

**IN RE: JAMES G. PEPE, JR.****NO. BD-2015-108****S.J.C. Order of Term Suspension entered by Justice Cordy on December 21, 2015.¹****SUMMARY²**

The respondent was sued in small claims court by his former client. The complaint alleged that the respondent had failed to perform several services for which he had been paid, failed to return unearned fees and to repay a personal loan the former client had made to the respondent. The respondent filed an answer to the complaint that, without his former client's consent after consultation, made disclosures alleging highly personal confidential information about the client. None of these disclosures was necessary to any defense or claim in the small claims action, nor did the respondent reasonably believe the disclosures were necessary to establish a defense.

The respondent's disclosure in a controversy between him and his former client of confidential information that was not reasonably necessary to a claim or defense violated Mass. R. Prof. C. 1.6(a) and (b)(2). The respondent's use of confidential information for his advantage and to the disadvantage of his former client violated Mass. R. Prof. C. 1.9(c)(1) and (2). By filing the answer disclosing the confidential information in a legal proceeding, the respondent violated Mass. R. Prof. C. 8.4(d) and (h).

In aggravation, the respondent has a disciplinary history of a prior public reprimand for similar misconduct. In addition, the respondent had received a warning about protecting confidential client information in connection with a prior complaint by the same former client. In mitigation, the respondent had become addicted to prescription pain medication, which clouded his judgment in this case. The respondent voluntarily received treatment for his addiction, voluntarily submitted to an evaluation by LCL, and consented to disclosure of treatment information to LCL.

The matter came before the Board of Bar Overseers on the parties' stipulation of facts and rule violations and an agreed recommendation that the respondent be suspended from the practice of law for six months, and that he be required to undergo a reinstatement proceeding.

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.

On November 9, 2015, the board voted to accept the parties' stipulation and to recommend that the court adopt it. On December 21, 2015, the Court ordered a suspension for six months with the additional requirement that the respondent undergo a reinstatement proceeding.