

**IN RE: DAVID I. McKENNA****NO. BD-2014-041****SUMMARY**¹

The respondent, David McKenna, received a three-month suspension for neglect of an estate-planning matter, failure to cure the neglect despite his promises to Rhode Island Disciplinary Counsel, and misrepresentations during the Rhode Island disciplinary proceedings.

The respondent is an attorney duly admitted to the Bar of the Commonwealth on June 10, 1981. On August 19, 1996, he was administratively suspended from practice in Massachusetts for nonpayment of registration fees.

The respondent was also admitted to practice in the State of Rhode Island. On October 17, 2013, the Rhode Island Supreme Court suspended the respondent from practice for at least three months, commencing thirty days from the date of the order, with permission to apply for reinstatement at the end of that period. He was also ordered to conclude certain pending client matters, arrange for the orderly transfer of other pending matters to counsel chosen by the clients and not to take on any new matters.

The Rhode Island suspension was based upon the following facts: a client hired the respondent in May 2012 to prepare estate-planning documents. The respondent completed a set of documents and reviewed them with the client. The respondent then agreed to make certain revisions to the documents and forward the revised documents to the client. He failed to do so.

The client complained to Rhode Island Disciplinary Counsel, who in turn notified the respondent. The respondent failed to reply to two written requests from Disciplinary Counsel that he respond to the client's complaint. Thereafter respondent met with Disciplinary Counsel and agreed to forward the revised estate planning documents to the client and file a response to the client's complaint. He did not do either.

Disciplinary counsel filed a disciplinary action on January 18, 2013. At the hearing on that action, the respondent misrepresented to the disciplinary board that he had filed certain documents on the client's behalf with the State of Rhode Island, Division of Taxation, but received no response. In fact the Division of Taxation had notified respondent that his filing was incorrect, and provided him with forms to correct the error, but the respondent had taken no action.

¹ Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

On April 11, 2014, bar counsel filed a Petition for Reciprocal Discipline, pursuant to S.J.C. Rule 4:01, sec 16 and the Order of the Rhode Island Supreme Court. The respondent assented to an order of reciprocal discipline.

On August 11, 2014, the Court (Lenk, J.) entered an order, suspending the respondent for three months, effective immediately upon entry of the order, with reinstatement conditioned upon the respondent's reinstatement in Rhode Island.