

CRAIG R. JORGENSEN

(Suspension)

On October 31, 2012, the Idaho Supreme Court issued a Disciplinary Order suspending Pocatello attorney Craig R. Jorgensen from the practice of law for a period of two (2) years, with all but four (4) months of such suspension withheld. The Idaho Supreme Court found that Mr. Jorgensen violated Idaho Rules of Professional Conduct 1.2(a) (failure to abide by client objectives), 1.3 (failure to act with reasonable diligence), 1.4 (failure to reasonably communicate with client), 1.15(b) (withdrawal of fees from client trust account only as fees are earned or expenses incurred), 1.16(a) (failure to withdraw from representation upon discharge), 1.16(d) (failure to return unearned fees and client file upon termination), and 8.4(d) (conduct prejudicial to the administration of justice).

The Idaho Supreme Court's Disciplinary Order followed Findings of Fact, Conclusions of Law and Recommendation issued by a Hearing Committee of the Professional Conduct Board on September 24, 2012. A hearing before that Committee was conducted on August 28, 2012 to determine the appropriate sanction. The parties had entered into a Stipulation of Facts prior to the hearing in which Mr. Jorgensen admitted to violating the Idaho Rules of Professional Conduct referenced above.

The formal charge Complaint filed against Mr. Jorgensen by the Idaho State Bar on September 1, 2011, stemmed from his representation of A.M. in a federal court case in which A.M. sued her employer, 23 employees, and numerous other defendants for sexual harassment and discrimination, retaliation, and defamation. A.M. originally filed the lawsuit *pro se* on February 10, 2010. On June 23, 2010, certain defendants filed a Motion to Dismiss the defamation claim. A.M.'s response was due by July 19, 2010. On June 25, 2010, A.M. retained Mr. Jorgensen to represent her in the case and to respond to the motion. She paid him a \$22,500 retainer to be charged at a \$210 hourly rate. Mr. Jorgensen deposited the funds into his trust account on or about June 25, 2010. On June 30, 2010, Mr. Jorgensen filed a Notice of Appearance, but failed to ever file any other

documents in the case, including A.M.'s response to the Motion to Dismiss. On July 28, 2010, the Court granted the Motion to Dismiss with prejudice based on A.M.'s failure to file a response to the motion. Mr. Jorgensen did not inform his client about the dismissal. Mr. Jorgensen also failed to inform A.M. about the dismissal and/or status of her case throughout the remainder of 2010.

In January 2011, A.M. notified Mr. Jorgensen that his representation was terminated and specified the attorneys she hired in substitution. Those attorneys also notified Mr. Jorgensen that they were taking over the case and requested that he return A.M.'s file and retainer. Mr. Jorgensen failed to withdraw from the representation until August 2011 and failed to return A.M.'s file or retainer.

With respect to A.M.'s \$22,500 retainer, although initially deposited into Mr. Jorgensen's trust account, he acknowledged that he did not earn the fee and did not maintain those funds in his trust account. Rather, he made draws on those funds for purposes unrelated to A.M.'s case. After A.M. filed a Client Assistance Fund claim against Mr. Jorgensen, he refunded her retainer on August 29, 2011. In October 2012, he paid A.M. interest on the retainer from the date she paid it, June 25, 2010, to the date he refunded it, August 29, 2011.

The Disciplinary Order also provided that following the four (4) month period of imposed suspension and reinstatement, if any, Mr. Jorgensen will serve a three (3) year period of probation on specified terms and conditions that include: reporting to a supervising attorney approved by Bar Counsel on a not less than monthly basis regarding the representation of his clients to assure that he is acting with reasonable diligence in representing his clients and keeping them reasonably informed about the status of their matters; certifying to Bar Counsel under oath on a monthly basis that he is acting with reasonable diligence in representing his clients and keeping them informed about the status of their matters; entering into fee agreements which are all in writing and none of which may be on a "fixed fee/earned on receipt" basis; providing to Bar Counsel's Office a monthly written report or summary regarding his trust account; and obtaining and maintaining during the period of probation errors and omissions legal malpractice insurance

coverage in a form acceptable to Bar Counsel. The Disciplinary Order further provided that if Mr. Jorgensen is found to have violated any of these conditions of probation then the entire withheld suspension shall be automatically and immediately imposed.

The Idaho Supreme Court also ordered that as a condition of reinstatement, Mr. Jorgensen must show that he has fully complied with the requirements of I.B.C.R. 517 (a)–(d) and otherwise satisfied all requirements of I.B.C.R. 518(b), and must reimburse the Idaho State Bar for all costs associated with this disciplinary proceeding pursuant to I.B.C.R. 506(j).

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, ID 83701, (208) 334-4500.