

**CHARLES S. WHITE****Public Reprimand No. 2012-14****Order (public reprimand) entered by the Board on August 3, 2012.****SUMMARY**<sup>1</sup>

The respondent was admitted to the bar on December 22, 1988.

In Count I, the respondent learned that a person had been arrested for vehicular homicide and was being held at a local correctional facility. On that information alone, the respondent traveled to the correctional facility, identified himself as an attorney and asked to see the detainee. The respondent proceeded to offer his legal services, for a fee, to the detainee. The detainee declined, as he was already represented by counsel.

By soliciting professional employment for a fee from a prospective client in person, the respondent violated Mass. R. Prof. C. 7.3 (d).

In Count II, the respondent, while employed by a law firm, filed a civil action in Superior Court against three defendants. The respondent did not cause the complaint and summons to be timely served on each of the defendants. When service was made, the sheriff's office sent the completed returns of service to the respondent. The respondent, however, did not timely file the returns. Consequently, the court entered a judgment of dismissal.

The respondent learned in due course that the action had been dismissed, but did not inform his client of the dismissal. Thereafter, believing that his employer had reassigned the case, the respondent did not file a motion to vacate the dismissal and took no further action on the case. After the respondent had left the firm's employ, the employer learned that the case had been dismissed. The employer then filed a motion to vacate the dismissal. The court initially denied the motion, but ultimately allowed a motion for reconsideration of the denial.

By failing to have the defendants timely served, failing to promptly file the returns of service with the court, failing to move to vacate the dismissal of the case, and failing to take any other action to prosecute or resolve the case, the respondent failed to provide competent representation, in violation of Mass. R. Prof. C. 1.1; failed to seek the lawful objectives of his client through reasonably available means, in violation of Mass. R. Prof. C. 1.2(a); and failed to provide diligent representation, in violation of Mass. R. Prof. C. 1.3.

The matter came before the Board of Bar Overseers on a stipulation of the parties, agreeing to recommend discipline in the form of a public reprimand. There were no factors in aggravation or mitigation. On July 9, 2012, the Board of Bar Overseers voted to administer a public reprimand to the respondent.

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the board.