

IN RE: KYLE ADAM ROCHA

NO. BD-2014-037

SUMMARY¹

On January 13, 2014, the license of the respondent, Kyle Adam Rocha, to practice law in the State of Rhode Island was suspended for eighteen months retroactive to September 25, 2012. The circumstances resulting in the respondent's discipline were as follows.

The respondent was employed as an associate of a law firm until July 27, 2012. Pursuant to the terms of his employment agreement, he was paid an annual salary and fees he received for legal representation of any client were the property of the firm.

While employed by the firm the respondent engaged in misconduct with respect to four client matters. In three of the matters, the respondent collected fees from the clients and failed to inform his law firm of his receipt of the funds or remit those funds to the firm. In one of those matters, the respondent failed to furnish the client with the agreed legal services and failed to remit to the client the unearned portion of the retainer. In a fourth matter, the respondent failed to retain escrowed funds in a separate account, and converted the escrowed funds to his own use.

The Rhode Island court took into account in reaching the sanction that the respondent made full restitution to the firm of the fees he had taken. In addition, the respondent had become addicted to medication that had originally been prescribed to him for pain, but which he subsequently began purchasing from illegal sources. The respondent then sought in-patient and out-patient treatment for his addiction and at the time of the Rhode Island court order had remained drug free for a significant period of time.

On April 1, 2014, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. On April 3, 2014, the Court issued an order of notice giving the respondent thirty days to show cause why reciprocal discipline should not be ordered in Massachusetts. The respondent waived hearing and assented to an order on bar counsel's petition for reciprocal discipline.

On June 3, 2014, the Court issued an order suspending the respondent for eighteen months retroactive to September 25, 2012. The Court further ordered that the respondent's reinstatement to the Massachusetts bar be conditioned upon his reinstatement to the practice of law in the State of Rhode Island.

¹ Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.