

## **ADMONITION NO. 05-18**

### **CLASSIFICATIONS:**

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

Responsibilities Regarding Non-lawyer Assistants [Mass. R. Prof. C. 5.3(b)]

### **SUMMARY:**

The respondent represented a husband in a divorce proceeding that went to trial in the probate court. The respondent was unhappy with the judge's findings and rulings. However the client decided not to appeal. Thereafter, the respondent sent a letter to the judge, with copies to other judges, opposing counsel, the Judicial Conduct Commission, the client, and another third party. The respondent's letter accused the judge of collusion with the opposing party and counsel, and alleged that the judge's findings and rulings referred to a marital asset that was not in dispute and thus not referenced in the record or the trial testimony. The respondent further alleged that the judge could not have known about this marital asset absent collusion with opposing counsel.

The marital asset to which the respondent referred was in fact erroneously mentioned in the respondent's own post-trial submissions to the judge. The respondent's legal assistant had prepared those post-trial submissions with the client but the respondent did not read them before filing them with the court. The respondent did not review these pleadings before making her written accusations of misconduct against the judge.

The respondent's conduct in mailing allegations of misconduct against the judge without first reviewing her own pleadings or the court record constituted a failure to act diligently in violation of Mass. R. Prof. C. 1.3.

The respondent's failure to review the post-trial submissions prepared by the legal assistant before filing them with the court, constituted a failure to adequately supervise a non-lawyer assistant in violation of Mass. R. Prof. C. 5.3(b).

The respondent was admitted to practice in 1979 and has no history of discipline. She recently closed her law practice and is currently engaged only in volunteer activities. The respondent received an admonition for her misconduct in this matter.