

IN RE: ADAM A. KRETOWICZ

NO. BD-2018-106

S.J.C. Order of Term Suspension entered by Justice Kafker on March 6, 2019. ¹

The respondent stipulated to a suspension of one year and one day for engaging in a sexual relationship with a client. The relationship, which occurred while the respondent represented the client in her divorce, constituted a conflict of interest pursuant to Rule 1.7(a) of the Massachusetts Rules of Professional Conduct.

SUMMARY²

The respondent, Adam A. Kretowicz, was admitted to the practice of law in Massachusetts on December 14, 1988. By order of March 6, 2019, the respondent was suspended from practice for one year and one day, retroactive to June 15, 2018, for engaging in a conflict of interest, in particular engaging in a sexual relationship with a client.

The client engaged the respondent in January 2011, to represent her in extending a temporary restraining order, that the client had obtained a few days earlier, against her husband. At some point, the respondent informed the client that he was also a former licensed social worker. In April, the client engaged the respondent to represent her in seeking a divorce from her husband.

From the beginning of the representation, the respondent's correspondence with the client was unusually personal in tone. In early April 2011, the client was hospitalized because she had overdosed on drugs and alcohol. The respondent visited the client in the hospital. During May and June 2011, the respondent and client met in his office for a total of at least nineteen hours. During the final week of June 2011, the client was again hospitalized after overdosing on an over-the-counter pain reliever. The respondent again visited the client in the hospital.

At some point in the representation, the respondent and client began a romantic and sexual relationship. In August 2011, the client recognized the danger of being sexually involved with her divorce lawyer and spoke to him about obtaining new counsel. The respondent, however, continued to represent the client in the divorce until her death on October 1, 2011, resulting from an overdose of drugs and alcohol.

By representing the client in a divorce when his representation was materially limited by his own interest in his personal and sexual relationship with her, the respondent violated Mass. R. Prof. C. 1.7(b) (as in effect prior to March 26, 2015).

In November 2018, the parties filed with the S.J.C. a joint motion for the respondent's temporary suspension. On November 30, 2018, the Court temporarily suspended the respondent pending further proceedings of the Board. On December 7, 2018, the Court amended its order to make the respondent's temporary suspension retroactive to June 15, 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.

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for suspension. On February 11, 2019, the Board voted to accept the stipulation and file an Information with the Supreme Judicial Court recommending that the respondent be suspended for one year and one day. On March 6, 2011, the Court entered an order suspending the respondent for one year and one day, retroactive to June 15, 2018, the date of his temporary suspension.