

ADMONITION NO. 21-24

CLASSIFICATIONS:

Failure to Communicate Adequately with Client [Mass. R. Prof. C. 1.4(a)(2)]

Failure to Timely Communicate Basis of Fee [Mass. R. Prof. C. 1.5b]

SUMMARY:

Between 2017 and 2019, the respondent engaged in the representation of two clients in related matters without creating written fee agreements and without reasonably communicating with them about the scope of these representations.

In and around September 2017, a Daughter and Son had several disagreements regarding their Mother's financial affairs, over which they had joint authority pursuant to a Power of Attorney that was not drafted by the respondent. In October 2017, the Daughter retained the respondent to draft a letter on her behalf to the Son. Several weeks later, the Mother retained the respondent to draft a new Power of Attorney that retained the Daughter as attorney-in-fact but removed the Son from that role. After this document was drafted, the respondent had no further communications with the Mother. The respondent sent the Daughter a single bill for the foregoing services, with no differentiation between the tasks performed for either client. In 2018, the Daughter in her capacity as attorney-in fact further consulted with the respondent about the Mother's estate plan.

In June 2019, the respondent represented the Daughter individually in the context of a petition brought by the Son to appoint a conservator for the Mother, to which the Daughter ultimately assented. The respondent failed to discuss with the Mother his role in that matter.

In violation of Mass. R. Prof. C. 1.5(b), the respondent failed to communicate in writing, to either the Mother or the Daughter, the scope of his representation and the basis or rate of the fee and expenses for which either was responsible before or within a reasonable time after commencing any of the foregoing representations.

In violation of Mass. R. Prof. C. 1.4(a)(2), the respondent failed reasonably to communicate with his clients about the scope and nature of the related representations.

The respondent was admitted in 1977. He has no prior discipline. There was no demonstrable harm and no actual conflict of interest between the respondent's two clients.

The respondent received an admonition subject to attendance at a CLE program designated by bar counsel.