

**DONALD LAROCHE**

**BBO # 659378**

**Public Reprimand No. 2022-25**

**Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on September 26, 2022.**

*The Board ordered a Public Reprimand for the respondent's failure to provide competent and diligent representation to a client in a criminal matter.*

**SUMMARY**<sup>1</sup>

The respondent was retained by a client who had been indicted for several felonies. Another individual was charged as a co-defendant. The respondent failed to provide competent and diligent representation to the client in his preparation for trial. Specifically, he failed to review much of the discovery provided by the prosecution; failed to investigate crucial photographic evidence taken from his client's phone that was presented by the prosecutor during opening statements; failed to listen to all video and audio recordings supporting the prosecution's case; failed to obtain transcripts of the recordings, many of which were in a foreign language; and failed to identify or subpoena any witnesses including expert witnesses. At trial, the respondent pursued a defense that was not available based on the facts of the case; failed to cross-examine all but two of the prosecution's witnesses, elicited testimony damaging to his client from the two witnesses he did cross-examine; and heavily relied on co-defendant's counsel even though the two defendants had differing strategies and theories of the case. Both the client and co-defendant were found guilty.

After the verdict, the client terminated the respondent's representation and retained successor counsel. Successor counsel moved for a new trial based on the respondent's ineffective assistance of counsel. The court held a two-day evidentiary hearing on the motion for a new trial and ordered a new trial based on the respondent's ineffective assistance to his client. The order granting a new trial was affirmed by the appellate court. The former client's new trial was scheduled to begin in 2022. However, the case was dismissed by prosecutors on the eve of trial based on previously undisclosed exculpatory evidence that had not been timely released to the defendants.

By failing to represent his client effectively prior to and during trial, the respondent's conduct violated Mass. R. Prof. C. 1.1, 1.3 and 8.4(d).

The parties stipulated to a public reprimand for the misconduct. By vote dated September 12, 2022, the Board of Bar Overseers voted to impose a public reprimand.

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<sup>1</sup> Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF BAR OVERSEERS  
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,  
Petitioner,  
v.  
Donald LaRoche, Esq.,  
Respondent

Public Reprimand No. 2022-25

**ORDER OF PUBLIC REPRIMAND**

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On September 12, 2022, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Donald LaRoche, be and he, is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Donald LaRoche, be and hereby is PUBLICLY REPRIMANDED.

BY: Richard C. Van Nostrand  
, Member  
BOARD OF BAR OVERSEERS

DATED: September 26, 2022