

ADMONITION NO. 06-07

CLASSIFICATIONS:

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

Withdrawal without Protecting Client or Refunding Fee [Mass. R. Prof. C. 1.16(d)]
False or Misleading Communication [Mass. R. Prof. C. 7.1]
Firm Names and Letterhead [Mass. R. Prof. C. 7.5]

SUMMARY:

The client hired the respondent on April 20, 2005, to represent the client's son in an application for permanent resident status. The client paid the respondent \$750 to be applied to a flat fee agreement of \$1500. Within a few weeks of being hired, the respondent relocated his law practice to California. Although the respondent is not licensed to practice in California, he limited his practice to immigration matters.

The respondent did not notify the client that he had relocated his law practice. On June 23, 2005, after having difficulty communicating with the respondent and learning that the respondent had relocated to California, the client discharged the respondent and requested that his \$750 payment be refunded. At that point in time, the respondent had not performed any services for the client. The respondent, however, did not refund the retainer.

In August of 2005, the client filed a complaint with the Office of Bar Counsel. After bar counsel began his investigation, the respondent refunded the client's \$750.

The respondent's failure to refund promptly the unearned fee of \$750 upon being discharged by the client, constituted a violation of Mass. R. Prof. C. 1.16(d). The respondent's failure to inform the client promptly that he had relocated to California constituted a failure to communicate in violation of Mass. R. Prof. C. 1.4.

When the respondent relocated to California, he began using letterhead that identified his law practice as respondent "& Associates." The respondent was a sole practitioner who did not employ any associates during the months that he used this letterhead. The use of this letterhead was deceptive in violation of Mass. R. Prof. C. 7.5 and 7.1. The respondent has now revised his letterhead to comply with the Mass. Rules of Professional Conduct.

The respondent has been a member of the Bar since 1999, with no prior discipline. The respondent received an admonition.