

ADMONITION NO. 00-01

CLASSIFICATIONS:

Conduct Involving Misrepresentation [Mass. R. Prof. C. 8.4(c)]

Conduct Prejudicial to the Administration of Justice [Mass. R. Prof. C. 8.4(d)]

Conduct Adversely Reflecting on Fitness to Practice [Mass. R. Prof. C. 8.4(h)]

SUMMARY:

The respondent, after consultation with his client, filed a petition to partition in the probate and family court, and subsequently in the land court, purporting to bear the signature of his client. Under G.L. c. 241 . 6, the petitioner is required to sign the petition to partition under oath and the signature to this petition did state that it was signed under the penalties of perjury. In fact, the respondent had signed the client's name to the petition, believing that the client had authorized him to do so. The client did want the petition filed, but one cannot sign another person's name under oath, with or without authorization.

By filing the petitions which appeared to have been signed by his client under the pains and penalties of perjury, but which the respondent knew had not been signed by his client, the respondent violated Mass. R. Prof. C. 8.4(c) (conduct involving misrepresentation), Mass. R. Prof. C. 8.4(d) (conduct prejudicial to the administration of justice) and Mass. R. Prof. C. 8.4(h) (conduct adversely reflecting on fitness to practice).

The respondent was admitted in 1960 and has no prior discipline. The respondent received an admonition conditioned on attendance at a CLE program designated by Bar Counsel.
