

## **ADMONITION NO. 05-09**

### **CLASSIFICATIONS:**

Withdrawal Without Permission from Tribunal [Mass. R. Prof. C. Rule 1.16(c)]

Withdrawal Without Protecting Client [Mass. R. Prof. C. 1.16(d)]

### **SUMMARY:**

From August 1996 to January 1999, the respondent represented a client in connection with claims for damages resulting from repairs to her apartment by a contractor. The respondent notified the client that another attorney with whom he shared office space would act as co-counsel with him on her case.

The respondent filed suit against the contractor in November 1998. The other attorney did not appear in the case on the client's behalf. In January 1999, the respondent accepted a job with a legal research company and closed down his law practice, and he turned the client's case over to the other lawyer.

Because the client's case was pending in court at the time of his withdrawal, the respondent was required to obtain the permission of the court to withdraw. He failed to do so. The respondent also failed to make sure that successor counsel filed an appearance on the client's behalf. After he took over the representation, successor counsel neglected the client's case and allowed it to be dismissed.

By failing to obtain permission from the court for his withdrawal from the client's case, the respondent violated Mass. R. Prof C. 1.16(c) (lawyer shall not withdraw from employment in a proceeding before a tribunal without the permission of the tribunal). By failing to take reasonably adequate steps to protect the client's interests upon his withdrawal, the respondent violated Mass. R. Prof C. 1.16(d) (upon termination of representation, lawyer shall take reasonable steps to protect client's interests).

The respondent received an admonition for his misconduct.