

## **ADMONITION NO. 20-04**

### **CLASSIFICATIONS:**

Conflict Directly Adverse to Another Client or from Responsibilities to Another Client or Lawyer's Own Interests [Mass. R. Prof. C. 1.7a & 1.7b]

Failure to Withdraw Generally [Mass. R. Prof. C. 1.16a]

### **SUMMARY:**

The respondent was hired by the client to represent her in her divorce. After the judgment of divorce was final in June 2017, the respondent continued to represent the client in issues relating mainly to the sale of the marital home. While still representing the client on post-divorce issues, on December 4, 2017, the respondent filed a small claims action against the client for payment of attorney's fees. The respondent had not withdrawn from representing the client when she filed suit, and she did not get the client's informed consent confirmed in writing to the conflict of interest.

On February 5, 2018, during a telephone call, the respondent told the client that although it was up to her, she did not have to appear at court for the small claims trial on February 7, 2018. On February 7, the complainant failed to appear at court and a default judgment was issued against her for \$5,325.85. In or about April 2018, the respondent terminated representation of the client.

The respondent's conduct in filing a civil suit against her client and advising her that she did not have to appear at the court prior to withdrawing from the client's representation violated Mass. R. Prof. C. 1.7(a) and (b) and 1.16(a).

The respondent has been a member of the bar since 2013 and she had no prior discipline. She received an admonition conditioned on her attendance at a CLE course designated by bar counsel and her agreement to waive her rights to collect on the judgment against the client.