

**IN RE: NEIL E. ROBERTS**

**NO. BD-2019-085**

**S.J.C. Order of Term Suspension entered by Justice Cypher on December 12, 2019.<sup>1</sup>**

*The respondent received a suspension of one year and one day for his neglect of two matters, his misrepresentation to the client and his failure to return an unearned fee in one of those matters, and his failure without good cause to cooperate with bar counsel's investigation in the other matter.*

**SUMMARY<sup>2</sup>**

The respondent was admitted to practice in 1991. In 2018, a client hired the respondent to represent him in a petition to partition real estate. The client paid the respondent \$2,900 as his fee for the legal services. The respondent filed but failed to serve or otherwise pursue the petition. When the client contacted the respondent for information about his case, the respondent intentionally misrepresented to the client that he had served the petition. In early 2019, the respondent stopped responding to the client, who eventually hired successor counsel. The respondent failed to return the unearned fee and only returned the client's file after bar counsel initiated her investigation.

In a second matter, the respondent had been representing a client and her company in a real estate dispute since 2017. In early 2019, the respondent ceased communicating with the client. In February 2019, the respondent failed to notify the client of a prehearing conference and failed to appear himself at the hearing. The client, who learned independently of the court date and was therefore able to appear herself, was subsequently able to retain successor counsel.

Bar counsel served the respondent with a copy of the second client's complaint and requested his response. Despite several subsequent requests, the respondent failed to cooperate and did not, as bar counsel requested, provide a written response.

By failing to pursue the first matter, the respondent violated Mass. R. Prof. C. 1.3 and 1.4(a)(2) and (3). By intentionally misrepresenting to the client that he had served the petition to partition, the respondent violated Mass. R. Prof. C. 8.4(c). By failing to return the unearned portion of the fee and failing to promptly return the client's file, the respondent violated Mass. R. Prof. C. 1.16(d) and 1.15(d)(1).

By failing to notify the second client of the pre-hearing conference and failing to appear at the pre-hearing conference, the respondent violated Mass. R. Prof. C. 1.3 and 1.4(a)(3) and (4). By failing to respond to bar counsel's requests for information in the second matter, the respondent violated Mass. R. Prof. C. 8.4(g) and S.J.C. Rule 4:01 Section 3.

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<sup>1</sup> The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

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

Bar counsel filed a Petition for Discipline on June 27, 2019. The respondent failed to answer, and a default was entered on July 23, 2019. On September 9, 2019, the Board voted to recommend that the respondent be suspended for a year and one day. On December 13, 2019, the Supreme Judicial Court for Suffolk County (Cypher, J.) entered an order of a term suspension of one year and one day.