

ADMONITION NO. 06-19

CLASSIFICATIONS:

Failing to Seek Client's Lawful Objectives [Mass. R. Prof. C. 1.2(a)]

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

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

SUMMARY:

In September 2004, the respondent was retained by his client to resolve a dispute with her ex-husband regarding the vacation schedule of their minor child. Between September 2004 and March 2005, the respondent attempted to resolve the disputes on his client's behalf with her ex-husband's attorney. In March 2005, the attorneys agreed to a vacation schedule conditioned on approval by their clients.

In late March 2005, the respondent presented the proposed agreement to his client. In mid-April 2005, the respondent met with the client to discuss the proposed schedule. After meeting with his client in mid-April 2005, the respondent failed to take any steps of substance to complete the agreement with his client and opposing counsel.

Between mid-April and May 2005, the respondent failed to respond to telephone calls and emails from his client inquiring about the status of her matter. Between April and May 2005, the respondent also failed to respond to correspondence from opposing counsel.

In May 2005, the attorney for the ex-husband filed a complaint for contempt and notified the respondent by letter that the respondent's client would be served with the complaint. After his client was served with the complaint for contempt, the respondent contacted the opposing counsel. The parties reached an agreement on the vacation schedules, and the client was not adjudged in contempt or otherwise harmed by the respondent's lack of diligence.

By failing between mid-April and May 2005 to respond to his client's inquiries about the status of her case, the respondent violated Mass. R. Prof. C. 1.4(a) (a lawyer shall keep his client reasonably informed about a matter). By failing between mid-April and May 2005 to take any steps of substance to resolve the vacation schedule dispute, and by failing between April and May 2005 to respond to opposing counsel's correspondence resulting in opposing counsel's filing a complaint for contempt against the respondent's client, the respondent violated Mass. R. Prof. C. 1.2(a) (a lawyer shall seek his client's lawful objectives) and 1.3 (a lawyer shall handle a matter with reasonable diligence).

The respondent has no prior discipline. He received an admonition for his conduct in this matter.