

ADMONITION NO. 06-08

CLASSIFICATIONS:

Conflict from Responsibilities to Another Client or Lawyer's Own Interests (Mass. R. Prof. C. 1.7(b))

Failure to Withdraw From Representation (Mass. R. Prof. C. 1.16(a))

SUMMARY:

The respondent represented a non-profit corporation in federal court litigation over control of the corporation. Through the intervention of the court, all the members of the board of directors changed. The respondent presented a bill for fees while he was still attorney of record for the organization and purporting to give advice the board. When the board asked for further documentation, the respondent provided bills and filed suit against the organization without first withdrawing as counsel. The respondent's conduct in suing his client for fees while remaining attorney of record in the federal court litigation violated Mass. R. Prof. C. 1.7(b) and 1.16(a). The respondent received an admonition for this conduct.