

ADMONITION NO. 20-19

CLASSIFICATION:

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

SUMMARY:

In January 2016, the client retained the respondent to represent him in connection with several pending domestic matters. The respondent was also retained to prepare and file a complaint for divorce. The client paid the respondent an initial flat fee of \$3,000. The respondent failed to communicate in writing the scope of the representation and the basis or rate of the fee and expenses for which the client was responsible before or within a reasonable time after commencing the representation.

In the spring of 2016, the client retained the respondent to represent him in connection with a dispute with his insurance carrier. Although the amount is in dispute, the client paid the respondent a flat fee of no more than \$3,000. The respondent failed to communicate in writing the scope of the representation and the basis or rate of the fee and expenses for which the client was responsible before or within a reasonable time after commencing the representation.

The respondent provided significant legal services to the client. The respondent represented the client in at least seven different hearings, negotiated dismissal of at least four matters, prepared and served a no-trespass letter on a party who vandalized the client's property. The respondent advised the client with respect to the divorce, including in the sale of the marital home, and prepared the divorce complaint, although it was never filed. After about one year, the respondent and the client had a falling out and the representation was terminated.

By failing to communicate in writing the scope of the representation and the basis or rate of the fee and expenses for which the client was responsible before or within a reasonable time after commencing the representation and failing to provide a writing regarding the change to the flat fee, the respondent violated Mass. R. Prof. C. 1.5(b)(1).

The respondent was admitted to the bar in 2003. He has no previous discipline. The respondent received an admonition for this misconduct.