The respondent, Matthew Cobb, appeals from the judgment of a single justice disbarring him from the practice of law for multiple violations of the Massachusetts Rules of Professional Conduct and the former Canons of Ethics and Disciplinary Rules in three cases consolidated for hearing by the Board of Bar Overseers (board). In the first case, the respondent was found to have filed a motion containing improbable and false allegations that he failed to corroborate, thereby exposing his client to sanctions. He also made groundless representations to the judge. In the second case, the respondent filed a complaint against the attorneys for the adversaries of his clients alleging claims that he knew or should have known were groundless. He also misrepresented to his clients that they had been sanctioned, persisted in a frivolous appeal, converted his clients' settlement proceeds to pay sanctions assessed against him personally, and without good ground or support alleged in papers filed in the Appeals Court that the Superior Court judge who had sanctioned him had been improperly influenced and was biased. In the third case, the respondent settled a client's case without her authority. Additionally, he continued to represent her when their interests were in conflict, purportedly disclosed privileged client communications without authorization, and made misrepresentations to a judge and to bar counsel.

On appeal the respondent claims that the single justice abused his discretion or committed a clear error of law (1) by adopting unsupported findings of the board that he converted client funds; (2) by failing to rule that statements made by the respondent, even if unfounded, were protected by the First Amendment to the United States Constitution; * * *

1. Facts. We summarize the findings of fact and conclusions of law of the hearing committee that were adopted by an appeal panel of the board, and eventually by the full board itself. The single justice determined that the evidence supported these findings of fact. He also determined that the factual findings and inferences therefrom supported the board's conclusions of law, and he adopted the conclusions of law.

[Counts One and Three Omitted]

b. Count two. On February 26, 1992, the respondent sent a demand letter under G.L. c. 93A
on behalf of John and Jane Doe (pseudonyms) to Dr. Michael Hayes and South Shore Neurology Associates, Inc. (South Shore), alleging that Dr. Hayes had sexually assaulted Mrs. Doe during a physical examination at South Shore in December, 1990. Attorney Alan Rose, then a partner at Nutter, McClennen & Fish (Nutter), responded on behalf of Dr. Hayes and South Shore. In his letter, Attorney Rose denied that an assault had occurred, and also wrote that the respondent's demand letter was “defamatory[, that his clients] have excellent reputations and both fully believe that your client's conduct in accusing [the doctor] of sexual and professional misconduct is actionable.” Attorney Rose sent a copy of the letter to Mrs. Doe.

The respondent filed a suit against Dr. Hayes and South Shore. On November 12, 1992, he filed a complaint against Nutter and Attorney Rose that alleged the mailing of a copy of South Shore's response to his thirty-day demand letter pursuant to G.L. c. 93A (demand letter) directly to Jane Doe was a violation of the disciplinary rules that subjected Nutter and Attorney Rose to civil liability. Instead of serving the complaint, the respondent mailed a copy to Attorney Rose and invited him to discuss settlement.\textsuperscript{FN2} The respondent also sent a copy of the complaint and a copy of his letter to Attorney Rose to the Does. In his letter to the Does, the respondent wrote that Nutter and Attorney Rose would become part of the lawsuit (against Dr. Hayes and South Shore) and there would be a conflict of interest between Nutter and its client, South Shore. He added that it would strengthen their case because Nutter was a “bigger law firm” and the attorneys there no longer would be able to represent Dr. Hayes and South Shore.

On December 1, 1992, the respondent served Nutter and Attorney Rose with an undated demand letter in which he referred to Dr. Hayes and South Shore as “[Nutter] and Rose's (former?) clients.” By this letter the respondent was suggesting that Nutter and Attorney Rose could no longer represent their clients in light of the allegations against them in the matter. The purpose and effect of the letter was to interfere with the attorney-client relationship between Nutter and Attorney Rose on the one hand, and Dr. Hayes and South Shore on the other.

On December 4, 1992, Attorney Joseph Blute wrote to the respondent on behalf of Nutter and Attorney Rose. Citing relevant case law, Attorney Blute explained why the respondent's claims were either not actionable or barred, and he suggested that the respondent refrain from suing Nutter and Attorney Rose because it would violate the respondent's obligations under rule 11 and the disciplinary rules, and would constitute grounds for costs and attorney's fees under G.L. c. 231, § 6F. Attorney Blute repeated his position in a second letter dated December 23. The respondent wrote to Attorney Blute on January 7, 1993, asserting that he does “not care whether it's Nutter, F. Lee Bailey or a kid right out of law school, NOBODY is going to do to my clients what [Nutter] attempted and get away with” it. On January 8, Attorney Blute telephoned the respondent and attempted to persuade him against pursuing the complaint against Nutter and Attorney Rose. The respondent angrily told Attorney Blute that he would not allow “large firms” to treat him this way. Attorney Blute suggested that the board, and not a civil suit, was the appropriate forum. The respondent did not report Nutter or Attorney Rose to the board.

On December 17, 1993, the respondent filed a new complaint on the Does' behalf against
Nutter, Attorney Rose, Dr. Hayes, and South Shore in which he alleged that mailing a copy of the response to the demand letter directly to Jane Doe violated G.L. c. 93A and the Massachusetts Civil Rights Act, invaded the Does' privacy, and intentionally inflicted emotional distress on them. Nutter and Attorney Rose filed a motion to dismiss alleging several grounds, including absolute privilege, together with a motion for attorney's fees under rule 11 and G.L. c. 231, § 6F. On February 2, 1994, a judge in the Superior Court (motion judge) conducted a hearing on the motion to dismiss. She dismissed the complaint against Nutter and Attorney Rose, concluding that Attorney Rose's actions were “clearly privileged” and that the “mailing of the 93A reply directly to the plaintiff was not actionable.” On August 12, 1994, she conducted a hearing on the motion for sanctions and found that the complaint filed by the respondent was “patently lacking in any even arguable merit,” that the respondent had received the relevant legal research from Attorney Blute “demonstrating that lack of any viable cause of action,” and that the respondent had “pursued the action for the apparent purpose of depriving South Shore [and Dr. Hayes] of its chosen counsel.” The motion judge found that the respondent had violated rule 11, and she awarded attorney's fees of $4,000, specifying that the fees “be paid by [the respondent] and not, directly or indirectly, passed on to the [Does].” The respondent did not provide a copy of the decision to the Does, and he misrepresented to the Does that it was they who were sanctioned in the amount of $4,000. When John Doe told the respondent he could not afford to pay the sanction, the respondent offered to “split” the sanction with the Does and asked them for $2,000 because he intended to appeal from the decisions. He told Doe he would win the appeal and they would get their money back. John Doe paid the respondent $2,000.

On September 29, 1994, the respondent filed a petition for interlocutory review and a motion for a stay of the order for sanctions. In his affidavit in support of interlocutory review, the respondent alleged that Nutter “must have some particular power or influence with the trial court judge” for the judge to overlook Nutter's ethical breaches. A single justice of the Appeals Court denied the petition, and he awarded Nutter and Attorney Rose additional attorney's fees of $3,244.50 and double costs for the respondent's conduct in filing a “scandalous,” “impertinent,” and “frivolous” petition that is “devoid of any rational or supportable basis in fact or law, to the extent it accuses the judge of bias, unethical conduct, and inappropriate susceptibility to unspecified illegitimate influence of the lawyer respondents.”

On April 28, 1995, a different Superior Court judge (judgment judge) ordered entry of separate and final judgment on behalf of Nutter and Attorney Rose. He ordered the respondent to pay the $4,000 sanction, and erroneously ordered the Does to pay the $3,244.50 sanction (the sanction ordered by the Appeals Court single justice). The order was received by the respondent after Doe had paid him the $2,000 he requested. On June 5, 1995, the respondent filed a notice of appeal from the separate and final judgment. Also in June, 1995, the respondent settled the complaint against Dr. Hayes for $45,000. In his accounting of the settlement proceeds, the respondent credited the Does with their $2,000 payment for the sanctions ordered by the motion judge, but he deducted from their portion of the proceeds $3,244.50, plus $227.11 interest for the sanctions imposed by the single justice of the Appeals Court. He told the Does that he had lost before the single justice and that additional sanctions were ordered. He said he would pay the first sanction (ordered by the motion judge), but that they would have to pay the sanction ordered by the single justice. The Does agreed
to this arrangement because they thought they were responsible for the full amount of both sanctions.

In September, 1995, the respondent filed a brief on appeal from the entry of separate and final judgment of dismissal and the orders for sanctions. He charged the Does for work done on this appeal. On August 16, 1996, the Appeals Court affirmed the orders of the motion judge and its single justice. The court stated, “[W]e affirm the judgment dismissing the complaint and the orders of the motion judge and the single justice's assessing sanctions against plaintiffs' counsel. We also consider this appeal frivolous and award double costs against the plaintiffs' counsel.” (Emphasis added.) Doe v. Nutter, McClennen & Fish, 41 Mass.App.Ct. 137, 144, 668 N.E.2d 1329 (1996). The respondent filed an application for further appellate review that was denied. 423 Mass. 1111, 672 N.E.2d 539 (1996). If there had been any doubt as a result of the order for separate and final judgment that the respondent was solely liable for all sanctions, it became clear by August, 1996, when the Appeals Court issued its decision, that the respondent alone was responsible for the sanctions.

The board adopted the conclusions of law of the hearing committee and found that the respondent's conduct in filing suit against Nutter and Attorney Rose when he knew or should have known that the claim was unwarranted under existing law and when there was no good faith basis for pursuing the claim constituted a violation of rule 11; DR 1-102(A)(5); DR 1-102(A)(6); and S.J.C. Rule 3:07, Canon 7, DR 7-102(A)(2), as appearing in 382 Mass. 785 (1981) (knowingly advancing claim or defense unwarranted under existing law). The board said that although the ethical propriety under S.J.C. Rule 3:07, Canon 7, DR 7-104(A)(1), as appearing in 382 Mass. 786 (1981) (communicating on subject of representation with party known to be represented), of Attorney Rose sending a copy of his response to the respondent's demand letter directly to Jane Doe was not clearly established when the respondent filed the claim, it was clear that a violation of a disciplinary rule did not establish a basis for civil liability. See Fishman v. Brooks, 396 Mass. 643, 649, 487 N.E.2d 1377 (1986).

The board found that the respondent's conduct in alleging in pleadings filed in the Appeals Court that the motion judge had been influenced improperly in dismissing the complaint and in imposing sanctions on him when he had no good ground to support such accusations was a violation of rule 11; DR 1-102(A)(5); DR 1-102(A)(6); and S.J.C. Rule 3:07, Canon 7, DR 7-102(A)(1), as appearing in 382 Mass. 785 (1981) (lawyer shall not take action on behalf of client when he knows or it is obvious that such action would serve merely to harass or maliciously injure another). The board concluded that the respondent's conduct in persisting in a frivolous appeal from the dismissal and sanctions imposed against him by the motion judge, the single justice, and the Appeals Court violated DR 1-102(A)(5), DR 1-102(A)(6), and DR 7-102(A)(2).

* * *

3. Protected speech. The respondent contends that two statements he made concerning the motion judge and Dr. Rozenbaum's former attorney (now a United States District Court judge), for which he has been sanctioned, involve public speech on matters of the highest public concern, namely, corruption by public officials, and as such constitute protected speech under the First
Amendment. He argues that the First Amendment prohibits the Commonwealth from relying on those statements as the basis for punishment or discipline absent a showing by bar counsel that the statements presented a clear and present danger to the administration of justice.

The respondent's reliance on *Bridges v. California*, 314 U.S. 252, 62 S.Ct. 190, 86 L.Ed. 192 (1941), is misplaced. The question in that case was whether the court's contempt power may be used to punish the media for statements made outside the court room that tend to interfere with the fair and orderly administration of justice in a pending case. His reliance on *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 98 S.Ct. 1535, 56 L.Ed.2d 1 (1978), is similarly unavailing. That case involved a State statute that made it a crime to divulge information regarding confidential proceedings of a State judicial review commission even if the person divulging the information (Landmark published the information in a newspaper) is a stranger to the proceedings and even if the published information is truthful. The present case is not concerned with the rights of the media in matters of public debate. Rather, this case concerns the power of a State to regulate the speech of an attorney representing clients in pending cases.

The Supreme Court has said that “[i]t is unquestionable that in the courtroom itself, during a judicial proceeding, whatever right to ‘free speech’ an attorney has is extremely circumscribed.... Even outside the courtroom, a majority of the Court in two separate opinions in the case of *In re Sawyer*, [360 U.S. 622, 79 S.Ct. 1376, 3 L.Ed.2d 1473 (1959),] observed that lawyers in pending cases were subject to ethical restrictions on speech to which an ordinary citizen would not be.” *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1071, 111 S.Ct. 2720, 115 L.Ed.2d 888 (1991). The Court went on to say that “the speech of lawyers representing clients in pending cases may be regulated under a less demanding standard than that established for regulation of” other kinds of speech protected by the First Amendment. *Id.* at 1074, 111 S.Ct. 2720.

Statements by an attorney critical of a judge in a pending case in which the attorney is engaged are especially disfavored. In *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 355, 20 L.Ed. 646 (1871), the Court said that attorneys are under an implied “obligation ... to maintain at all times the respect due to courts of justice and judicial officers. This obligation ... includes abstaining out of court from all insulting language and offensive conduct toward judges personally for their judicial acts” (emphasis added). There can be no question that statements by an attorney critical of a judge are afforded no greater protection when made in the court room. Cf. *Gentile v. State Bar of Nev.*, supra at 1071, 111 S.Ct. 2720. More recently, as noted above, the Supreme Court quoted with approval the dissenting opinion of the four Justices in *In re Sawyer*, supra, who would have affirmed the sanction: “Of course, a lawyer is a person and he too has a constitutional freedom of utterance and may exercise it to castigate courts and their administration of justice. But a lawyer actively participating in a trial ... is not merely a person and not even merely a lawyer.... He is an intimate and trusted and essential part of the machinery of justice, an ‘officer of the court’ in the most compelling sense.” *Gentile v. State Bar of Nev.*, supra at 1072, 111 S.Ct. 2720, quoting *In re Sawyer*, supra at 666, 668, 79 S.Ct. 1376 (Frankfurter, J., dissenting). The Supreme Court decisions in the *Bradley*, *Sawyer*, and *Gentile* cases did not distinguish between true and false criticism, founded and unfounded criticism. Unfounded criticism, which concerns us here, is certainly more
offensive, and it comes within the holdings in those cases, which do not require application of the clear and present danger test.

We turn to the question of the standard to be applied in disciplinary proceedings where an attorney invokes the First Amendment protection of free speech when defending against charges that he impugned the integrity of a judge, without basis, during a pending case. The Supreme Court has not decided this precise question. At least three States have said that disciplining an attorney for criticizing a judge is analogous to a defamation action by a public official for the purposes of First Amendment analysis. They apply the “actual malice” or subjective knowledge standard of New York Times Co. v. Sullivan, 376 U.S. 254, 279-281, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964), to such proceedings. See Matter of Green, 11 P.3d 1078, 1084 (Colo.2000); Oklahoma Bar Ass’n v. Porter, 766 P.2d 958, 969 (Okla.1988) (statements made immediately after proceedings had ended); Ramsey v. Board of Professional Responsibility, 771 S.W.2d 116, 121-122 (Tenn.), cert. denied, 493 U.S. 917, 110 S.Ct. 278, 107 L.Ed.2d 258 (1989). California also may apply the “actual malice” test, although it is unclear. See Ramirez v. State Bar of Cal., 28 Cal.3d 402, 169 Cal.Rptr. 206, 619 P.2d 399 (1980).


4 Rule 8.2 of the Massachusetts Rules of Professional Conduct, 426 Mass. 1428 (1998), states: “A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge or a magistrate, or of a candidate for appointment to judicial or legal office.”
practice law,” with no mention of DR 8-102[B]; court held that conduct “was properly the subject of disciplinary action under DR 1-102[A] [5], [6], and it is of no consequence that [the petitioner] might be charged with violating DR 8-102[B] based on this same course of conduct”); Office of Disciplinary Counsel v. Gardner, 99 Ohio St.3d 416, 793 N.E.2d 425 (2003), cert. denied, 540 U.S. 1220, 124 S.Ct. 1510, 158 L.Ed.2d 155 (2004) (DR 8-102[B]). See also United States Dist. Court for the E. Dist. of Wash. v. Sandlin, 12 F.3d 861 (9th Cir.1993) (rule 8.2). All but four of these cases specifically declined to apply the “actual malice” or subjective knowledge test required in defamation cases by New York Times Co. v. Sullivan, supra.

The majority view, which rejects the applicability of the “actual malice” or subjective knowledge test of New York Times Co. v. Sullivan, supra, is best expressed by reasoning from two cases. The first is Matter of Terry, supra at 502-503, 394 N.E.2d 94, where the court said:

“The Respondent is charged with professional misconduct, not defamation. The societal interests protected by these two bodies of law are not identical. Defamation is a wrong directed against an individual and the remedy is a personal redress of this wrong. On the other hand, the Code of Professional Responsibility encompasses a much broader spectrum of protection. Professional misconduct, although it may directly affect an individual, is not punished for the benefit of the affected person; the wrong is against society as a whole, the preservation of a fair, impartial judicial system, and the system of justice as it has evolved for generations.... Unwarranted public suggestion by an attorney that a judicial officer is motivated by criminal purposes and considerations does nothing but weaken and erode the public's confidence in an impartial adjudicatory process.”

The second case is In re Graham, supra at 322, where the court said:“This court certifies attorneys for practice to protect the public and the administration of justice. That certification implies that the individual admitted to practice law exhibits a sound capacity for judgment. Where an attorney criticizes the bench and bar, the issue is not simply whether the criticized individual has been harmed, but rather whether the criticism impugning the integrity of judge or legal officer adversely affects the administration of justice and adversely reflects on the accuser's capacity for sound judgment. An attorney who makes critical statements regarding judges and legal officers with reckless disregard as to their truth or falsity and who brings frivolous actions against members of the bench and bar exhibits a lack of judgment that conflicts with his or her position as ‘an officer of the legal system and a public citizen having special responsibility for the quality of justice.’ Minn. R. Prof. Conduct, Preamble.”

We agree with the reasoning in these cases.

We also agree with the Court of Appeals of New York, where it said in Matter of Holtzman, supra at 192, 573 N.Y.S.2d 39, 577 N.E.2d 30, that “[a]cepting petitioner's argument [as to the applicability of the ‘actual malice’ or subjective knowledge standard] would immunize all accusations, however reckless or irresponsible, from censure as long as the attorney uttering them did not actually entertain serious doubts as to their truth.” A system that permits an attorney without objective basis to challenge the integrity, and thereby the authority, of a judge presiding over a case

Judges are not above criticism or immune from review of their court room conduct. See, e.g., Commonwealth v. Sylvester, 388 Mass. 749, 750-752, 448 N.E.2d 1106 (1983); Matter of Troy, 364 Mass. 15, 306 N.E.2d 203 (1973). Under the objective knowledge standard, an attorney does not lose his right to free speech. He may make statements critical of a judge in a pending case in which the attorney is a participant. He may even be mistaken. What is required by the rules of professional conduct is that he have a reasonable factual basis for making such statements before he makes them. See Office of Disciplinary Counsel v. Gardner, supra at 423, 793 N.E.2d 425.

This requirement may be inconsistent with the manner in which one generally may engage in free and public debate in our society, but it is essential to the orderly and judicious presentation of cases in a court room. “Legal trials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper.” Bridges v. California, 314 U.S. 252, 271, 62 S.Ct. 190, 86 L.Ed. 192 (1941). Decisions made in the forum of public debate, unlike those made in the court room, are not constrained by principles of due process and the rule of law, or by the application of logic and common sense to objective facts dispassionately determined from competent and relevant evidence. When an attorney speaks in a court room, he is not seeking political converts whose vote properly may be cast without regard to motive or basis. Rather, he seeks to persuade an impartial judicial officer to direct the force of government against a particular third person. If the judicial system is to operate fairly, rationally, and impartially, as it must, and if the administration of justice is to proceed in an orderly manner, judges and attorneys alike must act with responsibility toward these principles. Attorneys must conduct themselves conformably with the legal and ethical requirements that their factual assertions in the court room that are critical of judges have an objective basis. See Office of Disciplinary Counsel v. Gardner, supra at 423, 793 N.E.2d 425. The court room is not a place for groundless assertions, whatever their nature. The State's interest in protecting the public, the administration of justice, and the legal profession supports use of an objective knowledge standard in attorney discipline proceedings involving criticism of judges in pending cases. See In re Graham, supra at 322.

We turn to the particulars of the speech in question and review the record to determine whether there is substantial evidence to support the finding that the respondent had no good ground to support his allegation as to the motion judge (DR 1-102[A][5], [6], and DR 7-102[A][1]). With respect to the allegations concerning the attorney who has become a United States District Court judge, we inquire whether there is substantial evidence to support the finding that the respondent had no reasonable basis to believe that his statements about her would be supported by admissible evidence (DR 1-102[A][5], [6], and DR 7-106[C][1] ). Although these rules do not use the precise terms, we conclude that they require attorneys to have an objectively reasonable basis for allegations made in court.
The respondent asserts that the facts in the Doe matter permitted a “reasonable inference of bias [on the part of the motion judge], because ... a judge is absolutely required to act when she is made aware of unethical conduct.” We need not belabor this point because it has been decided by the Appeals Court in Doe v. Nutter, McClennen & Fish, 41 Mass.App.Ct. 137, 143-144, 668 N.E.2d 1329 (1996). The alleged unethical conduct to which he refers consists of Attorney Rose sending a copy of his response to the respondent's demand letter directly to the respondent's client, Jane Doe. Even if such conduct violated the rules of professional conduct, a point we need not decide, it is not itself actionable. See Fishman v. Brooks, 396 Mass. 643, 649, 487 N.E.2d 1377 (1986). As this conduct was the basis of claims against Nutter and Attorney Rose, the claims were properly dismissed. Not only had the respondent been apprised of the state of the law on this point before proceeding with the lawsuit, but he also was advised in advance, correctly, that the proper forum for a private party to raise an allegation of unethical conduct such as the one he was advancing is the board, not a court. See Slotnick v. Pike, 374 Mass. 822, 370 N.E.2d 1006 (1977). The respondent chose to ignore this advice and proceeded instead to advance a groundless lawsuit, in violation of rule 11. His criticism of the motion judge as biased, based on her disposition of his case, was groundless. It violated DR 1-102(A)(5), DR 1-102(A)(6), and DR 7-102(A)(1). See Matter of Holtzman, 78 N.Y.2d 184, 192, 573 N.Y.S.2d 39, 577 N.E.2d 30 (1991), citing In re Huffman, 289 Or. 822, 370 N.E.2d 1006 (1977).

There is no merit to the respondent's assertion that the other basis for alleging bias on the part of the judge is her alleged failure to disclose to him that Attorney Blute had engineered, ex parte, a change in the assignment of the judge originally assigned to the case, and that Attorney Blute admitted as much at the hearing before the hearing panel. The hearing committee rejected these assertions and found to the contrary. The panel found that one Superior Court judge, who originally was assigned to the Doe matter, recused himself because he had been a partner at Nutter before becoming a judge. The case thereafter was reassigned. There is no evidence of any impropriety by the judge to whom the case was reassigned, and the need for reassignment of the case because of the potential conflict for both is obvious and unremarkable. The respondent voiced no objection when the motion judge to whom the case was reassigned appeared on February 2, 1994, to preside over the hearing. Moreover, the transcript of that hearing indicates that she was patient, respectful, and courteous, that she conducted a thorough hearing, and that she gave the respondent every opportunity fully to argue his motion.

The respondent's assertion in the Jaraki matter that Dr. Rozenbaum, Dr. Rozenbaum's former attorney, and Attorney Diane Taylor were engaged in a criminal conspiracy to prevent Dr. Rozenbaum from testifying was based entirely on the affidavit of Dr. Jaraki, which had been prepared by the respondent. Dr. Jaraki's assertions, in turn, purportedly were based on statements of Dr. Rozenbaum, which, in his affidavit, Dr. Rozenbaum denied making. In his testimony at the hearing on Dr. Jaraki's motion for a preliminary injunction, Dr. Rozenbaum again denied making the statements attributed to him by the respondent. The respondent was also advised that there was no Attorney Diane Taylor, a fact that was easily verifiable. Having absolutely no evidence to support his claim of criminal conspiracy, and possessing only inadmissible hearsay from Dr. Jaraki in an affidavit, the respondent pressed his criminal conspiracy theory and thereby violated DR
7-106(C)(1), as well as DR 1-102(A)(5) and (A)(6). The single justice did not abuse his discretion or commit an error of law by rejecting the respondent's claim of protected speech and adopting the findings and conclusions of the board with respect to his statements.

* * * 

In aggravation, the hearing committee and the board found that, at the time of his misconduct, the respondent had substantial experience in the practice of law. See Matter of Luongo, 416 Mass. 308, 312, 621 N.E.2d 681 (1993). He has failed to acknowledge the nature, effects, and implication of his misconduct. See Matter of Clooney, 403 Mass. 654, 657-658, 531 N.E.2d 1271 (1988). He continues to lack insight into his behavior and persists in blaming everyone except himself. He has made unfounded allegations in these proceedings against the hearing committee for failing to provide subpoenas and for engaging in ex parte communications with bar counsel, unfounded allegations that closely resemble the conduct alleged in the petition for discipline and found as fact. In addition, Marie Malave was a vulnerable client, an immigrant of limited means whose first language was not English and who was the sole source of support for her children. There were no facts found in mitigation other than circumstances deemed “typical,” which would not affect the sanction. See Matter of Alter, supra at 157, 448 N.E.2d 1262.

The respondent has demonstrated rather convincingly by his quick and ready disparagement of judges, his disdain for his fellow attorneys, and his lack of concern for and betrayal of his clients that he is utterly unfit to practice law. The only appropriate sanction is disbarment.

The judgment of the single justice is affirmed.

So ordered.