

**IN RE: JOHN S. KEATING****NO. BD-2016-035****S.J.C. Order of Term Suspension entered by Justice Hines on April 4, 2016, with an effective date of May 4, 2016.¹****SUMMARY²**

John S. Keating, the respondent, was admitted to the bar of the Commonwealth on June 20, 1996. On April 4, 2016, he was suspended for two months, on a condition specified below, for the following misconduct.

On December 15, 1999, the respondent admitted to sufficient facts in the Plymouth District Court to one count of assault and battery in violation of G. L. c. 265, § 13A. The facts were that the respondent slapped his wife in the face during an argument. The matter was continued without a finding until June 15, 2000, on which date the matter was dismissed. The respondent failed to report the conviction to bar counsel within ten days, as required by S.J.C. Rule 4:01, § 12(8).

On August 29, 2013, the respondent admitted to sufficient facts in the Plymouth District Court to two counts of violation of an abuse prevention order in violation of G. L. c. 209A, § 7. The facts were that the respondent sent his ex-wife text messages that violated an abuse prevention order in that they went beyond arranging for visitation, disparaged the ex-wife and included a veiled threat of violence. The matter was continued without a finding until August 28, 2015, on condition that the respondent “abide by 209A.”

On September 10, 2013, the respondent was arrested for violation of the abuse prevention order. On October 11, 2013, he pleaded guilty in the Plymouth District Court to one count of violation of the abuse prevention order in violation of G. L. c. 209A, § 7. The basis of the plea was that the respondent sent the ex-wife a number of additional text messages disparaging the ex-wife and went to the ex-wife’s home to drop off their child’s pet. The respondent also admitted to a violation of probation in the prior matter. On both matters, he was placed on supervised probation until August 28, 2015, and ordered to undergo anger management counseling.

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.

The respondent's criminal conduct violated Mass. R. Prof. C. 8.4(b) and (h). His failure to report the 1999 conviction to bar counsel violated S.J.C. Rule 4:01, § 12(8), and Mass. R. Prof. C. 8.4(d). His violation of probation violated Mass. R. Prof. C. 3.4(c) and 8.4(d) and (h).

In mitigation, the respondent suffers from Attention Deficit Disorder and Obsessive Compulsive Disorder, which were exacerbated in the summer of 2013 by an ongoing dispute with his ex-wife over financial issues, thereby impairing his judgment. The dispute was subsequently resolved and the ex-wife allowed the abuse prevention order to lapse. The respondent complied with all probationary terms, including anger management counseling.

After formal disciplinary proceedings were instituted, the parties filed with the Board of Bar Overseers a stipulation on February 9, 2016. The respondent admitted his misconduct as described above. The parties agreed that the respondent be suspended for two months, on condition that prior to reinstatement he provide bar counsel with a current report from a therapist to assure that his ADD and OCD are under control.

On March 7, 2016, the board voted unanimously to accept the stipulation of the parties and to recommend that the respondent be suspended for two months on the condition stated in the stipulation. On April 4, 2016, the Supreme Judicial Court for Suffolk County (Hines, J.) so ordered.

