

**IN RE: EDMOND A. NEAL III****NO. BD-2015-087****S.J.C. Corrected Order of Term Suspension/Stayed entered by Justice Lenk on October 9, 2015.<sup>1</sup>****SUMMARY<sup>2</sup>**

In or about May 2007, the respondent was retained by a client to represent him in claims arising out of an accident that occurred when the client was riding a motorcycle that was struck by an automobile. The respondent advised the client's own insurer of an anticipated underinsurance claim.

With the permission of the client's insurer, the client in June 2008 accepted the offer from the other driver's insurer to settle for the \$20,000 policy limits. The client had \$50,000/\$100,000 underinsurance coverage on his own policy and thus \$30,000 was potentially available on the underinsurance claim.

After the \$20,000 settlement was received and disbursed, the respondent took no further substantive action to pursue the underinsurance claim, despite numerous reminders from both the adjustor and the client. The adjustor was seeking certain additional medical records but the respondent did not reply to the adjustor's attempts to reach him. The client was generally unable to reach the respondent by telephone or to speak with him when the client came by the office and, when the client did on occasion succeed in contacting the respondent, the respondent indicated that he was still working on the underinsurance claim.

In December 2011, the client discharged the respondent and retained successor counsel to represent him on the underinsurance claim. Successor counsel contacted the insurer and forwarded the requested records. In January 2012, less than a month after the initial contact from successor counsel, the insurer offered the \$30,000 maximum available coverage. The settlement was disbursed to the client and successor counsel on or about February 13, 2012.

The respondent's failure to pursue the underinsurance claim between June 2008 and December 2011 is conduct in violation of Mass. R. Prof. C. 1.1, 1.2(a) and 1.3 as in effect prior to July 1, 2015. His failure to return the client's telephone calls and otherwise to adequately and accurately communicate the status of the underinsurance claim is conduct in violation of Mass. R. Prof. C. 1.4(a) as in effect prior to July 1, 2015.

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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.

In aggravation, the respondent had a prior public reprimand for repeatedly signing and filing inaccurate financial statements in 2008 and 2009 in a client's domestic matter and for inadequate trust account record keeping. In mitigation, between at least 2008 and 2014, the respondent was suffering from a serious medical condition that was either untreated or inadequately treated. Since early or mid 2014, he has been receiving appropriate treatment and medications.

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for a three-month suspension, stayed for one year on condition that the respondent attend a CLE program designated by bar counsel, obtain an evaluation from the Law Office Management Assistance Program (LOMAP) and follow its recommendations, and agree to quarterly reporting to bar counsel for one year from both LOMAP and, as to the medical condition, Lawyers Concerned for Lawyers. On September 21, 2015, the board voted to accept the stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. The Court so ordered on October 9, 2015.