

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,

Petitioner,

v.

Lisa A. Greenberg, Esq.,

Respondent

Public Reprimand No. 2020-1

BBO No. C2-18-00254101

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On May 11, 2020, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Lisa A. Greenberg be and she is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Lisa A. Greenberg, be and hereby is PUBLICLY REPRIMANDED.

BY: Frank E. Hill, J.J.
, Member
BOARD OF BAR OVERSEERS

DATED: June 8, 2020

LISA A. GREENBERG

Public Reprimand No. 2020-1

Order (public reprimand) entered by the Board on June 8, 2020.

The respondent stipulated to a public reprimand for her neglect of a client matter, lack of communication and failure to enter into a written fee agreement.

SUMMARY¹

A client consulted the respondent for possible representation in an ongoing divorce action in March of 2013. Prior to meeting with the respondent, the client attended a hearing with prior counsel in the divorce action during which a pre-trial conference was rescheduled to April 12, 2013 to allow the client to retain successor counsel, with no further continuances. On March 28, 2013, the respondent advised the client she would represent him but would not file an appearance until a retainer was received. The respondent did not enter into a written fee agreement with the client stating the scope of representation and the basis or rate of the fee and expenses.

The respondent was provided with a copy of the client's file on March 28, 2013 which contained the notice from the court of the pre-trial conference scheduled for April 12, 2013. Between March 29, 2013 and April 5, 2013, the client sent three emails to the respondent relating to the retainer, as well as an additional email on April 5, 2013 that he had left the retainer check at an unattended desk at the respondent's office. The respondent left the country on April 10, 2013 for a planned vacation. Before leaving on vacation, the respondent failed to review the client's file which contained the pre-trial conference notice, failed to review the emails sent by the client regarding the retainer, and was unaware that the retainer had been left at her office.

The pre-trial conference was held in Lawrence on April 12, 2013 at which opposing counsel appeared and no attorney appeared on behalf of the client. The client incorrectly went to the Salem courthouse instead. Opposing counsel telephoned the respondent's office and reached an associate who was unaware of the client, the pre-trial conference, and the fact that a retainer had been received by the office. The associate advised opposing counsel that she did not believe the respondent represented the client and that the respondent was out of the country. The associate also received a call from the client inquiring as to why the respondent was not in Salem. The associate informed the client that there was no indication that the firm was representing him, that according to opposing counsel the hearing was in Lawrence, and that he should go to Lawrence and request a continuance. The client did not appear in Lawrence and a divorce judgment was issued.

Following her return from vacation, the respondent learned that a pre-trial conference had occurred on April 12, 2013 and that a divorce judgment had issued. The respondent subsequently filed motions for relief from judgment and for a new trial which were denied by the court. The respondent continued to represent the client until 2017 in post-divorce matters.

The respondent's failure to review and respond to the emails sent by the client and failing to discover that a retainer check had been provided by the client violated Mass. R. Prof. C. 1.3 and 1.4(a) (as in effect prior to July 1, 2015). The respondent's failure to take appropriate steps to ascertain that a pre-trial conference was scheduled in the divorce matter violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. By failing to enter into a written fee agreement with the client, the respondent violated Mass. R. Prof. C. 1.5(b)(1) (as in effect prior to July 1, 2015).

This matter came before the Board of Bar Overseers on a stipulation of the parties and a joint agreement to recommend discipline in the form of a public reprimand. On May 11, 2020, the Board of Bar Overseers voted to administer a public reprimand to the respondent.

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