



IN RE: KENRICK A. SMALL
NO. BD-2014-087

S.J.C. Order of Term Suspension entered by Justice Duffly on September 12, 2014, with an effective date of October 12, 2014.¹

SUMMARY²

In 2009, the respondent was a defendant in a complaint for modification of an order of child support. The respondent had been an employee of the federal government in a non-legal position since 2006. During the probate court proceeding, the respondent twice filed financial statements that intentionally failed to disclose retirement assets conferred by his employment. The respondent also testified falsely during the proceeding that one of the assets, his Thrift Savings Plan, which showed on his bi-weekly pay stub as “TSP,” was an involuntary deduction for uninsured medical expenses.

Bar counsel filed a petition for discipline charging that the respondent violated Mass. R. Prof. C. 3.3(a)(1) and (4) and 8.4(c), (d) and (h) by failing to disclose assets on the financial statements and giving false testimony during the court hearing. A hearing on the petition for discipline was held before a hearing committee. After the hearing but before the hearing committee report issued, the parties filed with the Board of Bar Overseers a stipulation agreeing that, after the hearing, a trier of fact could conclude that the factual allegations of the petition for discipline, to the extent necessary to support the misconduct charged, had been proved by a preponderance of the evidence and that the trier of fact could conclude from these facts that the conduct violated the disciplinary rules alleged. The parties further stipulated to a joint recommendation that the respondent be suspended for six months.

On August 11, 2014, the Board of Bar Overseers voted to recommend that the Supreme Judicial Court accept the parties’ stipulation and recommendation. On September 12, 2014, the county court (Duffly, J.) entered an order suspending the respondent from the practice of law for six months.

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.