

## **ADMONITION NO. 20-01**

### **CLASSIFICATIONS:**

Failure to Return Papers on Discharge [Mass. R. Prof. C. 1.16(d)] (prior to September 1, 2018)

Failure to Make Available Client's File Upon Request [Mass. R. Prof. C. 1.15A(b)] (on and after September 1, 2018)

### **SUMMARY:**

The respondent was appointed by the court to represent a client in a criminal case. The respondent ably represented the client at trial in April 2018, but the client was found guilty of several charges. The respondent timely filed a notice of appeal and appellate counsel was appointed to the case.

On several occasions between late July 2018 and February 2019, appellate counsel requested from the respondent the client's case file and assistance with reconstructing the record for her appeal. The respondent failed to comply with these requests. On April 1, 2019, appellate counsel filed a Motion to Compel requesting that the court order the respondent to assist in reconstructing the record. The court allowed the motion, scheduled a hearing for May 20, 2019, and ordered the respondent to attend the hearing, to provide written documentation to appellate counsel in advance of the hearing, and to otherwise assist her in reconstructing the record.

On April 18, 2019, appellate counsel sent a letter to the respondent informing him of the court's orders and requesting that he forward a copy of his draft reconstruction within twenty-one days. Approximately one week before the scheduled hearing, the respondent provided appellate counsel with portions of the file and a statement regarding the inaudible portions of the trial recording. On May 20, 2019, the respondent attended the hearing and gave appellate counsel other documents, including a copy of a photograph that was an exhibit at trial.

The respondent's failure to provide his client's file to successor counsel and to assist with the reconstruction of the record in a timely manner was in violation of Mass. R. Prof. C. 1.16(d) prior to September 1, 2018, and Mass. R. Prof. C. 1.15A(b) on and after September 1, 2018.

The respondent had been a member of the bar since 2009 and he had no prior discipline. The respondent received an admonition for his misconduct.