Public Reprimand No. 2011-14

Order (public reprimand) entered by the Board on June 30, 2011.

SUMMARY[1]

The respondent, Carl J. S. Lovett, Esq., is an attorney duly admitted to the Bar of the Commonwealth on April 26, 1995. The respondent practices in the firm of Lovett & Lovett, P.C., in Providence, Rhode Island. On October 4, 2006, a client signed a contingency fee agreement, retaining the respondent to represent him in a personal injury case concerning a premises liability injury that occurred on September 23, 2006, in Quincy, Massachusetts.

In June of 2009, after obtaining the client's medical records, bills and other materials, the respondent sent a settlement demand package to the insurance adjuster for the owner of the property where the client was injured. However, the matter did not settle as a result of the respondent's settlement demand package. The respondent lost track of the statute of limitations in the client's claim and did not realize, until after September 22, 2009, that the statute of limitations had passed. On October 1, 2009, the respondent filed suit on behalf of the client in superior court against the property owner. After filing an answer to the complaint, the defendant moved to dismiss the case on statute of limitations grounds. On August 26, 2010, a judgment was entered in favor of the defendant, dismissing the case. The respondent filed a motion for relief from judgment under Mass. R. Civ. P. 60(b), which was denied by the superior court because the case was barred by the statute of limitations.

The respondent's failure to keep track of the statute of limitations and to file suit in a timely manner was in violation of Mass. R. Prof. C. 1.1, 1.2(a) and 1.3.

In aggravation, the respondent received an admonition in 2003 for a false or misleading communication, for failing to disclose in advertising and a website that the respondent was only licensed to practice in Massachusetts. AD 03-47, 19 Mass. Att'y Disc. R. 609 (2003).

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On June 13, 2011, the board voted to accept the parties' stipulation and to impose a public reprimand.

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