

IN RE: NEIL JOSEPH JUDD

NO. BD-2018-065

S.J.C. Order of Term Suspension entered by Justice Budd on April 24, 2019.¹

The respondent was suspended for six months with a requirement that he apply for reinstatement if he seeks readmission in the future. The disciplinary sanction was based on the respondent's misconduct in a single litigation matter, including: failing to file a complaint on behalf of his client, lying to the client about the status of the case, not using a written fee agreement, not repaying an expense retainer to the client, and failing to cooperate with successor counsel and the Office of Bar Counsel.

SUMMARY²

On April 24, 2019, the Supreme Judicial Court for Suffolk County entered an order suspending the respondent for six months and requiring a reinstatement hearing, for failing to communicate in writing to the client the scope of the representation and the rate of the fee and expenses, failing to file a civil complaint on behalf of the client and misrepresenting to the client that he had done so, failing to keep the client reasonably informed about the status of the case, failing to refund the client's advance payment for expenses and to return the file upon termination, and failing without good cause to cooperate with bar counsel's investigation and to comply with an order of administrative suspension.

The respondent was admitted to the Massachusetts bar on November 29, 2010.

On or about November 1, 2016, a client retained the respondent to file a civil lawsuit against a competing company for breach of contract, conversion and defamation. The respondent did not communicate in writing to the client the scope of the representation and the basis or rate of the fee and expenses. The respondent's failure to provide a written fee agreement violated Mass. R. Prof. C. 1.5(b)(1).

In November 2016, the respondent asked the client for \$500 for filing fees and expenses to file suit in Middlesex Superior Court. The client paid the respondent in two installments by January 2017.

Between November 2016 and January 2018, the respondent represented to the client numerous times that he was working on a complaint. In February 2018, the respondent falsely represented to the client that he had filed a complaint on his behalf against the other company in Middlesex Superior Court. The respondent's misrepresentation to the client that he had filed a complaint on his behalf violated Mass. R. Prof. C. 8.4(c).

From January through March of 2018, the client repeatedly requested a copy of the complaint and the docket number. The respondent failed to provide a copy of the complaint or the docket number to the client.

In mid-February 2018, the client went to the Middlesex Superior Court and learned that no complaint had been filed on his behalf. The client called the respondent and requested an explanation. The respondent falsely represented to the client that the court had lost the complaint and that he would refile it. The respondent failed to file the complaint. The respondent's failure to seek the lawful objectives of his client and to represent the client diligently violated Mass. R. Prof. C. 1.2(a) and 1.3.

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.

By email dated March 22, 2018, the client discharged the respondent and requested a refund of the \$500 paid for filing fees and expenses. By letters in March and April 2018, successor counsel also requested the client's file and a refund of the expenses. The respondent failed to respond and failed to provide the client's file and a refund. The respondent's failure to refund the client's advance payment for expenses and to return the client's files upon request and at the termination of the representation violated Mass. R. Prof. C. 1.15(c), and 1.16(d) and (e).

When the client filed a complaint with bar counsel, the respondent failed to cooperate with 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 4:03, and Mass. R. Prof. C. 8.4(d) and (h).

On August 22, 2018, 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. Thereafter, the respondent 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 December 21, 2018, bar counsel filed a petition for discipline against the respondent alleging the misconduct described above. The respondent failed to answer the petition for discipline and was defaulted.

On March 11, 2019, 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 April 24, 2019, the Supreme Judicial Court for Suffolk County (Budd, J.) entered an order of term suspension for six months, effective immediately, and required the respondent's reinstatement to the practice of law be pursuant to a reinstatement hearing.