

ADMONITION NO. 20-23

CLASSIFICATIONS:

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

No Written Fee Arrangement [Mass. R. Prof. C. 1.5(b)(1)]

SUMMARY:

The respondent was retained in March 2019 to represent a home buyer in a claim against the home seller seeking remediation or compensation for defects in the property. The respondent informed the client that legal services would be provided for \$200 per hour; however, the respondent did not communicate the scope of the representation or the basis or rate of the fee to the client in writing.

The respondent agreed to prepare and send a formal demand letter to the seller pursuant to G.L. c. 93A. The respondent delayed and ultimately failed to prepare the letter despite first informing the client that a letter would be sent in June, and later saying it would be sent in September. The respondent also failed to communicate promptly with the seller's legal counsel in negotiation and resolution of the dispute. In October 2019, the client terminated the representation due to the delay.

By failing to act with reasonable diligence on the client's behalf, the respondent violated Mass. R. Prof. C. 1.3. By failing to communicate to the client in writing the scope of the representation and the basis or rate of the fee and expenses for which the client would be responsible, the respondent violated Mass. R. Prof. C. 1.5(b)(1).

The respondent was admitted to practice in 1999. The respondent has no prior discipline. In this matter, the respondent received an admonition for the misconduct.