

ADMONITION NO. 20-02

CLASSIFICATIONS:

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

Improper Acceptance of Compensation for Representation from Non-Client [Mass. R. Prof. C. 1.8f]

SUMMARY:

A criminal defendant was arrested and arraigneded in district court in October 2017; he was held without bail for 120 days under the dangerousness statute. In early November 2017, a friend of the defendant approached the respondent and asked her to meet with the defendant in jail and consider taking his case. The respondent agreed and charged the defendant's friend \$250 for the visit. After meeting with the defendant and agreeing to represent him, the respondent told her client she would charge a flat fee of \$2500 in order to be ready to try the case within the 120-day period and an additional \$500 to hire an investigator. The client agreed and a few days later, the client's friend paid \$3000 to the respondent.

The respondent did not at any time communicate to the client in writing the scope of her intended representation and the basis or rate of her fee, in violation of Mass. R. Prof. C. 1.5(b). The respondent did not secure the client's informed consent to be paid by someone other than the client, in violation of Mass. R. Prof. C. 1.8(f).

The respondent has been a member of the bar since 1991 and she had no prior discipline. The respondent received an admonition for her misconduct, conditioned upon her attendance at a CLE course designated by bar counsel.