation with the board in which the respondent admitted his misconduct and the parties agreed that the appropriate discipline was an indefinite suspension. On April 6, 2017, the board voted unanimously to accept the stipulation of the parties and to recommend that the respondent be indefinitely suspended. On May 9, 2017, the Supreme Judicial Court for Suffolk County (Lowy, J.) so ordered.