

IN RE: DAVID W. PERRY

NO. BD-2019-066

S.J.C. Judgment of Disbarment entered by Justice Kafker on January 28, 2020.¹

The respondent resigned and was disbarred after pleading guilty to several misdemeanors and felonies. He previously had been suspended and reinstated for similar criminal activity, and some of the recent crimes occurred in the course of his law practice, both of which are aggravating factors.

SUMMARY²

David W. Perry, the respondent, was admitted to the bar of the Commonwealth on April 16, 1986. On January 28, 2020, the respondent was disbarred for the following conduct.

On September 27, 2018, the respondent pleaded guilty in Quincy District Court to negligent operation of a motor vehicle in violation of G.L. c. 90, § 24(2)(a) and leaving the scene of property damage in violation of G.L. c. 90, § 24(2)(a), both misdemeanors, and was placed on probation until September 24, 2019. While on probation for that offense, the respondent was arrested, charged and pleaded guilty in the Lawrence District Court on September 12, 2019 to drug possession class B in violation of G.L. c. 94C, § 34, and drug possession class E in violation of G.L. c. 94C, § 34, both misdemeanors. He was placed on probation until September 11, 2020.

On October 2, 2019, the respondent pleaded guilty in Suffolk Superior Court to fifteen counts of withholding evidence from an official proceeding in violation of G.L. c. 268, § 13E(b), a felony. He was sentenced to 30 months in the Hampshire County House of Correction, with credit for eight days. On the same day, the respondent pleaded guilty to eight counts of conspiracy to violate drug law in violation of G.L. c. 94C, § 40; six counts of sexual conduct for a fee in violation of G.L. c. 272, § 53A; one count of distribution of a Class B drug in violation of G.L. c. 94C, § 32A(a) (a felony); two counts of possession of a Class B drug in violation of G.L. c. 94C, § 34 (a felony); three counts of possession of a Class E drug in violation of G.L. c. 94C, § 34; and one count of possession of a Class C drug in violation of G.L. c. 94C, § 34. The respondent was placed on probation with conditions for three years from and after his release from the 30-month sentence, including a requirement that he surrender his law license.

The conduct to which the respondent pleaded guilty in the Suffolk Superior Court was as follows. While exchanging drugs for sex out of his home in Reading, Massachusetts, the respondent owned and operated a sober house in Roxbury, Massachusetts, where he also exchanged drugs for sex. While operating the sober house, the respondent provided letters on behalf of multiple individuals for submission to various courts throughout the Commonwealth falsely vouching for the individuals' sobriety and their participation in drug testing and sober house programming. In some instances, the individuals were not and never had been residents of the sober house. This was done in exchange for sex, drugs and money. On one occasion, the respondent represented to a client that he would exchange his legal services in return for sex.

On October 3, 2019, the respondent, pleaded guilty in Middlesex Superior Court to two counts of delivering an article to a prisoner in violation of G.L. c. 268, § 28, and one count of

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.

conspiracy in violation of G.L. c. 274 § 7, both felonies, after supplying drugs to a client on two separate occasions during visits at the Middlesex House of Correction. For that, the respondent was sentenced to two years in the house of correction and placed on probation for two years with conditions.

The respondent's criminal conduct violated Mass. R. Prof. C. 8.4(b), (c), (d) and (h).

In aggravation, the respondent's conduct took place, in part, in the context of the practice of law and his representation of clients. In addition, the respondent was previously suspended for three years on January 4, 2005 (retroactive to May 13, 2004), for conduct similar to the conduct in this disciplinary matter, involving his conviction in the United States District Court for the District of Massachusetts of conspiracy to possess cocaine with intent to distribute in violation of 21 U.S.C. § 846, a felony. The respondent was also previously convicted in 1998 and 2000 of other similar crimes in State court involving operation of a motor vehicle after his license was suspended in violation of G.L. c. 90, § 23; possession of a class B drug in violation of G.L. c. 94C, § 34C; driving under the influence of drugs in violation of G.L. c. 90, § 24F; and operating a motor vehicle after his license was suspended. See Matter of David W. Perry, 21 Mass. Att'y Disc. R. 538 (2005).

On December 2, 2019, the respondent was temporarily suspended. On December 31, 2019, the respondent filed an Affidavit of Resignation with the Board of Bar Overseers. At its meeting on January 13, 2020, the board voted to accept the respondent's resignation and that an order of disbarment enter retroactive to December 2, 2019, the date of the respondent's temporary suspension. On January 28, 2020, the Supreme Judicial Court for Suffolk County (Kafker, J.) accepted the respondent's resignation and entered a Judgment of Disbarment retroactive to December 2, 2019.