

ADMONITION NO. 21-18

CLASSIFICATION:

Confidentiality of Information [Mass. R. Prof. C.1.6 (a)]

SUMMARY:

On or about November 9, 2018, the respondent was retained to represent a client in a divorce. A fee agreement was executed by which respondent would charge the client \$395 per hour against a \$10,000 retainer for all matters relating to the divorce action. After the \$10,000 retainer was exhausted, an additional retainer of \$5,000 would be required. In accordance with the fee agreement, in April 2019, the client, by check, paid an additional \$5,000 to the respondent for ongoing legal services. The check was returned and stamped “insufficient funds”.

On July 11, 2019, the respondent filed a motion to withdraw due to a breakdown in the relationship and the client’s failure to pay legal fees. The respondent requested the matter be heard concurrently with a pre-trial conference scheduled for July 15, 2019. The respondent further requested an order for payment of \$5,000 toward an outstanding legal bill of approximately \$10,500.00. Attached to the respondent’s motion was the client’s detailed invoice for legal services. The respondent also attached an unredacted copy of the \$5,000 check stamped “insufficient funds”. On July 15, 2019, in support of his request for an order for legal fees, the respondent filed an affidavit with the probate court that disclosed the client’s additional bank account, the unredacted account number, and information about the balance of that account. Disclosure of the client’s confidential financial information was not authorized.

By the respondent’s disclosure of confidential client information, he violated Mass. R. Prof. C. 1.6(a). The respondent was admitted to practice in 1975 and has received no prior discipline. The respondent received an admonition for his conduct.