

**IN RE: JOHN P. ROACHE****NO. BD-2012-019****S.J.C. Order of Term Suspension entered by Justice Duffly on October 1, 2012.¹****SUMMARY²**

(S.J.C. Judgment of Reinstatement entered by Justice Duffly on November 27, 2012.)

The respondent, John P. Roache, was admitted to the bar of the Commonwealth on January 14, 1977. On January 5, 2004, he was convicted of operating under the influence, second offense, and sentenced to one year of probation. The respondent was discharged from probation on January 4, 2006. In violation of S.J.C. Rule 4:01, § 12(8), the respondent did not report the conviction to bar counsel.

On September 29, 2008, the respondent admitted to sufficient facts to negligent operation of a motor vehicle. The case was continued without a finding until March 30, 2009, and was dismissed on that day. An admission to sufficient facts constituted a “conviction” as defined by S.J.C. Rule 4:01, § 12(1). The respondent did not report this conviction to bar counsel.

On February 24, 2012, the respondent was convicted of operating under the influence, second offense. He was sentenced to one year in the house of correction with sixty days to serve and the remaining term suspended on condition that he remain free of illicit drugs and alcohol, enter a fourteen-day inpatient program, and submit to drug and alcohol screens.

The respondent’s criminal conduct violated Mass. R. Prof. C. 8.4(b) and (h). His failure to report the 2004 and 2008 convictions violated S.J.C. Rule 4:01, § 12(8), and Mass. R. Prof. C. 8.4(d).

Bar counsel filed a petition for discipline on May 16, 2012, and the respondent filed an answer on June 18, 2012. On July 23, 2012, the respondent filed an amended answer admitting to the misconduct and rule violations set forth in the petition. The parties stipulated that the respondent be suspended for a period of six months with an actual suspension the first two months and the remaining four months of suspension stayed for a period of one year. The parties agreed that the effective date of the suspension would be September 24, 2012. As conditions of the stay, the respondent was required to submit to an evaluation by Lawyers Concerned for Lawyers within three months of the effective date of the suspension and follow all of the recommendations of LCL.

On August 13, 2012, the Board of Bar Overseers voted to accept the stipulation of the parties and their recommendation for discipline. An information was filed in the Supreme Judicial Court for Suffolk County, and, on October 1, 2012, the county court (Duffly, J.) entered an order suspending the respondent for six months with the last four months of the suspension stayed subject to conditions.

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.