

Failure to Prevent Inheritance Seizure

Schwartz told Fleisher that one account that was to be seized, of nearly \$200,000.00, belonged to Schwartz's mother's estate. Probate Court may have ordered it to be paid to Schwartz and to his deceased brother's children. It did not yet belong to Schwartz. Fleisher agreed with Schwartz that a seizure of these estate funds was not proper because the money in the estate that was still not available for any distribution. If that money was not Schwartz's, it could not be seized.

Fleisher told Schwartz that he would make a claim to avoid seizure, but he never did. The estate amount was improperly seized without Fleisher's diligent objection. Fleisher lacked the competency **RULE 1.1: COMPETENCE** A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Fleisher also lacked the diligence, in violation of **RULE 1.3: DILIGENCE**, A lawyer shall act with reasonable diligence and promptness in representing a client.