

## **ADMONITION NO. 25-12**

### **CLASSIFICATION:**

Failure to Make Available Client's File Upon Request [Mass. R. Prof. C. 1.15A(b)]

### **SUMMARY:**

The respondent owned and managed a personal injury law firm that employed several associates and litigation support staff. One of the respondent's associates represented a client in a personal injury claim that resulted in a settlement prior to the commencement of litigation. The client was dissatisfied with the manner in which the associate had settled the case. As a result, the client consulted with new counsel with respect to a possible claim against the respondent's firm concerning its handling of the case and the settlement.

The client and his new counsel made repeated demands for a copy of the client's file. The initial demand was in the form of a May 4, 2023, letter from the client to the associate who had handled his case. Neither the associate nor anyone else at the respondent's firm responded to this letter. The client's new counsel sent a second request, addressed to the associate, on May 16, to which there was also no response. The new counsel sent a third letter on June 28, 2023. Again, he received no response.

On July 21, 2023, the new counsel drafted and sent a fourth letter demanding turnover of the client's file, this time addressing it directly to the respondent rather than the associate who had handled the client's case. This letter recounted the unsuccessful prior attempts to obtain the file. The respondent received and reviewed this letter but failed to take adequate steps to ensure that the file was promptly turned over to the client's new counsel. Although the respondent made an effort to comply with the request by asking a member of his administrative staff to send out the file, there was a significant further delay, and the firm did not ultimately turn over the file until early October 2023. Because the respondent was in overall charge of the law firm, and knew that counsel and the client had made three prior attempts to obtain the client's file that had gone unheeded, it was incumbent upon him to ensure and personally verify that the client's new counsel received the file without any further delay.

The respondent's conduct in failing to turn over the client's file in a reasonably prompt manner was in violation of Mass. R. Prof. C. 1.15A(b). No ultimate harm resulted from the delay in turning over the file.

The respondent was admitted to the bar in 2012 and had no prior discipline. For his misconduct in this matter, he received an admonition.