

CLASSIFICATIONS:

Neglecting a Legal Matter [DR 6-101(A)(3)]

Failure to Represent a Client Zealously [DR 7-101(A)(1),(2)]

Prejudicing/Damaging Client During Representation [DR 7-101(3)]

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]

SUMMARY:

The clients retained the respondent in November 1995 to represent them in a claim against the city in which they reside. The claim arose from damage to the clients' cars from a tree located on the city-owned sidewalk that had fallen on the clients' cars the previous month.

The respondent did send a demand letter to the city's insurer in December 1995, but an adjuster called to deny the claim. The respondent then failed to file suit against the city within the required three-year statute of limitations period. The clients attempted to reach the respondent on many occasions, but the respondent did not return their calls or otherwise communicate with them. The clients only found out that the statute of limitations had expired when they contacted the court.

The respondent admits that she neglected the case after 1995 and that she allowed the three-year statute of limitations to expire without filing suit. The respondent's failure to pursue the clients' case, allowing the statute of limitations to expire, was conduct in violation of Canon Six, DR 6-101(A)(3), Canon Seven, DR 7-101(A)(1), (2), and (3) and Mass. R. Prof. C. 1.2(a), 1.3 and 1.4. In mitigation, the respondent and her family suffered serious medical problems in 1998. However, that fact does not excuse the neglect since the respondent also took no action on the case in 1996 and 1997.

The clients have now sought new counsel to determine and pursue their possible remedies.

The respondent has been a member of the bar since 1994 with no prior discipline. She received an admonition for the above misconduct, conditioned upon attendance at a CLE course designated by Bar Counsel.