



**THOMAS E. KENNEY**

**BBO # 561590**

**Public Reprimand No. 2021-1**

**Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers  
of the Supreme Judicial Court on April 28, 2021.**

*The respondent stipulated to a public reprimand for varied misconduct connected with his client's sale of a dental practice.*

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

The respondent was retained to represent a dentist client, sued over an Asset Purchase Agreement whereby he had essentially agreed to sell his practice to another dentist. The suit was settled, the client agreeing to sell to the other dentist the physical practice space less the value of renovations. The parties agreed on the value of the renovations and an appraiser was hired. Despite the client's reservations about the appraisal, the sale closed and the lawsuit was dismissed. Afterwards, the client expressed concern about both the appraisal and the renovation value, and the respondent agreed to bring a lawsuit against the appraiser and the purchasing dentist. The respondent did not keep the client informed about the progress and eventual dismissal of the suit against the appraiser. This conduct violated Mass. R. Prof. C. 1.4(a)(3) (keep client reasonably informed about the status of the matter).

The respondent realized that a suit against the other dentist was not viable, but did not so inform his client and instead, over the course of three years, intentionally misrepresented to the client that he had filed a lawsuit and that it was progressing, providing false case updates. This conduct violated rules 1.2(a) (seek client's lawful objectives), 1.3 (diligence), 1.4(a)(3) and (b) (explain a matter so client can make informed decisions), 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and (h) (conduct that adversely reflects on fitness to practice).

On April 12, 2021, the Board of Bar Overseers voted to administer a public reprimand.

---

<sup>1</sup>Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.