

IN RE: JOHN A. RICE, JR.

NO. BD-2017-025

S.J.C. Order of Term Suspension entered by Justice Hines on March 7, 2017, with an effective date of April 6, 2017.¹

SUMMARY²

The respondent was admitted to the Massachusetts bar in 1989. In 2015, the respondent started personal bankruptcy proceedings under Chapter 13 of the Bankruptcy Code and obtained confirmation of a reorganization plan. He later signed an installment contract with a dealer to buy a used car and applied to a bank for a secured loan to finance the purchase. The respondent needed authorization from the Bankruptcy Court before incurring the car debt. The bank required verification of the court's authorization and so informed the dealer, who informed the respondent.

Instead of seeking authorization, the respondent prepared a fictitious letter bearing the purported letterhead of the Boston office of the U.S. Trustee and signed it in the name of his Chapter 13 trustee. The fictitious letter recited that the respondent was authorized to obtain a \$16,000 loan for the express purpose of buying a car. The respondent delivered the fictitious letter to the car dealer. By intentionally fabricating and delivering the fictitious letter, invoking the supposed imprimatur of a government official by use of a false letterhead and signature, and misrepresenting his authority to obtain the car loan, the respondent violated Mass. R. Prof. C. 8.4(c), (d) and (h).

A bank employee called the U.S. Trustee's office and learned of the fabrication. The bank rejected the loan. The Bankruptcy Court subsequently allowed a motion by the respondent to obtain a secured car loan from another lender. Thereafter, however, the respondent's bankruptcy case was dismissed by agreement, with a one-year bar against refiling for any bankruptcy relief, as a sanction for the fictitious letter.

During the period of these events, the respondent was under severe stress resulting from serious family problems and suffered from depression for which he has received treatment. The parties nonetheless stipulated that the respondent's intentional misconduct was not mitigated on that basis.

The matter came before the Board of Bar Overseers on the parties' stipulation of facts and rule violations and an agreed recommendation that the respondent be suspended for three months. The board voted to accept the stipulation and the recommendation. On March 7, 2017, the Court entered an order for the respondent's three-month suspension effective April 6, 2017.

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.