

## **ADMONITION NO. 20-21**

### **CLASSIFICATION:**

Violating or Circumventing a Disciplinary Rule [Mass. R. Prof. C. 8.4(a)]

### **SUMMARY:**

The respondent was given an admonition for knowingly assisting her law partner to violate a disciplinary rule.

The respondent was retained by a client to provide legal advice on how to respond to allegations that former employees of the client had engaged in sexual misconduct related to their employment. With input from the respondent, the client decided to conduct an investigation into those allegations. The respondent recommended to the client that it consider engaging her law partner to conduct the investigation. The client hired the partner.

The client informed potential witnesses and victims that the client had retained the partner as an investigator to conduct an independent investigation. The respondent was aware of this notification. The respondent did not participate in the actual interviewing of potential witnesses or victims. However, the respondent was aware that, in violation of Mass. R. Prof. C. 4.3, the respondent's partner did not inform the potential witnesses or victims that he interviewed that his firm represented the client.

Potential witnesses and victims interviewed learned from other sources that the respondent was providing legal advice to the client and questioned the independence of the investigation. A second investigation was conducted and the factual findings were consistent with the partner's findings.

By failing to confirm that the witnesses and victims understood that the partner and his firm were not independent, but in fact represented the client, the respondent assisted her partner in violating Mass. R. Prof. C. 4.3 and in doing so violated Mass. R. Prof. C. 8.4(a).

The respondent was admitted to practice in Massachusetts in 1992. She had no prior discipline. The respondent was given an admonition for her misconduct in this matter.