

**IN RE: KAREN J. ANDRADE****NO. BD- 2014-007****S.J.C. Order of Term Suspension and Reinstatement Conditions entered by Justice Cordy on January 20, 2016.¹****SUMMARY²**

On January 20, 2016, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent for six months, retroactive to July 13, 2015, for abandoning a client's case, failing to communicate with the client and to inform the client of important developments in the case; failing to return the client's file; failing to refund unearned fees; failing to cooperate with bar counsel's investigation; and failing to comply with the resulting administrative suspension.

The respondent was admitted to the Massachusetts bar on December 15, 1992.

On or about August 25, 2012, the respondent was retained by a client to file a complaint for custody, support, and visitation. The respondent's fee agreement provided that the respondent would charge \$225 per hour and required a \$1,000 retainer. The agreement further provided that after the retainer was expended the client would have the option of a flat rate of \$3,500, or continued hourly billing for the respondent's services. In August, the client paid the respondent \$1,000. In October 2012, the client paid the respondent the optional \$3,500 flat fee. Between August 25, 2012, and the beginning of October 2012, the respondent earned the \$1,000 retainer, but failed to send her client any bills accounting for her fee. The respondent's failure to send the client, on or before the date she paid herself the entire retainer, written notice that she had withdrawn the retainer, a bill showing services rendered, and a balance statement violated Mass. R. Prof. C. 1.15(d)(2).

Beginning in September 2012, the respondent failed to adequately communicate with her client for weeks at a time. On October 4, 2012, the respondent filed a pre-printed complaint form with the probate court for support, custody, and visitation. On February 15, 2013, the court issued temporary orders granting joint custody of the child. The respondent received notice of the order in due course, but failed to inform her client of the order and failed to return the client's phone calls for over two weeks thereafter. The respondent also

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

failed to inform her client that a May 2013 scheduled pre-trial conference date had been moved per her agreement with opposing counsel. The client went to the courthouse and was informed by courthouse staff that the pre-hearing conference would not occur. The respondent's failure to maintain reasonable communication with her client violated Mass. R. Prof. C. 1.4(a).

After June 2, 2013, the respondent failed to respond to many attempts of the client to reach her and failed to do any further work on the client's matter. The respondent's failure to represent her client diligently and her failure to seek her client's lawful objective violated Mass. R. Prof. C. 1.2(a) and 1.3.

On June 28, 2013, the client hired another attorney to represent him. Between June 28, 2013, and August 27, 2013, successor counsel requested by telephone, first-class and certified mail that the respondent deliver the client's file to his office. The respondent failed to respond or deliver the client's file to the new counsel. Although she had not completed the work, the respondent did not refund any portion of the flat fee she had received. The respondent's failure to provide her client's file to successor counsel and return any unearned fee violated Mass. R. Prof. C. 1.16(d) and (e).

When the client filed a complaint with bar counsel, the respondent failed to cooperate in bar counsel's investigation. By failing without good cause to comply with bar counsel's requests for information, the respondent violated S.J.C. Rule 4:01, § 3, and Mass. R. Prof. C. 8.4(d), 8.4(g), and 8.4(h). On January 21, 2014, the respondent was administratively suspended for non-cooperation by order of the Supreme Judicial Court for Suffolk County pursuant to S.J.C. Rule 4:01, § 3(2). Thereafter, the respondent intentionally failed without good cause to comply with the order of administrative suspension, in violation of S.J.C. Rule 4:01, § 17, and Mass. R. Prof. C. 3.4(c), 8.4(d) and (h). On May 20, 2015, bar counsel filed a petition for discipline against the respondent alleging the misconduct described above. The respondent failed to file an answer to the petition for discipline and was defaulted.

On October 19, 2015, the Board of Bar Overseers voted to recommend that the respondent be suspended for six months and be required to undergo a reinstatement hearing before being readmitted to practice. On January 21, 2016, the Supreme Judicial Court for Suffolk County (Cordy, J.) entered a judgment of term suspension for a period of six months, effective retroactive to July 13, 2015.