

ADMONITION NO. 25-03

CLASSIFICATIONS:

Conflict from Responsibilities to Another Client or Lawyer's Own Interests [Mass. R. Prof. C. 1.7(b)]

Conduct Prejudicial to the Administration of Justice [Mass. R. Prof. C. 8.4(d)]

SUMMARY:

The respondent served as a municipal official. Before his time as a municipal official, the respondent entered an appearance as co-counsel on behalf of a family member in a civil lawsuit filed against the family member and the municipality. During his time as a municipal official, the respondent continued to represent the family member in the lawsuit.

The respondent's legal work on behalf of his family member while a municipal official constituted a conflicted representation. His family member and the municipality may have had divergent goals and interests in the lawsuit, and the respondent had a duty to each of them. Thus, there was a significant risk that the respondent's representation of his family member would be materially limited by his responsibilities to the municipality and/or by his personal interests associated with being a municipal official. This conflict notwithstanding, the respondent failed to obtain informed consent in writing from his family member and continued to act as the family member's lawyer in the litigation. The respondent incorrectly believed the representation was not conflicted because the family member and the municipality shared the common interest of dismissal.

By representing his family member in litigation involving the municipality while serving as a municipal official, without informed consent in writing from his family member, the respondent violated Mass. R. Prof. C. 1.7(b) and 8.4(d).

The respondent was admitted to the bar in 2014 and had no prior discipline. The respondent received an admonition for this misconduct in this matter.