

**IN RE: JEFFREY P. WHITE**

**NO. BD-2018-104**

**S.J.C. Order of Term Suspension entered by Justice Kafker on March 11, 2019.<sup>1</sup>**

*The respondent was suspended for nine months based on an uncontested Petition for Reciprocal Discipline arising from a sanction imposed by the Maine Supreme Court. In Maine, the court found misconduct in four separate matters, including, among other issues, neglect, failure to communicate with clients, filing a false notarization in bankruptcy court, and failing to deposit part of a retainer in a trust account.*

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

The respondent, Jeffrey P. White, is an attorney duly admitted to the bar of the Commonwealth on December 21, 1981. On October 3, 2018, he was suspended from the practice of law in Maine for nine months, effective January 1, 2019. Based on a Petition for Reciprocal Discipline filed by bar counsel on November 20, 2018, the Supreme Judicial Court suspended the respondent from practice in Massachusetts for nine months, effective January 1, 2019.

The respondent was suspended for misconduct in his representation of several clients. In the first instance he was engaged by a couple to draft a deed and easement and obtained a retainer from them to do so. The respondent never provided the agreed services, failed to return client phone calls, and failed to promptly refund the retainer and return documents to the client when they terminated the representation. He also failed to deposit the retainer in a trust account. The respondent refunded the retainer only after the clients filed a complaint.

In a second matter, the respondent was engaged by a couple seeking assistance to prevent the foreclosure of their home. The respondent failed to communicate with the clients for over eighteen months and failed to provide a bill or the unearned portion of the retainer when the clients requested a refund. Although he performed no legal work for the clients, the respondent refunded the retainer only after the clients filed a complaint.

In a third matter, the respondent submitted an affidavit to the Bankruptcy Court which was not actually signed by the affiant, and on which the respondent had falsely certified that he had witnessed the affiant's signature. The affiant, however, confirmed the substance of her affidavit.

In the final matter, the respondent represented an entity in a Chapter 11 bankruptcy proceeding. The respondent violated the rules of the bankruptcy court requiring disclosure of the attorney's fees to be charged to the client by failing to report that he had received \$15,000 in fees. The respondent also failed to deposit the client's second payment of \$7500 to a trust account.

By his conduct, as set forth above, the respondent violated Maine Rules of Professional Conduct 1.3 (dilatatory conduct in representation), 1.4(a)(2)(3) and (4)(communication with clients), 1.5(a) (excessive fee), 1.15(b) and (i) (deposit of retainers into trust account, safekeeping and return of unused retainer), 1.16(d)(refund of unearned fees), 3.3(a) (candor towards a tribunal), 3.4(b) (falsifying evidence), 4.1(a) (truthfulness in statements to others)

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<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.

and 8.4(c) (conduct involving dishonesty, deceit, fraud or misrepresentation).

On August 2, 2018, the Maine Supreme Judicial Court issued its Findings, Conclusions and Order, affirming the rule violations set forth above. On October 3, 2018, the Maine Court issued its Sanctions Order, imposing on the respondent a suspension of nine months, effective November 19, 2018. The Court later amended the Sanctions Order, making the effective date of suspension January 1, 2019.

On November 20, 2018, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The parties filed a waiver of hearing and assent to an order of reciprocal discipline. On March 11, 2019, the Court (Kafker, J.) entered an order suspending the respondent from the practice of law in Massachusetts for nine months effective retroactive to January 1, 2019.