

**IN RE: PETER LEBLANC****NO. BD-2012-38****S.J.C. Order of Term Suspension entered by Justice Spina on June 4, 2013.¹****SUMMARY²**

In 2010, the respondent agreed to represent a husband and wife in filing a Chapter 13 bankruptcy petition. During the course of the representation, the respondent filed three separate plans, each of which overstated by several thousands of dollars the amount of income the clients had available to pay their debts in a Chapter 13 plan. By failing to exercise the knowledge, skill, and thoroughness required to file legally sufficient and accurate Chapter 13 petitions and plans, the respondent violated Mass. R. Prof. C. 1.1.

The trustee objected to the respondent's plans on the grounds that the plans did not meet the best-efforts test. The bankruptcy court entered orders allowing the trustee's objections and requiring the clients to file the amended plans within thirty days. The respondent received the orders, but after the third one, he did not file a plan. The court dismissed the clients' bankruptcy petition for failure to comply with its order. By failing to file plans in accordance with the court's order, the respondent violated Mass. R. Prof. C. 1.3.

When the clients learned of the dismissal, the respondent advised them that they could file a new Chapter 13 bankruptcy petition, that he would not charge them any additional legal fees, and that he would pay the filing fees for the new petition. The clients agreed. The respondent filed the new petition but without a plan. The court entered an order requiring the clients to file a plan, but the respondent failed to comply. The bankruptcy court dismissed the petition for the clients' failure to file a plan. By failing to file the plan, the respondent violated Mass. R. Prof. C. 1.3. The respondent also did not refund to the clients the unearned portion of the fee in violation of Mass. R. Prof. C. 1.16(d).

The clients emailed and called the respondent asking about their case. The respondent failed to reply to most of their requests. When he did respond, the respondent failed to inform the clients that he had not taken and would not be taking any action on their behalf. By failing to respond to reasonable requests for information and by failing to provide sufficient information to the clients so that they could make informed decisions about the representation, the respondent violated Mass. R. Prof. Conduct 1.4(a) and (b).

In a second matter, the respondent was hired to represent a client in a personal injury action. The respondent filed a lawsuit in Norfolk Superior Court on behalf of the client. The defendant, through counsel, answered the complaint and served discovery requests on the respondent.

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.

The respondent informed the client of the answer and discovery requests. Thereafter, the respondent abandoned the case. By failing to perform any work of substance on behalf of his client other than filing a complaint and having it served, the respondent violated Mass. R. Prof. C. 1.1, 1.2 and 1.3. The respondent did not inform the client that he would perform no further work and did not seek permission of the court to withdraw. By failing to inform the client that he would perform no further work, the respondent violated Mass. R. Prof. C. 1.14(a) and (b), and by withdrawing without notice to the client, he violated Mass. R. Prof. C. 1.16(d). By withdrawing without leave of the court, the respondent violated Mass. R. Prof. C. 1.16(c).

The client attempted to reach the respondent by email and telephone to request information on the status of the matter. The respondent failed to respond to the client's requests for information in violation of Mass. R. Prof. C. 1.4(a) and (b).

The defendant's attorney moved for final judgment due to the plaintiff's failure to respond to discovery requests. The court entered an order of final judgment in favor of the defendant and sent notice of the dismissal to counsel for the parties. The respondent received the notice, but failed to inform the client of the dismissal. The respondent's failure to inform the client of the dismissal violated Mass. R. Prof. C. 1.4(a).

The client retained other counsel to represent him in a legal malpractice claim against the respondent. The client's new counsel filed suit against the respondent in Norfolk Superior Court. The respondent did not file an answer, and a default entered. On June 28, 2012, the court entered a judgment against the respondent in the amount of \$60,000. The respondent did not pay the judgment.

The client filed a request for investigation with the Office of the Bar Counsel, which bar counsel forwarded to the respondent with a request for a reply. The respondent had abandoned his office and moved his residence, but he did not notify the registration department of the Board of Bar Overseers of the changes to his office and home address within thirty days of the changes. The respondent eventually received bar counsel's request for information, but he failed without good cause to reply. By failing without good cause to cooperate with bar counsel's investigation, the respondent violated Mass. R. Prof. C. 8.4(d) and (g) and S.J.C. Rule 4:01 § 3.

The respondent was administratively suspended on May 17, 2012. Because he was not reinstated within thirty days, the respondent was subject to all of the requirements of S.J.C. Rule 4:01 § 17. The respondent failed to comply with the court's order of administrative suspension and the provisions of S.J.C. Rule 4:01 § 17. The respondent therefore violated Mass. R. Prof. C. 3.4(c), 8.4(d) and S.J.C. Rule 4:01 § 17.

On January 24, 2013, bar counsel filed a petition for discipline alleging the above misconduct. The respondent did not file an answer and was defaulted. On April 22, 2013, the Board of Bar Overseers voted to recommend to the Supreme Judicial Court for Suffolk County that the respondent be suspended from the practice of law for eighteen months. On June 4, 2013, the county court (Spina, J.) entered an order suspending the respondent from the practice of law for eighteen months, effective immediately.