

**IN RE: RICHARD P. HEARTQUIST****NO. BD-2012-064****S.J.C. Order of Term Suspension entered by Justice Cordy on May 13, 2013.¹****SUMMARY²**

The respondent, Richard P. Heartquist, was admitted to the bar of the Commonwealth on December 15, 1993. On June 25, 2012, the respondent was convicted in Lawrence District Court of negligent operation of a motor vehicle in violation of G. L. c. 90, § 24(2)(a); unlicensed operation of a motor vehicle in violation of G. L. c. 90, § 10; leaving the scene of personal injury in violation of G. L. c. 90, § 24(a)(a ½)(1); and leaving the scene of property damage in violation of G. L. c. 90, § 24(2)(a). The respondent also admitted to a violation of G. L. c. 268, § 13B, which prohibits a person from willfully misleading a police officer with the intent to obstruct or impede or otherwise interfere with a criminal investigation by informing the police who investigated the motor vehicle incident that another driver was operating his car at the time of the accident.

The respondent was sentenced to concurrent terms of eighteen months in the house of correction on the convictions of leaving the scene of personal injury and property damage, all suspended, and placed on probation with conditions that he not consume alcohol, submit to random screenings, and pay restitution of \$21,000 to the victim of the car accident. On the other matters, he was placed on probation until June 23, 2014, and the final charge was continued without a finding until the same date.

The respondent's admission to sufficient facts to a violation of G. L. c. 268, § 13B, constituted a conviction as defined by S.J.C. Rule 4:01, § 12(1), of a felony. On September 7, 2012, the respondent was temporarily suspended from the practice of law pursuant to S.J.C. Rule 4:01, § 12(4).

On October 31, 2012, the respondent consumed alcohol and tested positive in an alcohol screen. On November 2, 2012, he was found in violation of his probation conditions and incarcerated until November 20, 2012.

On October 26, 2012, bar counsel filed a petition for discipline. She amended the petition on December 20, 2012, to reflect the violation of probation. The petition as amended charged violations of Mass. R. Prof. C. 3.4(c) and 8.4(b), (c), (d), and (h). On January 18, 2013, the respondent filed an answer.

The respondent was also the subject of another bar discipline proceeding in which the Board of Bar Overseers had filed on January 16, 2013, an information in the Supreme Judicial

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.

Court for Suffolk County recommending that the respondent be suspended for six months and one day. While that matter was pending before the Court under S.J.C. Docket Number BD-2013-029, on April 5, 2013, the respondent filed an amended answer admitting to the amended petition for discipline and the parties filed a stipulation agreeing to a suspension of three years. The parties further agreed that the effective date of the six-month-and-one-day suspension would be September 7, 2012, and that the effective date of the three-year suspension would be March 8, 2013.

As to the respondent's felony conviction, the parties agreed in mitigation that it was "doubtful" that the police were actually misled by the respondent's "cock and bull story." In aggravation, the respondent caused physical harm to the victim, who was unable to work due to his injuries and was in danger of incarceration himself because he defaulted on child support obligations. In addition, the respondent had previously been convicted of operating under the influence in violation of G. L. c. 90, § 24(a)(1).

On April 22, 2013, the Board of Bar Overseers voted to adopt the parties' stipulation and recommendation for discipline. An information was filed in the county court, and, on May 13, 2013, the county court (Cordy, J.) entered an order suspending the respondent for three years effective March 8, 2013.