

**IN RE: DAVID M. COHEN**

**NO. BD-2011-029**

**S.J.C. Judgment of Disbarment entered by Justice Spina on August 13, 2015.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

On February 16, 2011, David M. Cohen, who was admitted to the bar of the Commonwealth of Massachusetts on December 15, 1997, was found guilty after a trial by jury in the Norfolk County Superior Court of one count of attempted extortion in violation of G.L. c. 265, § 25; one count of intimidating a witness in violation of G.L. c. 268, § 13B; and one count of filing a false police report in violation of G.L. c. 268, § 6A. On February 22, 2011, the respondent was sentenced to concurrent terms of two and a half years to two and a half years and one day at the Massachusetts Correctional Institution at Cedar Junction on the charges of attempted extortion and intimidation of a witness (with credit for time served) and three years' probation, 150 hours of community service, and attendance at a legal ethics course on the charge of filing a false police report, to be served on and after the respondent's release from custody. The respondent has served his full sentence and has been discharged from probation.

The respondent had previously been convicted of these crimes in July of 2007, and was temporarily suspended as a result of that conviction on October 5, 2007. He was reinstated on January 22, 2010, following the reversal of the conviction by the Supreme Judicial Court. Following the current conviction upon retrial, the respondent was temporarily suspended on May 5, 2011. Matter of Cohen, 27 Mass. Att'y Disc. R. 426 (2011). The respondent timely complied with both orders of temporary suspension.

The respondent's conviction resulted from his conduct as a police officer for a Massachusetts municipality, which included attempting to coerce the settlement of a civil claim by threatening to use the power or authority invested in him against the victim. Attempted extortion and witness intimidation are felonies, and as such are serious crimes as defined in S.J.C. Rule 4:01, § 12(3). Filing a false police report is also a serious crime under § 12(3) because it requires proof of a misrepresentation.

On July 7, 2011, bar counsel filed with the Board of Bar Overseers an amended petition for discipline. On June 17, 2015, the parties filed a stipulation with a joint recommendation that the respondent be disbarred. The parties also agreed that the disbarment should be retroactive to January 5, 2009, in order to give the respondent credit for the initial period of temporary suspension. On July 13, 2015, the board voted to accept the parties' joint recommendation. On August 13, 2015, the Supreme Judicial Court for Suffolk County (Spina, J.) entered an order of disbarment retroactive to January 5, 2009.

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.