

ADMONITION NO. 07-05

CLASSIFICATIONS:

Failing to Act Diligently [Mass. R. of Prof. C. 1.3]

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

SUMMARY:

In August 2001, the client hired the respondent to handle the administration of his wife's estate. The client's wife had died intestate in January 2001, leaving a house that she had owned solely and in her maiden name. All other assets were jointly held. By the end of August 2001, the respondent had filed the death certificate and a petition for administration of the estate. The court sent the respondent a letter in September 2001, notifying the respondent that the client's appointment as administrator had been approved but would not become effective until a bond had been filed and approved. Thereafter, the respondent did no further work on the estate, and the client, after making numerous attempts to contact the respondent that went unanswered, filed the complaint with bar counsel in July 2005.

The respondent did not reply to bar counsel's repeated requests for information and only responded upon receipt of a subpoena. Ultimately, the respondent revived the estate, paid the bond, and completed the filings necessary to finish the estate.

The respondent's failure to timely file the bond and perform the work necessary to conclude the administration of the estate constituted neglect and failure to act diligently in violation of Mass. R. Prof. C. 1.3. The respondent's failure to respond timely to the client's many inquiries between 2001 and 2005 concerning the status of the estate violated Mass. R. Prof. C. 1.4.

The respondent has been a member of the bar since 1996 and has no history of discipline. In mitigation, the respondent did not cause harm to the estate or the client and did ultimately conclude the administration of the estate. The respondent received an admonition for her conduct in the matter conditioned upon her attendance at a CLE course designated by bar counsel.