

ADMONITION NO. 20-12

CLASSIFICATION:

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

SUMMARY:

The respondent received an admonition for lack of diligence in a probate matter.

In November 2014, the respondent was appointed by the probate court to serve as guardian and conservator of an incapacitated person. The respondent failed to file the guardian care plan and annual reports as required in the guardianship and failed to file timely inventories in the conservatorship. The respondent properly executed his duties as to the ward in all other respects.

On May 17, 2017, the ward died testate. The respondent did not file the conservator's first, second and third and final accounts, petition for allowance of account, petition for order of complete settlement, and assents of all interested parties until April 11, 2019. On May 28, 2019, the respondent filed a motion to file an amended third and final account. The first, second and third and final account were allowed on the same date.

Despite receiving the assents of all interested parties by the end of September 2017, the respondent did not file a petition for informal probate until January 30, 2018. The respondent was appointed as personal representative on February 8, 2018. Notwithstanding that the only property in the ward's estate were two bank accounts in the name of the respondent for the benefit of the ward, the respondent did not act to finalize the estate until April 2019. On April 29, 2019, the respondent filed an inventory with the probate court, and a decree and order of final settlement was issued on May 16, 2019. Subsequently, all distributions were made to the beneficiaries.

By failing to file a guardian care plan and annual reports in his role as guardian, by failing to timely file inventories and annual accounts as conservator, and by failing to promptly file and conclude the informal probate, the respondent violated Mass. R. Prof. C. 1.3.

The respondent was admitted to the bar of the Commonwealth in 1990 and had no history of discipline. He received an admonition for his misconduct.