



**RICHARD W. KENDALL**  
**Public Reprimand No. 2014-9**  
**Order (public reprimand) entered by the Board October 16, 2014.**  
**SUMMARY**<sup>1</sup>

The respondent received a public reprimand for failing to act with reasonable diligence in pursuing his client's case and related misconduct.

In 2009, the respondent was retained by an electrical repairman who had suffered serious injuries from two electrical explosions that occurred while he was maintaining a power line for his employer. The respondent thereafter filed a lawsuit for his client in federal court.

Over the next few years, the respondent performed little work of substance for the client. For example, he failed to conduct discovery and to file timely responses to discovery requests and motions for summary judgment. The result of his misconduct was that the client's case was dismissed with prejudice. Afterwards, he failed to advise the client of his right to appeal the dismissal.

By failing to provide competent and diligent representation to his client, the respondent violated Mass. R. Prof. C. 1.1, 1.2(a) and 1.3. By failing to advise his client sufficiently to permit him to make informed decisions about the case, the respondent violated Mass. R. Prof. C. 1.4(b).

In mitigation, during the relevant time period, the respondent was recuperating from a traumatic injury that was, at times, debilitating. In further mitigation, the respondent was inexperienced in the practice of law, and he did not charge or collect a fee for the representation.

This matter was referred to the Office of Bar Counsel for investigation. The respondent initially failed to cooperate with the investigation that followed. In so doing, he violated Mass. R. Prof. C. 8.1(b) and 8.4(d), (g) and (h). However, the respondent ultimately cooperated with bar counsel and agreed to submit a joint recommendation to the Board of Bar Overseers regarding the disposition of this matter.

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. The board adopted the parties' recommendation and imposed a public reprimand.

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