



**IN RE: LAWRENCE M. PERLMUTTER**

**NO. BD-2011-107**

**S.J.C. Order of Temporary Suspension entered by Justice Spina on November 16, 2011.<sup>1</sup>**

**Page Down to View Memorandum of Decision**

---

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

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
DOCKET NO. BD-2011-107

MATTER OF LAWRENCE M. PERLMUTTER

MEMORANDUM OF DECISION

Bar counsel has moved for the temporary suspension of Lawrence M. Perlmutter from the practice of law based upon his tender of a guilty plea to several Federal felony charges under the terms of a plea agreement with an agreed recommendation, pursuant to Fed. R. Crim. P. 11 (C) (3) (A), which, if accepted, binds the judge to impose a sentence of incarceration of five and one-half years. The Federal judge has not yet accepted the respondent's guilty plea, and has continued the matter to January 12, 2012, pending review of a presentence report. The respondent asks that I wait until after January 12, 2012, before taking action on bar counsel's petition.

Supreme Judicial Court Rule 4:01, § 12 (1), contemplates temporary suspension of lawyers convicted of a "serious crime." The respondent does not dispute that the crimes for which he has tendered his guilty plea are "serious" within the meaning of rule 4:01, § 12 (3). Rather, he argues that he has not been "convicted" because his guilty plea has not yet been accepted. I agree. Rule 4:01, § 12 (1), describes a "conviction" as including "any plea of

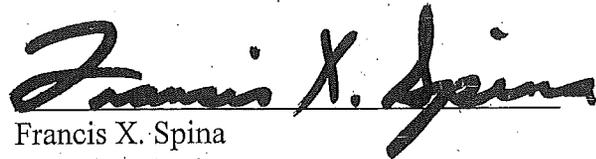
guilty . . . which has been accepted by the court." (Emphasis added). The respondent's plea has not yet been accepted. Therefore, he has not been "convicted" within the meaning of rule 4:01, § 12 (1). Bar counsel is not entitled to an order of temporary suspension on the ground that the respondent has been "convicted" of a serious crime.

Bar counsel alternatively has requested a temporary suspension on the ground that the respondent constitutes a threat of harm to clients. See rule 4:01, § 12A. The respondent has admitted to committing serious crimes and has negotiated a plea agreement that will require him to serve a sentence of incarceration of five and one-half years. The only issue remaining is whether the judge intends to sentence the respondent to a term in excess of five and one-half years, which would require the consent of the respondent, or whether he intends to sentence the respondent to a term below five and one-half years, which would require the consent of the government. I cannot predict what sentence the judge would impose, but the situation puts the respondent's clients at risk of substantial harm.

The environment in which the attorney-client relationship between the respondent and any current or future client will exist during the next two months is not conducive either to the respondent's loyalty to his clients or his best efforts on behalf of his clients, nor is the relationship one we can reasonably expect will foster public confidence in the legal profession. The respondent is facing a significant period of incarceration that necessarily will have a profound effect on his ability to stay focused on his clients' legal needs. In balance, the harm to his current and future clients outweighs the harm to the respondent, whether or not his guilty plea is accepted.

For the foregoing reasons, an order temporarily suspending the respondent from the practice of law is to enter forthwith. If his situation improves after January 12, 2012, he may move to vacate or modify the order of temporary suspension. The matter is referred to the Board of Bar Overseers for investigation.

By the Court,

A handwritten signature in black ink that reads "Francis X. Spina". The signature is written in a cursive style with a horizontal line underneath the name.

Francis X. Spina  
Associate Justice  
Supreme Judicial Court

ENTERED: November 16, 2011