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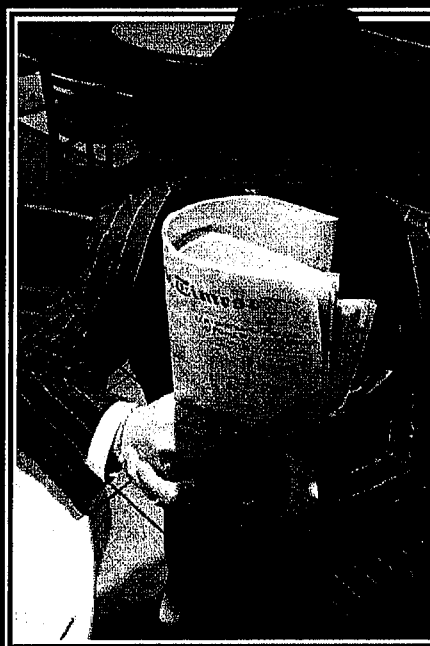
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# BAD LAWYER

T Bone Burnett called an album:  
Criminal Under My Own Hat

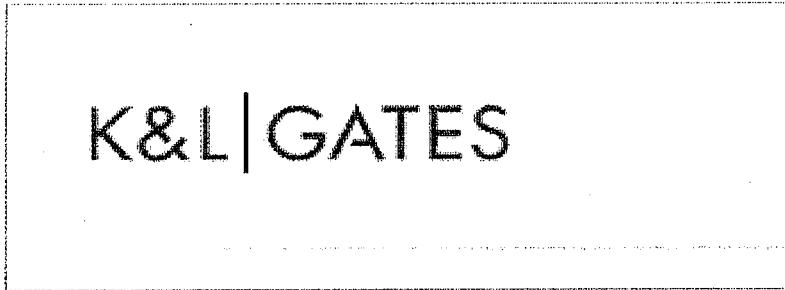
Apropos — this is the self-account of my failure.  
In the dumpster with my reputation and self-regard,  
I rant and I rave, and I confess all sins.  
Better yet, I blame others, including you!



DISCUSS THE ISSUES, AND CONSIDER THE OPTIONS WITH BAD LAWYER

SATURDAY, JANUARY 30, 2010.

## Over-Lawyered? Probably



This comes by way of *AboveTheLaw.com* which links to *MassLawyersWeekly.com report* on the decision in the *Matter of Bartley J. King*, a probate estate worth \$1.2 million dollars. The law firm handling the matter billed \$800,000! Yikes! The Massachusetts Supreme Judicial Court thinks, that just maybe, the matter was overbilled and overlawyered. This is from the *MassLawyers* Blawg post:

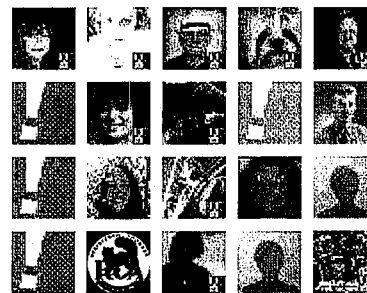
K&L Gates, which charged a client \$800,000 to defend a probate estate of \$1.2 million, has been accused of 'unnecessary

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overlawyering' by the Massachusetts Supreme Judicial Court.

In a ruling in *In the Matter of the Estate of Bartley J. King*, released today, Justice Margot Botsford wrote for a unanimous court that **'a total of eighteen attorneys and paralegals were representing [the client], a remarkable number especially when one takes into account the motion judge's view that the theories advanced by the contestants were not 'overly complex.'** 'Even a cursory review of the billing records suggests that among all these attorneys there was duplication of effort,' the judge added, citing the fact that 'a fair amount of billing for the time of two or more attorneys who were attending the same hearing.' The SJC sent the case back to the Probate & Family Court to reconsider the fee award.

Stephen G. Howard, who led K&L Gates' work in the case, had racked up the fees fending off attacks on the will of a 91-year-old who bequeathed the entirety of his \$1.2 million estate to one of his daughters. Left out, his two other children and nine of his grandchildren contested the will, but when the case went to trial in 2007, the daughter, Lois A. Folan, won on all counts.

Afterward, Howard asked to be paid \$710,322 in legal fees and \$95,868 in costs. Lawyers for the other families balked, and a Probate & Family Court judge eventually forged a compromise, awarded \$574,322 in fees. Boston lawyer Thomas F. Maffei, of Griesinger, Tighe & Maffei in Boston, then appealed that award to the SJC. Citing the size of the fees, the SJC remanded the case to the Probate & Family Court to hear evidence on whether they should be awarded.


'[A]t least some of the pretrial litigation activity ... reasonably could be seen as unnecessary overlawyering in a case such as this, where the decedent's entire estate was worth \$1.2 million, and where on more than one occasion before trial, the trial judge made clear that she thought a trial would be necessary because of unresolved factual issues,' Botsford wrote. Maffei called the decision a 'wake-up call.' 'When it comes to legal fees, reasonableness is still the test,' he tells *Lawyers Weekly*. 'Not every litigation is a 'bet-the-company case.'"

We talk about bad lawyers all the time, but this case highlights something I've said on *Bad Lawyer* since the outset, the real

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Prosecutor ...

thieves get away with it all the time. Their law firms have marbled foyers, antique furniture, and silver service. Rarely are they caught out in full rapaciousness, as attorney Howard and K & L Gates--by the way, check their website. Apparently these Massachusetts Judges didn't get an invite to the last firm soiree, oops.

Here's betting, the attempted ransack of this estate by K & L Gates results in no disciplinary action.

POSTED BY ANONYMOUS AT 8:00 AM   
LABELS: OVERBILLING, OVERLAWYER, PROBATE

2 COMMENTS:





**Anonymous** April 28, 2010 at 12:13 PM  
they want the property now  
Reply



**Anonymous** April 24, 2013 at 10:23 PM  
The following is my individual opinion. Has anyone looked at Stephen G. Howard's K&L Gates colleague George L. Cushing's public record of client billing? If you think Howard was egregious in "his type of over-lawyering" you won't believe the magnitude of Cushing's unethical and possibly fraudulent billing activities.

Of course, isn't K&L Gates and the Judge even more corrupt by authorizing these accounts without exception? The Suffolk Family and Probate Court is a great place to start researching the wrongs of Howard, Cushing, K&L Gates and Judge Chouteau Merrill/Levine and many others.

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