

ADMONITION NO. 14-05

CLASSIFICATIONS:

Failing to Communicate Adequately with Client [Mass. R. Prof. C. 1.4]

Withdrawal without Protecting Client [Mass. R. Prof C. 1.16(d)]

Conduct Prejudicial to the Administration of Justice [Mass. R. Prof. C. 8.4(d)]

SUMMARY:

In 2009, a client hired the respondent to represent him in an investigation by the Department of Public Health Division of Health Professions Licensure (DPH). In December 2010, DPH referred the matter for formal prosecution. In 2011, the respondent and the client had a heated argument concerning the representation. The respondent believed that he could no longer effectively communicate with the client, and failed thereafter to respond to the client's requests for information. The respondent, however, did not withdraw from the representation.

In April 2012, the DPH scheduled a pre-trial hearing in the matter to occur in May 2012. The respondent failed to advise his client of the pre-trial hearing. The respondent also, without notifying his client, filed a notice of withdrawal. Neither the respondent nor the client appeared at the pre-trial hearing, and the client was defaulted. The client hired successor counsel, and was allowed to remove the default after he demonstrated that the respondent had failed to notify him of the pre-trial hearing and had failed to respond to his requests for information.

By failing to respond to his client's requests for information, and by failing to notify his client of the pre-trial hearing date and of his intent to withdraw, the respondent violated Mass. R. Prof. C. 1.4(a) and (b). By withdrawing without notice to the client, the respondent violated Mass. R. Prof. C. 1.16(d) and 8.4(d).

The respondent was admitted to practice in Massachusetts in 2004. He has no prior history of discipline. In mitigation, when the misconduct occurred, the respondent was experiencing stress related to the transition of his practice from a firm to a sole practitioner. He received an admonition for his misconduct in this matter, conditioned upon obtaining a law office management evaluation.