

ADMONITION NO. 25-01

CLASSIFICATIONS:

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

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

SUMMARY:

In 2021, the respondent began representing a client in a divorce matter against her then-husband. The respondent filed the divorce complaint and received the summons from the court. Pursuant to Massachusetts Probate and Family Court Supplemental Rule 411, once the summons was served on her client's then-husband, a restraining order would automatically issue preventing the parties from, among other things, transferring assets, incurring debts, and changing beneficiaries on policies and accounts until further order from the Court.

The respondent directed her paralegal to serve the complaint and summons on the defendant. The paralegal inadvertently failed to do so. The respondent did not follow up with her paralegal to determine if he had served the summons. The automatic restraining order therefore did not issue against the husband.

Shortly after the divorce complaint was filed, the husband bought a house with marital funds and removed the client as beneficiary on certain accounts. He was not barred from taking these actions because the restraining order had not yet issued. When the client learned of her husband's actions, she terminated the respondent.

The client subsequently retained successor counsel who served the divorce complaint and summons upon the husband. The matter was then litigated to trial. Following the trial, the court ordered the husband to restore the wife's beneficiary status and to sell the house he purchased with marital assets, with the proceeds to be split equally between the parties. The client therefore was not ultimately harmed by the respondent's misconduct.

The respondent's failure to serve the divorce complaint and summons violated Mass. R. Prof. C. 1.3. The respondent's failure to make reasonable efforts to ensure that the paralegal made service violated Mass. R. Prof. C. 5.3(b).

The respondent was admitted to practice in Massachusetts in 1996 and has received no prior discipline. The respondent received an admonition for this misconduct.