

**IN RE: PETER LARKOWICH****NO. BD-2014-112****S.J.C. Order of Term Suspension entered by Justice Cordy on January 21, 2015.¹****SUMMARY²**

The respondent was admitted to the bar of the Commonwealth in 1974. He was administratively suspended by the Supreme Judicial Court in July 2005 for failure to register and pay his dues, and was never reinstated. From at least 2009 and at all relevant times thereafter, he resided in New Hampshire. At no time was he admitted to the practice of law in New Hampshire or in any other state.

Following the respondent's administrative suspension in July 2005, he did not seek reinstatement. Because he did not seek reinstatement within thirty days of the entry of the order, he became subject to the notice and compliance requirements of S.J.C. Rule 4:01, § 17(1), (5) and (6). The respondent did not comply with these rules or with the court order. His failure to comply with the order of administrative suspension was in violation of Mass. R. Prof. C. 3.4(c) and 8.4(d) and (h).

On or about January 4, 2010, the respondent began working at a law firm in New Hampshire. On its website, the firm listed the respondent as a licensed Massachusetts attorney. In May 2010, a couple, who resided the State of Washington, retained the firm to handle a loan modification related to their residential real estate. They signed a fee agreement with the firm agreeing to pay a flat fee for the representation. The fee agreement entered into by the clients described the scope of the representation as including negotiation of a loan modification on their real property, as well as advice on what legal steps they would need to take to settle, reduce or discharge their debts.

In May 2010, the respondent sent a letter to the clients about their mortgage modification. The letter described the respondent as "Attorney Peter Larkowich." The respondent signed the letter using the title "Esq." after his name. In June 2010, the respondent sent a letter to the lender indicating that the firm represented the borrowers and formally requested a mortgage modification. The respondent also signed this letter using the title "Esq." after his name. A copy of this letter was sent to the clients. Twice in August 2010, the respondent sent emails to one of the clients updating her on the status of the mortgage modification. Both times, the respondent used the title "Esq." in the email.

By practicing law and holding himself out as an attorney to the clients and the lender while administratively suspended from the practice of law in Massachusetts and not admitted

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.

in any other state, and by taking such actions in a law practice in New Hampshire, where he was not admitted to practice, the respondent engaged in the unauthorized practice of law in violation of Mass. R. Prof. C. 3.4(c), 5.5(a) and 8.4(d) and (h). By sending out letters and emails falsely communicating that he was an attorney or that he represented the clients, the respondent made false or misleading communications about himself or his services in violation of Mass. R. Prof. C. 7.1 and 8.4(c).

On May 15, 2012, the Professional Conduct Committee of the New Hampshire Supreme Court issued a public censure of the respondent for his conduct in engaging in the unauthorized practice of law in the foregoing matter and in another matter. Under S.J.C. Rule 4:01, § 16(6), a lawyer who has been subject to public or private discipline in another jurisdiction or whose right to practice law has been otherwise curtailed or limited shall provide certified copies of the order imposing such discipline to the Board of Bar Overseers and to bar counsel within ten days of the issuance of the order. The respondent did not provide notice of the New Hampshire order or certified copies of it to the Board or to bar counsel. The respondent's failure to provide such notice or certified copies to the Board or to bar counsel as required by Supreme Judicial Court Rule 4:01, § 16(6), was in violation of Mass. R. Prof. C. 3.4(c), 8.4(d) and (h).

On October 30, 2012, the clients filed a complaint with the Office of Bar Counsel. At one point during the course of the investigation, bar counsel sent four letters to the respondent (two by certified mail and two by first-class mail) to the last two addresses for the respondent known to bar counsel. The letters requested the respondent's appearance at bar counsel's office for a recorded meeting. Although the respondent received the letters, he did not appear. The respondent also failed to appear in response to a subpoena. The respondent's failure to cooperate with bar counsel's investigation, including his failure to comply with a subpoena, was in violation of Mass. R. Prof. C. 8.1(b) and 8.4(d), (g) and (h).

On August 29, 2014, bar counsel filed a four-count petition for discipline against the respondent alleging the misconduct described above. The respondent failed to file an answer to the petition and was defaulted.

On December 8, 2014, the Board of Bar Overseers voted to recommend to the Court that the respondent be suspended from the practice of law for six months and one day effective as of the date of his compliance with the order of his 2005 administrative suspension and that he be required to undergo a hearing on any petition for reinstatement. The Court so ordered in its amended order entered on February 12, 2015, *nunc pro tunc* January 21, 2015.