

PAUL ROGER CHOMKO

Public Reprimand No. 2017-10

Order (public reprimand) entered by the Board on October 6, 2017.

The respondent stipulated to a public reprimand where he had neglected three separate medical malpractice cases. The neglect included failing to protect a client's appellate rights, failure to communicate with clients, failure to perform investigation, and losing a file.

SUMMARY¹

On September 11, 2017, the Board of Bar Overseers voted to publicly reprimand the respondent, Paul Roger Chomko, for neglecting three client matters and failing to communicate with the respective clients about those matters.

The respondent was admitted to the bar of Massachusetts on December 15, 1997. Until its dissolution in December of 2015, he was employed by the firm of Alford & Bertrand in Watertown, MA (the firm). Since that time, he has maintained a solo practice. The respondent has no history of prior discipline.

In 2009, the respondent, through the firm, was representing a client in a medical malpractice case. The respondent filed suit in May 2013, and in February 2015 a tribunal determined there was insufficient evidence to raise a legitimate question of liability of the two defendants. Thereafter, the respondent failed to inform the client of the consequences of the tribunal's finding or that she needed to post a bond to proceed with her case. When the defendants moved to dismiss in April 2015, the respondent did not file an opposition and did not inform the client of the dismissal. The respondent subsequently filed a notice of appeal but failed to docket the appeal or file a brief; thus the appeal was dismissed. The respondent did not communicate with the client, nor respond to any of her attempts to reach him. He also lost her file. By failing to preserve the client's claim, failing to keep her informed of the status of her case and respond to her requests for information, and failing to safeguard the file, the respondent violated Mass. R. Prof. C. 1.1, 1.3, 1.4(a) and (b) and 1.16(d).

In a second matter, in 2012, the respondent agreed to represent a client in a potential medical malpractice matter. The respondent did not perform any significant investigation of the potential claim or file an action on the client's behalf. He did not keep the client informed about his actions or inaction, and did not respond to her reasonable request for information about her claim. The respondent thus violated Mass. R. Prof. C. 1.1, 1.3 and 1.4.

¹ Compiled by the Board of Board Overseers based on the record of proceedings before the board.

In a third matter, in 2015, a client engaged the respondent to evaluate a potential medical malpractice claim. The respondent later in the year notified the client that he would proceed with her case. The client attempted to contact the respondent during the remainder of 2015, and he was initially responsive. However, when the respondent left the firm in December 2015 and opened his own practice, he did not notify the client of his new address or contact information. Thereafter, he failed to take any action of substance on her behalf and failed to contact her. By failing to perform any significant work on his client's case and failing to keep her reasonably informed about the status of her matter, the respondent violated Mass. R. Prof. C. 1.1, 1.3 and 1.4.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On September 11, 2017, the board voted to accept the parties' recommendation and imposed a public reprimand.