

ADMONITION NO. 25-19

CLASSIFICATIONS:

Failing to Keep Client Informed or To Respond to Inquiries [Mass. R. Prof. C. 1.4(a)(1),(3), (4)]

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

Failure to Decline or Withdraw Generally [Mass. R. Prof. C. 1.16(a)(3)] (as in effect prior to 6/1/25)

Withdrawal without Protecting Client or Refunding Unearned Fee or Expense [Mass. R. Prof. C. 1.16(d)] (as in effect prior to 6/1/25)

SUMMARY:

In May 2022, the respondent agreed to represent the client to recover amounts due pursuant to a contract. The respondent did not receive any legal fees in this matter. In August 2022, the respondent filed a civil breach of contract action on the client's behalf.

Based upon his (mistaken) belief that the client had moved to Florida and no longer wished to pursue the lawsuit, the respondent ceased communicating with the client. On June 1, 2023, the client emailed the respondent regarding the status of the case and outstanding discovery. The respondent did not respond to the client's email.

In August 2023, based upon the respondent's lack of response to his communication, the client hired successor counsel #1 to represent him in the lawsuit. In October 2023, successor counsel #1 contacted the respondent on multiple occasions to obtain the client's file. In January 2024, the respondent emailed successor counsel #1 and stated that he would provide him with a "Dropbox" link with the file contents and file a motion to withdraw with the court. The respondent neither sent the file nor filed a motion to withdraw at that time.

In April 2024, successor counsel #1 withdrew as counsel in the matter and successor counsel #2 entered his appearance. Successor counsel #2 emailed the respondent and requested a copy of the client's file. The respondent sent successor counsel #2 a copy of the file within a week of the request. The respondent also filed his motion to withdraw at that time, which was allowed by the court. There was no ultimate harm to the client as a result of the respondent's misconduct.

By failing to disclose to the client that he had ceased work on his case, failing to reply to the client's request for information and inform the client of the status of the case, and failing to explain the status of the case to the extent needed for the client's informed decisions regarding the representation, the respondent violated Mass. R. Prof. C. 1.4(a)(1), (3) and (4). By failing to return the client's file to successor counsel within a reasonable time following successor counsel's request after the termination of the representation, the respondent violated Mass. R. Prof. C. 1.15A(b) and 1.16(d). By failing to timely file a motion to withdraw after the client discharged him as his attorney, the respondent violated Mass. R. Prof. C. 1.16(a)(3).

The respondent has been a member of the Massachusetts bar since 2012 and has no prior discipline. He received an admonition for his misconduct.