

# PUBLIC MATTER

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**FILED**

**SEP 21 2016**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No. 16-J-10196  
 12 )  
 13 MICHAEL JOSEPH KRANTZ, ) NOTICE OF DISCIPLINARY CHARGES  
 No. 194417, )  
 14 )  
 15 A Member of the State Bar. ) (Bus. & Prof. Code, § 6049.1; Rules Proc. of  
 State Bar, rules 5.350 to 5.354)

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
THE STATE BAR COURT TRIAL:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
 WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
 AND THE DEFAULT IS SET ASIDE, AND;**
- 22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
 23 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
 24 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
 25 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Michael Joseph Krantz ("respondent") was admitted to the practice of law in the State  
4 of California on February 12, 1998, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 PROFESSIONAL MISCONDUCT IN A FOREIGN JURISDICTION

7 2. On or about August 10, 2015, the Supreme Judicial Court of the Commonwealth of  
8 Massachusetts ("Supreme Judicial Court") ordered that respondent be disbarred upon findings  
9 that respondent had committed professional misconduct in that jurisdiction as set forth in  
10 respondent's Affidavit of Resignation filed with the Commonwealth of Massachusetts Board of  
11 Bar Overseers on July 1, 2015 ("Affidavit"), and the Judgment of Disbarment filed by the  
12 Supreme Judicial Court on August 10, 2015 ("Judgment"). Thereafter, the decision of the  
13 foreign jurisdiction became final.

14 3. Certified copies of the Affidavit (Exhibit 1) and Judgment (Exhibit 2) are attached and  
15 incorporated by reference.

16 4. A copy of the statutes, rules or court orders of the foreign jurisdiction found to have  
17 been violated by respondent is attached as Exhibit 3 and incorporated by reference.

18 5. Respondent's culpability as determined by the foreign jurisdiction indicates that the  
19 following California statutes or rules have been violated or warrant the filing of this Notice of  
20 Disciplinary Charges: Business and Professions Code section 6106 and Rules of Professional  
21 Conduct, rules 1-300(B), 3-700(A)(2), 4-100(A), 4-100(B)(4), and 4-100(D)(1), (2) and (3).

22 ISSUES FOR DISCIPLINARY PROCEEDINGS

23 6. The attached findings and final order are conclusive evidence that respondent is  
24 culpable of professional misconduct in this state subject only to the following issues:

25 A. The degree of discipline to impose;

26 B. Whether, as a matter of law, respondent's culpability determined in the  
27 proceeding in the other jurisdiction would not warrant the imposition of discipline in the State of  
28

1 California under the laws or rules binding upon members of the State Bar at the time the member  
2 committed misconduct in such other jurisdiction; and

3 C. Whether the proceedings of the other jurisdiction lacked fundamental  
4 constitutional protection.

5 7. Respondent shall bear the burden of proof with regard to the issues set forth in  
6 subparagraphs B and C of the preceding paragraph.

7 **NOTICE - INACTIVE ENROLLMENT!**

8 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
9 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
10 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
11 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
12 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
13 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
14 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
15 RECOMMENDED BY THE COURT.**

13 **NOTICE - COST ASSESSMENT!**

14 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
15 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
16 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
17 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
18 PROFESSIONS CODE SECTION 6086.10.**

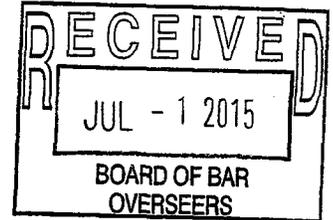
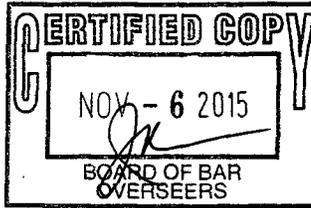
17 Respectfully submitted,

18 THE STATE BAR OF CALIFORNIA  
19 OFFICE OF CHIEF TRIAL COUNSEL

20  
21 DATED: September 21, 2016

By: 

Juan M. Valles  
Deputy Trial Counsel



COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT

AFFIDAVIT OF RESIGNATION SUBMITTED BY MICHAEL J. KRANTZ  
PURSUANT TO SUPREME JUDICIAL COURT RULE 4:01, § 15

I, Michael J. Krantz, hereby state that I desire to resign from the practice of law pursuant to S.J.C. Rule 4:01, § 15, and I aver and attest as follows:

1. I was admitted to practice in the Commonwealth of Massachusetts on October 22, 1986. I was also admitted to practice in the State of California in 1998, and have been on inactive status in California since 2001. I am also admitted to practice in the United States District Court for the District of Massachusetts and the United States Court of Appeals for the First Circuit, and in no other jurisdictions.
2. My resignation is freely and voluntarily rendered, I am not being subjected to coercion or duress, and I am fully aware of the implications of submitting my resignation. I understand that, by submitting this affidavit of resignation, I have waived evidentiary proceedings before a hearing committee, the Board of Bar Overseers, and the Supreme Judicial Court.
3. I understand that, if my resignation is accepted, my name will be stricken from the roll of attorneys; my resignation will be made public and will be reported to courts and disciplinary authorities in this and other jurisdictions; the judgment and any opinion of the Court or a summary of the proceedings, including my identity and the factual and legal basis for the sanction, will be published by the Board of Bar Overseers, sent to media outlets, and posted on the Board's website; I will not be eligible to apply for reinstatement before eight years have passed from the effective date of the judgment of resignation; and I may never be reinstated to the practice of law in the Commonwealth.
4. I am aware that there is presently pending an investigation and proceedings into allegations that I have been guilty of misconduct. Bar counsel is alleging, among other things, that in December 2011, in my capacity as an attorney, I agreed to assist

in the transfer of 15,500 Euros, with a U.S. dollar value of approximately \$19,500, from an account maintained by my client in Lebanon to an account in the United States, and to hold the funds in escrow; that between December 2011 and about July 2012, I intentionally misappropriated said funds, and did not return the funds to my clients on demand and on the termination of the representation, with the result that they were deprived of the funds; and that this conduct violated Massachusetts Rules of Professional Conduct, including, among others, Mass. R. Prof. C. 1.15(b) and (c), 1.16(d), and 8.4(c) and (h). In addition, bar counsel is alleging that I engaged in the unauthorized practice of law in Florida, and operated a law office and used letterhead and other documents falsely identifying myself as practicing in a law firm in Florida, when I was a sole practitioner and was not licensed in Florida, and that this conduct violated Mass. R. Prof. C. 5.5(a), 7.1, and 7.5(a).

5. I do not wish to contest any bar discipline allegations now pending, and I understand that my suspension or disbarment would likely result if those allegations were proved.

6. I acknowledge freely and voluntarily that the material facts upon which the pending allegations are predicated, including the allegations set forth in paragraph 4 of this affidavit, can be proved by a preponderance of the evidence and that a hearing committee, the Board and the Court would conclude that I have engaged in the disciplinary violations cited in paragraph 4. I agree not to contest any of the facts and the rule violations set forth in paragraph 4 in this or any other bar discipline or reinstatement proceeding in the Commonwealth or in any other jurisdiction or in any proceedings for my admission to the bar of any jurisdiction. I deny I committed any criminal act, and my admissions are restricted for use solely in bar discipline and reinstatement proceedings in this and other jurisdictions to which I have been admitted or may apply for permission to practice law.

7. I understand and acknowledge that bar counsel will make a recommendation to the Board and the Supreme Judicial Court about whether the affidavit of resignation should be accepted or if I should also be suspended or disbarred. I understand that I may also make recommendations regarding these

matters but that neither the Board of Bar Overseers nor the Supreme Judicial Court is bound to adopt such recommendations or my resignation, that the Board of Bar Overseers may recommend my suspension or disbarment, and that the Supreme Judicial Court may suspend or disbar me without any further proceedings.

8. I understand and acknowledge that I have the right to be represented by counsel in these proceedings, and I am represented by counsel with whom I am satisfied.

9. I understand and acknowledge that the Bar Counsel has made no representations or promises to me whatsoever regarding the effects of executing this affidavit other than what is stated in this affidavit.

10. I understand and acknowledge that there have been no representations or promises made to me regarding any present or future criminal or civil proceedings against me or as to the effect of this affidavit on my privilege against self-incrimination.

11. I am not now suffering from any physical disability or condition that would impair my understanding of the allegations and proceeding against me, the voluntariness of this action, or my full understanding of the consequences of the execution of this affidavit.

12. I hereby request that I be permitted to resign from the practice of law in the Commonwealth of Massachusetts. I understand that this affidavit of resignation will not be impounded.

Signed and sworn to under the penalties of perjury this 27<sup>th</sup> day of May, 2015.

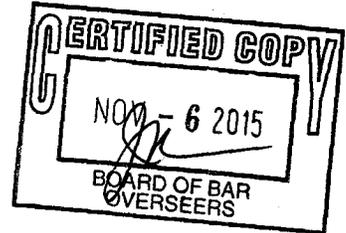
  
Michael J. Krantz

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO: BD-2015-073

IN RE: Michael J. Krantz



JUDGMENT OF DISBARMENT

This matter came before the Court, Spina, J., on an Affidavit of Resignation submitted by Michael J. Krantz pursuant to S.J.C. Rule 4:01, § 15, with the Recommendation and Vote of the Board of Bar Overseers (Board) and a letter dated July 1, 2015 from assistant bar counsel to general counsel recommending that the affidavit of resignation be accepted and that a judgment of disbarment enter, effective as of the date of the judgment, filed by the Board on July 31, 2015. Upon consideration thereof, it is ORDERED and ADJUDGED that:

1. The Affidavit of Resignation be accepted and that Michael J. Krantz is hereby disbarred from the practice of law in the Commonwealth of Massachusetts effective immediately upon the entry of this Judgment, and the lawyer's name is forthwith stricken from the Roll of Attorneys.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this

Judgment, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the disbarment with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Judgment, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the disbarment all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Judgment, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been disbarred; that he is disqualified from acting as a lawyer after the effective date of the disbarment; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the

circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been disbarred and, as a consequence, is disqualified from acting as a lawyer after the effective date of the disbarment;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Judgment, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Judgment and with bar disciplinary rules. Appended to the affidavit of compliance

shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Judgment any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Judgment or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and

administrative jurisdictions to which the lawyer is admitted to practice; and

f) the residence or other street address where communications to the lawyer may thereafter be directed.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Judgment, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Judgment;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

By the Court, (Spina J.)

Maura S. Doyle, Clerk

FXS

Entered: August 10, 2015

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TOC: Massachusetts Court Rules > SUPREME JUDICIAL COURT > A. RULES OF THE SUPREME JUDICIAL COURT > CHAPTER THREE. ETHICAL REQUIREMENTS AND RULES CONCERNING THE PRACTICE OF LAW > Massachusetts Rules of Professional Conduct > CLIENT-LAWYER RELATIONSHIP > **Rule 1.15: Safekeeping Property**

*ALM Sup. Jud. Ct. Rule 3:07, RPC 1.15:*

ANNOTATED LAWS OF MASSACHUSETTS

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\*\*\* This document reflects all changes received as of September 21, 2015 \*\*\*

SUPREME JUDICIAL COURT  
A. RULES OF THE SUPREME JUDICIAL COURT  
CHAPTER THREE. ETHICAL REQUIREMENTS AND RULES CONCERNING THE PRACTICE OF LAW  
Massachusetts Rules of Professional Conduct  
CLIENT-LAWYER RELATIONSHIP

ALM Sup. Jud. Ct. Rule 3:07, RPC 1.15: (2015)

Review Court Orders which may amend this rule.

Rule 1.15: Safekeeping Property

(a) [Until July 1, 2015] Definitions:

(1) "Trust property" means property of clients or third persons that is in a lawyer's possession in connection with a representation and includes property held in any fiduciary capacity in connection with a representation, whether as trustee, agent, escrow agent, guardian, executor, or otherwise. Trust property does not include documents or other property received by a lawyer as investigatory material or potential evidence. Trust property in the form of funds is referred to as "trust funds."

(2) "Trust account" means an account in a financial institution in which trust funds are deposited. Trust accounts must conform to the requirements of this rule.

(b) Segregation of Trust Property. A lawyer shall hold trust property separate from the lawyer's own property.

(1) Trust funds shall be held in a trust account, except that advances for costs and expenses may be held in a business account.

(2) No funds belonging to the lawyer shall be deposited or retained in a trust account except that:

(i) Funds reasonably sufficient to pay bank charges may be deposited therein, and

(ii) Trust funds belonging in part to a client or third person and in part currently or potentially to the lawyer shall be deposited in a trust account, but the portion belonging to the lawyer must be withdrawn at the earliest reasonable time after the lawyer's interest in that portion becomes fixed. A lawyer who knows that the right of the lawyer or law firm to receive such portion is disputed shall not withdraw the funds until the dispute is resolved. If the right of the lawyer or law firm to receive such portion is disputed within a reasonable time after notice is given that the funds have been withdrawn, the disputed portion must be restored to a trust account until the dispute is resolved.

(3) Trust property other than funds shall be identified as such and appropriately safeguarded.

(c) Prompt Notice and Delivery of Trust Property to Client or Third Person. Upon receiving trust funds or other trust property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or as otherwise permitted by law or by agreement with the client or third person on whose behalf a lawyer holds trust property, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third persons entitled to receive.

(d) Accounting.

(1) Upon final distribution of any trust property or upon request by the client or third person on whose behalf a lawyer holds trust property, the lawyer shall promptly render a full written accounting regarding such property.

(2) On or before the date on which a withdrawal from a trust account is made for the purpose of paying fees due to a lawyer, the lawyer shall deliver to the client in writing (i) an itemized bill or other accounting showing the services rendered, (ii) written notice of amount and date of the withdrawal, and (iii) a statement of the balance of the client's funds in the trust account after the withdrawal.

(e) Operational Requirements for Trust Accounts.

(1) All trust accounts shall be maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person on whose behalf the trust property is held, except that all funds required by this rule to be deposited in an IOLTA account shall be maintained in this Commonwealth.

(2) Each trust account title shall include the words "trust account," "escrow account," "client funds account," "conveyancing account," "IOLTA account," or words of similar import indicating the fiduciary nature of the account. Lawyers maintaining trust accounts shall take all steps necessary to inform the depository institution of the purpose and identity of such accounts.

(3) No withdrawal from a trust account shall be made by a check which is not prenumbered. No withdrawal shall be made in cash or by automatic teller machine or any similar method. No withdrawal shall be made by a check payable to "cash" or "bearer" or by any other method which does not identify the recipient of the funds.

(4) Every withdrawal from a trust account for the purpose of paying fees to a lawyer or reimbursing a lawyer for costs and expenses shall be payable to the lawyer or the lawyer's law firm.

(5) Each lawyer who has a law office in this Commonwealth and who holds trust funds shall deposit such funds, as appropriate, in one of two types of interest-bearing accounts: either (i) a pooled account ("IOLTA account") for all trust funds which in the judgment of the lawyer are nominal in amount, or are to be held for a short period of time, or (ii) for all other trust funds, an individual account with the interest payable as directed by the client or third person on whose behalf the trust property is held. The foregoing deposit requirements apply to funds received by lawyers in connection with real estate transactions and loan closings, provided, however, that a

trust account in a lending bank in the name of a lawyer representing the lending bank and used exclusively for depositing and disbursing funds in connection with that particular bank's loan transactions, shall not be required but is permitted to be established as an IOLTA account. All IOLTA accounts shall be established in compliance with the provisions of paragraph (g) of this rule.

(6) Property held for no compensation as a custodian for a minor family member is not subject to the Operational Requirements for Trust Accounts set out in this paragraph (e) or to the Required Accounts and Records in paragraph (f) of this rule. As used in this subsection, "family member" refers to those individuals specified in section (e)(2) of rule 7.3.

(f) Required Accounts and Records: Every lawyer who is engaged in the practice of law in this Commonwealth and who holds trust property in connection with a representation shall maintain complete records of the receipt, maintenance, and disposition of that trust property, including all records required by this subsection. Records shall be preserved for a period of six years after termination of the representation and after distribution of the property. Records may be maintained by computer subject to the requirements of subparagraph 1G of this paragraph (f) or they may be prepared manually.

(1) Trust Account Records. The following books and records must be maintained for each trust account:

A. Account Documentation. A record of the name and address of the bank or other depository; account number; account title; opening and closing dates; and the type of account, whether pooled, with net interest paid to the IOLTA Committee (IOLTA account), or account with interest paid to the client or third person on whose behalf the trust property is held (including master or umbrella accounts with individual subaccounts).

B. Check Register. A check register recording in chronological order the date and amount of all deposits; the date, check or transaction number, amount, and payee of all disbursements, whether by check, electronic transfer, or other means; the date and amount of every other credit or debit of whatever nature; the identity of the client matter for which funds were deposited or disbursed; and the current balance in the account.

C. Individual Client Records. A record for each client or third person for whom the lawyer received trust funds documenting each receipt and disbursement of the funds of the client or third person, the identity of the client matter for which funds were deposited or disbursed, and the balance held for the client or third person, including a subsidiary ledger or record for each client matter for which the lawyer receives trust funds documenting each receipt and disbursement of the funds of the client or third person with respect to such matter. A lawyer shall not disburse funds from the trust account that would create a negative balance with respect to any individual client.

D. Bank Fees and Charges. A ledger or other record for funds of the lawyer deposited in the trust account pursuant to paragraph (b)(2)(i) of this rule to accommodate reasonably expected bank charges. This ledger shall document each deposit and expenditure of the lawyer's funds in the account and the balance remaining.

E. Reconciliation Reports. For each trust account, the lawyer shall prepare and retain a reconciliation report on a regular and periodic basis but in any event no less frequently than every sixty days. Each reconciliation report shall show the following balances and verify that they are identical:

(i) The balance which appears in the check register as of the reporting date.

(ii) The adjusted bank statement balance, determined by adding outstanding deposits and other credits to the bank statement balance and subtracting outstanding checks and other debits from the bank statement balance.

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TOC: Annotated Laws of Massachusetts, Constitution, Court Rules & ALS, Combined > SUPREME JUDICIAL COURT > A. RULES OF THE SUPREME JUDICIAL COURT > CHAPTER THREE. ETHICAL REQUIREMENTS AND RULES CONCERNING THE PRACTICE OF LAW > Massachusetts Rules of Professional Conduct > CLIENT-LAWYER RELATIONSHIP > **Rule 1.16: Declining or Terminating Representation**

Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 1.16:**

*ALM Sup. Jud. Ct. Rule 3:07, RPC 1.16:*

ANNOTATED LAWS OF MASSACHUSETTS  
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\*\*\* This document reflects all changes received as of September 21, 2015 \*\*\*

SUPREME JUDICIAL COURT  
A. RULES OF THE SUPREME JUDICIAL COURT  
CHAPTER THREE. ETHICAL REQUIREMENTS AND RULES CONCERNING THE PRACTICE OF LAW  
Massachusetts Rules of Professional Conduct  
CLIENT-LAWYER RELATIONSHIP

ALM Sup. Jud. Ct. Rule 3:07, RPC 1.16: (2015)

Review Court Orders which may amend this rule.

Rule 1.16: Declining or Terminating Representation

(a) [Until July 1, 2015] Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the rules of professional conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
- (3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

- (1) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (2) the client has used the lawyer's services to perpetrate a crime or fraud;
- (3) a client insists upon pursuing an objective that the lawyer considers repugnant or imprudent;
- (4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services

and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

(c) If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned.

(e) A lawyer must make available to a former client, within a reasonable time following the client's request for his or her file, the following:

- (1) all papers, documents, and other materials the client supplied to the lawyer. The lawyer may at his or her own expense retain copies of any such materials.
- (2) all pleadings and other papers filed with or by the court or served by or upon any party. The client may be required to pay any copying charge consistent with the lawyer's actual cost for these materials, unless the client has already paid for such materials.
- (3) all investigatory or discovery documents for which the client has paid the lawyer's out-of-pocket costs, including but not limited to medical records, photographs, tapes, disks, investigative reports, expert reports, depositions, and demonstrative evidence. The lawyer may at his or her own expense retain copies of any such materials.
- (4) if the lawyer and the client have not entered into a contingent fee agreement, the client is entitled only to that portion of the lawyer's work product (as defined in subparagraph (6) below) for which the client has paid.
- (5) if the lawyer and the client have entered into a contingent fee agreement, the lawyer must provide copies of the lawyer's work product (as defined in subparagraph (6) below). The client may be required to pay any copying charge consistent with the lawyer's actual cost for the copying of these materials.
- (6) for purposes of this paragraph (e), work product shall consist of documents and tangible things prepared in the course of the representation of the client by the lawyer or at the lawyer's direction by his or her employee, agent, or consultant, and not described in paragraphs (2) or (3) above. Examples of work product include without limitation legal research, records of witness interviews, reports of negotiations, and correspondence.
- (7) notwithstanding anything in this paragraph (e) to the contrary, a lawyer may not refuse, on grounds of nonpayment, to make available materials in the client's file when retention would prejudice the client unfairly.

(a) [Eff July 1, 2015] Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the rules of professional conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(2) the client has used the lawyer's services to perpetrate a crime or fraud;

(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred.

(e) A lawyer must make available to a client or former client, within a reasonable time following the client's request for his or her file, the following:

(1) all papers, documents, and other materials the client supplied to the lawyer. The lawyer may at his or her own expense retain copies of any such materials.

(2) all pleadings and other papers filed with or by the court or served by or upon any party. The client may be required to pay any copying charge consistent with the lawyer's actual cost for these materials, unless the client has already paid for such materials.

(3) all investigatory or discovery documents except those for which the client is then obligated to pay under the fee agreement but has not paid, including but not limited to medical records, photographs, tapes, disks, investigative reports, expert reports, depositions, and demonstrative evidence. The lawyer may at his or her own expense retain copies of any such materials.

(4) if the lawyer and the client have not entered into a contingent fee agreement, the client is entitled only to that portion of the lawyer's work product (as defined in subparagraph (6) below) for which the client has paid.

(5) if the lawyer and the client have entered into a contingent fee agreement, the lawyer must provide copies of the lawyer's work product (as defined in subparagraph (6) below). The client may be required to pay any copying charge consistent with the lawyer's actual cost for the copying of these materials.

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Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 5.5:**

*ALM Sup. Jud. Ct. Rule 3:07, RPC 5.5:*

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Massachusetts Rules of Professional Conduct  
LAW FIRMS AND ASSOCIATIONS

ALM Sup. Jud. Ct. Rule 3:07, RPC 5.5: (2015)

Review Court Orders which may amend this rule.

Rule 5.5: Unauthorized Practice Of Law; Multijurisdictional Practice Of Law

(a) [Until July 1, 2015]A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(a) [Eff July 1, 2015]A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law or rule of this jurisdiction.

**HISTORY:**



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Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 7.1:**

*ALM Sup. Jud. Ct. Rule 3:07, RPC 7.1:*

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Massachusetts Rules of Professional Conduct  
INFORMATION ABOUT LEGAL SERVICES

ALM Sup. Jud. Ct. Rule 3:07, RPC 7.1: (2015)

Review Court Orders which may amend this rule.

Rule 7.1: Communications Concerning a Lawyer's Services

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

**HISTORY:**

Amended, effective October 1, 1999

**NOTES:**

**COMMENT**

[1] This Rule governs all communications about a lawyer's services, including advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer's services, statements about them should be truthful. Statements that compare a lawyer's services with another lawyer's services and statements that create unjustified expectations about the results the lawyer can achieve would violate Rule 7.1 if they constitute "false or misleading" communications under the Rule.

Corresponding ABA Model Rule. Identical to Model Rule 7.1(a).

Corresponding Former Massachusetts Rule. DR 2-101 (A).

[2015].

[1] This Rule governs all communications about a lawyer's services, including advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer's services, statements about them should be truthful.

[2] Truthful statements that are misleading are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

[3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

[4] See also Rule 8.4(e) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

#### CASE NOTES

Criminal attorney's complaint against a civil attorney, with whom he was jointly representing clients in a wrongful incarceration case, for interference with an advantageous business relationship stated a claim upon which relief could be granted to the extent that it alleged that the civil attorney knowingly made material misrepresentations to the clients about the criminal attorney's reputation that induced the clients to discharge him. *Cavicchi v Koski* (2006) 67 Mass App 654, 855 NE2d 1137.

Michigan attorney who acted as a creditor's "agent" in a Massachusetts bankruptcy case without being licensed to practice law in Massachusetts engaged in unauthorized practice of law when the attorney prepared a reaffirmation agreement; the attorney's use of firm letterhead with no mention that the attorney was the creditor's "agent" constituted a misrepresentation to the debtor and the bankruptcy court because it suggested that the attorney was authorized to practice law in Massachusetts. *In re Lucas* (2003, BC DC Mass) 2003 Bankr LEXIS 1328, *affd*, in part, *ques certified* (DC Mass) 317 BR 195.

Failure to consult with opposing counsel, although a violation of LR, D. Mass. 7.1(a)(2) for which counsel for the company and its owner deserved censure, did not warrant sanctions. *Casual Male Retail Group, Inc. v Yarbrough* (2007, DC Mass) 527 F Supp 2d 172.

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Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 7.1:**

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Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 7.5:***ALM Sup. Jud. Ct. Rule 3:07, RPC 7.5:*

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Massachusetts Rules of Professional Conduct  
INFORMATION ABOUT LEGAL SERVICES

ALM Sup. Jud. Ct. Rule 3:07, RPC 7.5: (2015)

Review Court Orders which may amend this rule.

Rule 7.5: Firm Names and Letterheads

(a) [Until July 1, 2015]A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(a) [Eff July 1, 2015]A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other

professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

**HISTORY:**

Amended March 26, 2015, effective July 1, 2015

**NOTES:**

COMMENT

[1] A firm may be designated by the names of all or some of its members, by the names of deceased or retired members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." Use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased or retired partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm.

[2] With regard to paragraph (d), lawyers who are not in fact partners, such as those who are only sharing office facilities, may not denominate themselves as, for example, "Smith and Jones," or "Smith and Jones, A Professional Association," for those titles, in the absence of an effective disclaimer of joint responsibility, suggest partnership in the practice of law. Likewise, the use of the term "associates" by a group of lawyers implies practice in either a partnership or sole proprietorship form and may not be used by a group in which the individual members disclaim the joint or vicarious responsibility inherent in such forms of business in the absence of an effective disclaimer of such responsibility.

[3] S.J.C. Rule 3:06 imposes further restrictions on trade names for firms that are professional corporations, limited liability companies or limited liability partnerships. (Amended, effective October 1, 1999).

Corresponding ABA Model Rule. Identical to Model Rule 7.5.

Corresponding Former Massachusetts Rule. DR 2-102.

[2015].

[1] A firm may be designated by the names of all or some of its members, by the names of deceased or retired members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Use of such names, including trade names, in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased or retired partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.

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**Rule 8.4: Misconduct**

Citation: **ALM Sup. Jud. Ct. Rule 3:07, RPC 8.4:**

*ALM Sup. Jud. Ct. Rule 3:07, RPC 8.4:*

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Massachusetts Rules of Professional Conduct  
MAINTAINING THE INTEGRITY OF THE PROFESSION

ALM Sup. Jud. Ct. Rule 3:07, RPC 8.4: (2015)

Review Court Orders which may amend this rule.

Rule 8.4: Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- (g) fail without good cause to cooperate with the Bar Counsel or the Board of Bar Overseers as provided in Supreme Judicial Court Rule 4:01, § 3; or
- (h) engage in any other conduct that adversely reflects on his or her fitness to practice law.

[Eff July 1, 2015] It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability (1) to influence improperly a government agency or official or (2) to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- (g) fail without good cause to cooperate with the Bar Counsel or the Board of Bar Overseers as provided in S.J.C. Rule 4:01, § 3; or
- (h) engage in any other conduct that adversely reflects on his or her fitness to practice law.

**HISTORY:**

Amended, effective March 5, 1998; effective April 5, 1999; March 26, 2015, effective July 1, 2015

**NOTES:**

EDITORIAL NOTE --

The first 1998 court order, in paragraph (g), substituted " Supreme Judicial Court Rule 4:01, § 3; or" for " Supreme Judicial Court Rule 4:01, § 3, last sentence; or".

The second 1998 court order deleted Comment [4] and inserted new Comments [4] and [5].

The 1999 court order, effective April 5, 1999, in Comment [4], substituted "Paragraph (e)" for "Paragraph (c)".

**COMMENT**

[1] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offense carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[2] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[3] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyer. The same is true of abuse of positions of private mast such as trustee, executor,

administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[4] Paragraph (e) prohibits the acceptance of referrals from a referral source, such as court or agency personnel, if the lawyer states or implies, or the client could reasonably infer, that the lawyer has an ability to influence the court or agency improperly.

[5] Paragraph (h) carries forward the provision of Former DR 1-102(A)(6) prohibiting conduct that adversely reflects on that lawyer's fitness to practice law, even if the conduct does not constitute a criminal, dishonest, fraudulent or other act specifically described in the other paragraphs of this rule.

Corresponding ABA Model Rule. Clauses (a), (b), (c), (d), (e), and (f) identical to Model Rule 8.4; clause (g) incorporates obligations set forth in S.J.C. Rule 4:01, § 3; clause (h) comes from DR 1-102 (A) (6).

Corresponding Former Massachusetts Rule. DR 1-102, DR 9-101 (C). See S.J.C. Rule 4:01, § 3.

[2015].

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[3] [Reserved].

[4] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[6] Paragraph (e) prohibits the acceptance of referrals from a referral source, such as court or agency personnel, if the lawyer states or implies, or the client could reasonably infer, that the lawyer has an ability to influence the court or agency improperly.

[7] Paragraph (h) prohibits conduct that adversely reflects on a lawyer's fitness to practice law, even if the conduct does not constitute a criminal, dishonest, fraudulent, or other act specifically described in the other paragraphs of this Rule.

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 16-J-10196

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2010 0763 53 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	
Michael Joseph Krantz	1374 Cypress Way Boca Raton, FL 33486	Electronic Address	

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: September 21, 2016

SIGNED:

*Sandra Reynolds*  
Sandra Reynolds  
Declarant