

ADMONITION NO. 20-07

CLASSIFICATION:

Conduct Adversely Reflecting on Fitness to Practice [Mass. R. Prof. C. 8.4(h)]

SUMMARY:

Beginning in June of 2017, the respondent represented a mother in a contentious child support and custody matter in Massachusetts. The complainant in this matter was the opposing party and he was represented by separate counsel. During the pendency of that matter, the complainant had other open legal proceedings in Massachusetts and Maine in which he was represented by counsel.

The complainant had a complaint for harassment against his former business associate in Maine. The respondent accompanied the business associate to a hearing in Maine, intending to serve as a witness to the complainant's character. At a recess, the respondent asked the complainant's counsel if they could talk outside the courtroom. As they were speaking, the complainant approached them. The respondent made a gun shape with his hands and said something to the effect of "get your bitch ass back or I'm going to bitch slap you." The complainant brought a complaint for harassment against the respondent in Maine. After hearing, the judge issued an Order for Protection from Harassment for one year, with contact only through an attorney or in a court room.

By threatening the complainant with physical violence, the respondent engaged in conduct adversely reflecting on his fitness to practice law and violated Mass R. Prof. C. 8.4(h).

During settlement negotiations in the child custody matter, the respondent sent the complainant's counsel a draft stipulation. At his client's request, the stipulation provided that the complainant immediately withdraw his disciplinary complaint against the respondent.

By presenting a stipulation conditioning the custody settlement on the withdrawal of the disciplinary complaint, the respondent violated SJC Rule 4:01 §10 and Mass. R. Prof. C. 8.4(h).

In mitigation, the respondent had been admitted to practice in 2014. The respondent received an admonition conditioned on his participation in an anger management assessment with Lawyer's Concerned for Lawyers and a course on ethics.