

IN RE: PETER R. KAPLAN

NO. BD-2018-089

S.J.C. Judgment of Disbarment entered by Justice Gaziano on October 23, 2018, with an effective date of November 22, 2018.¹

The respondent resigned and was disbarred for repeated neglect and noncompliance with court orders in numerous bankruptcy cases. The respondent also admitted to knowing misuse of filing fees paid to him by clients.

SUMMARY²

This matter came before the Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, §15. In the affidavit the respondent acknowledged that bar counsel would be able to prove by a preponderance of the evidence that he engaged in the conduct described below.

In his capacity as debtor's counsel of record in the United States Bankruptcy Court, the respondent engaged in a pattern of neglect of client matters and failing to comply with court orders which in some cases resulted in rulings adverse to clients. By way of example and not limitation, the respondent was the recipient of at least fifty-five orders to show cause in cases in which he was debtor's counsel of record. Forty-three of those orders required respondent to show cause why his client should not be denied a discharge or the cases dismissed due to his failure to file a response in accordance with a Court order or rule of Court. Twelve of those orders threatened to sanction the respondent or hold him in contempt for failure to appear at hearings or to comply with Court orders. The respondent was assessed monetary sanctions in five cases. The respondent has also engaged in the knowing misuse of filing fees paid to him by bankruptcy clients that were to have been held for the benefit of the clients, not all of which have been repaid.

The respondent further admitted that a hearing committee, the Board of Bar Overseers and the Supreme Judicial Court would conclude that he violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3, 1.15(b), (d), (e) and (f), and 8.4(d) and (h), among others.

On September 17, 2018, the Board of Bar Overseers voted to recommend that the affidavit of resignation be accepted and that the respondent be disbarred. The Court (Gaziano, J.) so ordered on October 23, 2018.

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.