

**ROY D. SANTOS****Public Reprimand No. 2011-21****Order (public reprimand) entered by the Board on August 19, 2011.****SUMMARY¹**

The respondent, Roy D. Santos, was admitted to practice in the Commonwealth of Massachusetts on November 14, 1967.

In June 2003, a client engaged the respondent to represent her in obtaining compensation for injuries she sustained when her car was rear-ended. The respondent intended to collect a contingent fee, but he did not enter into a written contingent fee agreement with the client.

In August 2003, the respondent sent letters of representation to his client's insurer and to the insurer of the other vehicle. Although liability was clear, causation and damages were not. Between August 2003 and December 2005, the other vehicle's insurer made more than twenty attempts to obtain medical records and other information about the claim from the respondent.

On May 19, 2006, the respondent filed suit against the driver and owners of the other vehicle in district court. In June 2006, he prepared a settlement demand but did not send it to the insurer. In September 2006, the respondent informed the insurer that he had filed a complaint and would forward a settlement proposal, but he did not do so.

On October 26, 2006, a judgment of dismissal entered on the client's claim for failure to make service within ninety days, and the respondent received notice of the dismissal. It had been the respondent's practice to have his longtime secretary send out the summonses for service by a constable, whom he had used for many years. The constable would make arrangements if service was outside his jurisdiction. After receipt of the notice of dismissal, the respondent did not search the file but did ask his secretary to find out what had happened with regard to service.

The respondent moved to vacate the judgment of dismissal. Bar counsel charged that the respondent made knowingly false representations regarding efforts to make service in the pleadings he filed to vacate the dismissal. The hearing committee rejected this charge, crediting the respondent's testimony that the statements were based on his prior experiences with the constable and making service. The efforts to vacate the dismissal were denied by the court. The respondent did not inform his client that her case had been dismissed or that his motion to vacate judgment had been denied. The client called the respondent periodically and left messages

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

requesting information about the status of her case, but the respondent failed to answer any of the calls.

The respondent's conduct in failing to enter into a written contingent fee agreement violated Mass. R. Prof. C. 1.5(c). The respondent's failure to respond to the inquiries made to him by the insurance company and failure to make timely service of process violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. The respondent's failure to keep his client informed of the status of her case and failure to respond to inquiries about the status of her case violated Mass. R. Prof. C. 1.4.

In aggravation, the respondent received an admonition in 2007 for failing to handle a legal matter competently, failing to seek the client's legal objectives, failing to act diligently and failing to communicate adequately with the client. AD-07-43, 23 Mass. Att'y Disc. R. 1033 (2007).

The parties did not appeal from the hearing committee report, which found the facts and rule violations summarized above and recommended that the respondent receive a public reprimand. On August 8, 2011, the Board of Bar Overseers voted to adopt the hearing committee's report and recommendation.