

**DONALD P. WHALEN**

**Public Reprimand No. 2019-6**

**Order (public reprimand) entered by the Board on April 26, 2019.**

*The respondent stipulated to a public reprimand for engaging in criminal conduct (simple assault and battery) unrelated to the practice of law or his representation of a client.*

**SUMMARY<sup>1</sup>**

On November 5, 2018, the respondent admitted to sufficient facts in the Framingham District Court to one count of simple assault and battery for striking an employee at a bar in the face with a plastic gun, with resulting minor injuries. The matter was continued without a finding until May 6, 2019. The respondent was ordered to complete an anger-management program approved by the probation department, stay away from and have no contact with the alleged victim, and stay away from the restaurant where the incident took place. The respondent complied with the terms of probation, including completing the required ten-week anger management program.

An admission to sufficient facts constitutes a conviction as defined by S.J.C. Rule 4:01, § 12(1). Assault and battery is a crime that reflects adversely on the respondent's fitness to practice law.

On March 29, 2019, bar counsel filed a petition for discipline charging the respondent with violating Mass. R. Prof. C. 8.4(b) and (h). On March 29, 2019, the respondent filed an answer admitting to the facts and rule violations, and the parties stipulated to a public reprimand as appropriate discipline. The parties agreed that, in mitigation, the respondent's criminal conduct did not involve the practice of law and was not related to his representation of a client.

On April 8, 2019, the Board of Bar Overseers voted to accept the parties' stipulation and impose a public reprimand.

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the board.