

ADMONITION NO. 21-15

CLASSIFICATIONS:

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

Failure to Communicate Adequately with Client [Mass. R. Prof. C. 1.4]

SUMMARY:

In or about January 2015, the respondent was “of counsel” to a small firm and provided representation to a client of the firm in a landlord/tenant dispute. On January 30, 2015, the landlord filed a verified complaint for injunctive relief to evict the tenant client. On February 11, 2015, the respondent filed an answer to the verified complaint with counterclaims. The case was assigned to the Fast Track, requiring the case to be disposed by February 24, 2016.

On May 11, 2015, the landlord filed an amended complaint. The respondent neglected to file an amended answer and a default entered. On July 7, 2015, after hearing, the respondent vacated the default. He then timely filed an amended answer on July 17, 2015. During this period, the client failed to respond timely or at all to some of the discovery requests propounded by the landlord. On July 28, 2016, the court administratively disposed of the case after both parties failed to prosecute their claims, adhere to the tracking order, and comply with the rules of procedure. The respondent took no action to reinstate his client’s counterclaims.

Throughout the representation, the respondent’s communication was inconsistent, including failure to respond to some of his client’s phone calls and failure to notify either his client or the housing court when he changed his business address to an office in western Massachusetts. As a result, the client did not know how to reach him.

At the same time, communication was disrupted because the client left Massachusetts in 2016 for a period of years to assist her family with significant medical issues in Puerto Rico as well as the consequences of the major hurricane that devastated the island in 2017. The client was unable to return, and her means of communication were limited.

In 2018, the respondent and client eventually reconnected upon the client’s return to Massachusetts and the respondent agreed to file a motion to vacate the dismissal and reinstate the client’s claims. Before he could file a motion, the respondent ended his “of counsel” role with the firm and the client obtained successor counsel at the firm.

By failing to diligently pursue the defense and counterclaims of his client in the Housing Court matter, the respondent violated Mass. R. Prof. C. 1.3. By failing to communicate adequately with his client as to the status of the case and his change of address, the respondent violated Mass. R. Prof. C. 1.4.

The respondent was admitted to practice in 2013 and has no prior disciplinary history. The respondent received an admonition for this misconduct.