

### **ADMONITION NO. 20-13**

#### **CLASSIFICATIONS:**

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

No Written Fee Arrangement [Mass. R. Prof. C. 1.5b1]

#### **SUMMARY:**

The respondent was retained on June 28, 2018 to represent a client in an action to enforce a foreign divorce decree the client had already filed *pro se*. The parties agreed that the client would pay the respondent a flat fee of \$1,500 for the representation. The client paid \$500 to the respondent with the understanding he would pay the remainder at a later date. The respondent never communicated to the client in writing the scope of the representation or the basis or rate of the fee and expenses for which the client was responsible.

A hearing on the defendant's motion to file an answer late was scheduled for July 12, 2018. The respondent notified the client he was unavailable on July 12 and would either seek to continue the hearing or obtain coverage counsel. The respondent never filed a notice of appearance, did not arrange for coverage counsel, and did not continue the hearing. The client appeared at the hearing and represented himself *pro se*, and the court allowed the motion to file an answer late. The client terminated the respondent's representation, and the respondent returned the \$500. There was no appreciable harm to the client.

By failing to act with reasonable diligence on his 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 will be responsible, the respondent violated Mass. R. Prof. C. 1.5(b)(1).

The respondent was admitted to practice in 1990. The respondent has no prior discipline. In this matter, the respondent received an admonition for the misconduct.