



**IN RE: JAY M. LIPIS**

**NO. BD-2015-028**

**S.J.C. Order of Indefinite Suspension entered by Justice Spina on April 7, 2015.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

The respondent received an indefinite suspension from the practice of law for his conduct in engaging in the practice of law while on suspension, and other related misconduct, as summarized below.

The respondent owned a personal injury practice from approximately 1989 through 2006, at which he employed two other attorneys. In 2006, the respondent sold the practice to the two attorneys. In October, 2008, the respondent was suspended from the practice of law for two years, effective on November 10, 2008. He applied for reinstatement in August, 2011. After proceedings before the Board of Bar Overseers, the Supreme Judicial Court denied reinstatement on September 17, 2012.

On a date no later than August 10, 2012, the respondent began working at his prior firm, unpaid, as a “settlement consultant.” For the following ten weeks or so, the respondent reviewed files, valued cases, determined demand amounts, negotiated settlements with insurance adjusters, and communicated with clients about settlement offers, without any adequate supervision. In handling and settling personal injury cases without supervision, the respondent was engaging in the unauthorized practice of law. Further, to the extent that the respondent was engaging in paralegal work, he failed to obtain permission from the Supreme Judicial Court to work as a paralegal as required by S.J.C. Rule 4:01, §§ 17(7) and 18(3).

In his conversations with insurance adjusters, the respondent falsely identified himself as “Jeffrey Kriger” in order to conceal his identity as a suspended attorney. At times, the respondent also either identified himself as “Attorney Kriger” or failed to correct any misunderstanding that he was an attorney at the firm.

The respondent’s conduct in falsely identifying himself in his settlement calls with insurance adjusters so as to conceal his true identity as a suspended attorney violated Mass.

---

<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

R. Prof. C. 8.4(c). The respondent's conduct in engaging in the practice of law and legal work, and in holding himself out as an attorney, violated Mass. R. Prof. C. 3.4(c), Mass. R. Prof. C. 5.5(a), and S.J.C. Rule 4:01, § 17(7).

In aggravation, the respondent received a public reprimand in 2002 (Matter of Lipis, 18 Mass. Att'y Disc. R. 369 (2002)) (respondent's intemperate remarks during mediation and his use of vulgar and insulting language was intended to disrupt a tribunal and was prejudicial to the administration of justice in violation of Mass. R. Prof. C. 3.5(c), 8.4(d), and 8.4(h), and his use of profanity and his verbal abuse of opposing counsel and insurance claims representatives, in connection with his handling of client matters, violated Rules 4.4 and 8.4(h)). The suspension in place at the time of this misconduct (Matter of Lipis, 24 Mass. Att'y Disc. R. 431 (2008)) stemmed from conduct including: the respondent's intentional misrepresentations, both in an effort to influence a pending matter in court and in responding to the investigation by bar counsel, in violation of Rules 8.1(a), 8.4(c), 8.4(d); his ex parte telephone calls to a judge sitting on the pending matter, in violation of Rules 3.5(a) and (b), and 8.4(d); and his failure to turn over to successor counsel clients' files in a reasonable time, in violation of Rules 1.16(d) and (e)(5). In further aggravation, on February 19, 2014, in the Stoughton District Court, the respondent admitted to facts sufficient to prove a violation of M.G.L. c. 94C, § 34, for his possession of a class B substance (cocaine) on or about May 9, 2013. That case was continued without a finding for six months, the respondent was placed on probation, and the matter was dismissed at the end of the respondent's probationary period.

On August 22, 2014, a petition for discipline was filed with the Board of Bar Overseers asserting the above charges of misconduct against the respondent. On February 11, 2015, a revised answer to the petition for discipline and stipulation of the parties was filed with the board jointly recommending that the respondent be suspended from the practice of law indefinitely. On February 23, 2015, the board voted to accept the stipulation of the parties and their joint recommendation to file an information with the Supreme Judicial Court.

On April 7, 2015, the Supreme Judicial Court for Suffolk County (Spina, J.) entered an order suspending the respondent from the practice of law indefinitely, effective on the entry date of the order.