

## **ADMONITION NO. 20-05**

### **CLASSIFICATIONS:**

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

Responsibilities Regarding Nonlawyer Assistants [Mass. R. Prof. C. 5.3]

### **SUMMARY:**

The respondent represented the owners of a restaurant in their application for changes to the restaurant's liquor license to reflect that an employee would become part-owner and manager. The new manager met with the respondent's paralegal who was fluent in the manager's native language, without the respondent present, and the paralegal assisted him in filling out the application that would be filed with the local licensing board. Although the respondent reviewed the application before it was filed, he had had no contact with the manager to ensure that the answers on the application were accurate and truthful before it was filed. The respondent also did not meet with the manager to review the application or prepare for his testimony at the licensing hearing. The respondent, using the application that had been filed as his guide, answered questions before the licensing board and helped the manager answer questions from the licensing board. Unbeknownst to the respondent because of his failures to adequately supervise his paralegal in the completion of the application and to adequately prepare with the manager for the hearing, the manager's statements on the application and to the licensing board were untrue and misleading. At a subsequent hearing before the same licensing board, the restaurant's liquor license was revoked, largely because of the misstatements.

Had the respondent properly prepared for the hearing and communicated directly with the manager, he would have discovered with a reasonable amount of diligence that his statements were false. The respondent's failure to adequately supervise his paralegal in the completion of the application and his failure to adequately prepare the manager for the hearing violated Mass. R. Prof. C. 1.3 and 5.3(b).

The respondent has been a member of the bar since 1987 and he had no prior discipline. After being notified of bar counsel's investigation, the respondent took steps to modify his office practices to prevent against this type of conduct in the future. He received an admonition for his misconduct, conditioned upon his attendance at a CLE course designated by bar counsel and his agreement to have his office practices audited by LOMAP.