

SUPREME COURT OF OREGON

In re Complaint as to the Conduct of William Redden, 342 Or. 393

153 P.3d 113 (2007) · No. SC S53578 · Decided February 23, 2007

SUMMARY

The Oregon Supreme Court reviewed a lawyer disciplinary proceeding involving William Redden's admitted neglect of a client's legal matter in violation of former Oregon DR 6-101(B). The court rejected a finding of a pattern of misconduct, considered the applicable aggravating and mitigating circumstances, and reduced the sanction from a 120-day suspension to a 60-day suspension.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Oregon
DECIDED	February 23, 2007
DOCKET	SC S53578
DISPOSITION	other
PROCEDURAL POSTURE	Lawyer disciplinary proceeding reviewed de novo after a trial panel of the Oregon State Bar Disciplinary Board imposed a 120-day suspension. The accused sought review and requested a 60-day suspension.
STANDARD OF REVIEW	De novo review under ORS 9.536(2).
PRECEDENTIAL VALUE	Published, precedential Oregon Supreme Court opinion
PARTIES	William Redden, accused v. Oregon State Bar

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

lawyer discipline

professional responsibility

appellate procedure

QUESTIONS PRESENTED

1. What sanction was appropriate for Redden's conceded violation of former Disciplinary Rule 6-101(B) based on his knowing neglect of a client's legal matter?
2. Whether the accused's continuing neglect of a single client's matter constituted a pattern of misconduct under ABA Standard 9.22(c).
3. Whether the trial panel properly treated the accused's failure to respond to the disciplinary complaint and participate in the proceeding as aggravating misconduct.

HOLDINGS

1. A 60-day suspension from the practice of law was the appropriate sanction for Redden's knowing neglect of the client's matter, considering the duty violated, his mental state, the actual injury, applicable aggravating and mitigating circumstances, and comparable Oregon disciplinary cases.
2. Continuing neglect of one client's single legal matter, without prior similar misconduct, multiple rule violations, or neglect of multiple clients, does not establish a pattern of misconduct for purposes of aggravating the sanction.
3. The accused's failure to attend or respond in the disciplinary proceeding is not an aggravating factor supporting an increased sanction.

KEY QUOTATIONS

"We review this case de novo. ORS 9.536(2)." (at 114)

"However, as the following discussion demonstrates, the course of neglect inquiry under DR 6-101(B) is separate from the inquiry into a pattern of misconduct for purposes of sanction." (at 115)

"After considering the factual circumstances of this case, the ABA Standards, and this court's case law, we conclude that the accused should be suspended from the practice of law for 60 days." (at 117)

FACTUAL BACKGROUND

Redden was retained in 2002 to challenge a determination that his client owed child-support arrearages. After the client and his former wife agreed to a reduced amount, Redden drafted a stipulation but failed to obtain the former wife's signature or submit it to the court. From February 2003 through November 2004, he took no further action, despite receiving a \$300 retainer and completing none of the requested settlement work.

PROCEDURAL HISTORY

The Oregon State Bar alleged that Redden violated former Oregon Code of Professional Responsibility Disciplinary Rule 6-101(B) by neglecting a client's legal matter. Redden defaulted before the trial panel, which found a violation and imposed a 120-day suspension. On de novo review, the Oregon Supreme Court agreed that Redden violated the rule but reduced the sanction to a 60-day suspension.

DISPOSITION

other

CASES CITED

- In re Rhodes, 331 Or. 231, 238, 13 P.3d 512 (2000)
- In re Stauffer, 327 Or. 44, 66, 956 P.2d 967 (1998)
- In re Eadie, 333 Or. 42, 64, 36 P.3d 468 (2001)
- In re Magar, 335 Or. 306, 321, 66 P.3d 1014 (2003)
- In re Obert, 336 Or. 640, 653, 89 P.3d 1173 (2004)
- In re Cohen, 330 Or. 489, 501-02, 8 P.3d 953 (2000)
- In re Chandler, 306 Or. 422, 430, 760 P.2d 243 (1988)
- In re Meyer, 328 Or. 220, 970 P.2d 647 (1999)
- In re Knappenberger, 340 Or. 573, 135 P.3d 297 (2006)
- In re Schaffner, 323 Or. 472, 481, 918 P.2d 803 (1996)
- In re LaBahn, 335 Or. 357, 67 P.3d 381 (2003)
- In re Kissling, 303 Or. 638, 740 P.2d 179 (1987)
- In re Dugger, 299 Or. 21, 697 P.2d 973 (1985)
- In re Morrow, 297 Or. 808, 688 P.2d 820 (1984)
- In re Knappenberger, 337 Or. 15, 32-33, 90 P.3d 614 (2004)