

M. PATRICK DUFFIN
(Resignation in Lieu of Discipline)

On September 27, 2012, the Idaho Supreme Court issued an Order accepting the resignation in lieu of discipline of Idaho Falls attorney, M. Patrick Duffin. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following circumstances.

On July 18, 2012, the Idaho State Bar filed a formal charge Complaint and also filed a Petition for Interim Suspension of License to Practice Law with the Idaho Supreme Court. On July 30, 2012, the Idaho Supreme Court entered an Order granting the petition and placed Mr. Duffin on interim suspension effective July 30, 2012.

The Complaint alleged three counts of professional misconduct. With respect to Count One, Mr. Duffin admitted he violated I.R.P.C. 1.2(a), relating to the scope of representation, 1.3, relating to promptness, 1.4, relating to communication with a client, 3.2, relating to expediting litigation, 3.4(d), relating to discovery responses, and 8.1(b) and I.B.C.R. 505(e), relating to the failure to correspond with Bar Counsel. Count One related to Mr. Duffin's representation of a personal injury client. In that case, Mr. Duffin failed to submit his client's response to discovery, even after being directed to do so by the Court following a motion to compel. Following that, the defendants filed a motion for sanctions based upon that failure to respond to discovery and the Court's order. Mr. Duffin did not file any response to that motion or submit any response to the discovery. He also failed to appear at the hearing on the motion for sanctions. When defense

counsel then filed an affidavit for attorneys' fees and costs, Mr. Duffin did not file an objection to the requested fees and costs or respond to the affidavit. After a continued failure to respond to discovery, defendants filed a second motion for sanctions requesting the case be dismissed. Mr. Duffin did not file any response to that second motion for sanctions. The Court then entered an order dismissing the client's case with prejudice. Finally, Mr. Duffin did not respond to Bar Counsel during the investigation of that grievance.

With respect to Count Two, Mr. Duffin admitted that he violated I.R.P.C. 1.2(a), relating to the scope of representation, 1.3, relating to diligence, 1.4, relating to communication, 1.7, relating to a conflict of interest, 3.2, relating to expediting litigation, and 3.4(d), relating to discovery, in connection with his representation of two different clients in two breach of contract cases. In the first case, Mr. Duffin did not diligently pursue the defense of the case which eventually resulted in the denial of a motion to set aside a default and award of costs and fees. In addition, Mr. Duffin failed to take diligent action on appeal, resulting in the dismissal of the appeal. In the second case, Mr. Duffin failed to diligently prosecute his client's claims which resulted in a dismissal of his client's claims and judgment being entered on behalf of the opposing party for attorneys' fees. In addition, Mr. Duffin's arrangement with these two clients, who were involved in cases against a common opponent, resulted in an impermissible conflict of interest.

With respect to Count Three, Mr. Duffin admitted that he violated I.R.P.C. 1.2(a), relating to the scope of representation, 1.3, relating to diligence and 1.4,

relating to communication. In that case, the client hired Mr. Duffin to assist her with a home loan modification and paid Mr. Duffin for that representation. Mr. Duffin failed to take any material action on his client's behalf, did not diligently pursue the representation and failed to communicate with his client. Mr. Duffin did refund all fees paid to the client.

The Idaho Supreme Court entered an Order accepting Mr. Duffin's resignation effective September 27, 2012. By the terms of the Order, Mr. Duffin may not make application for admission to the Idaho State Bar sooner than five years from the date of his resignation. If he does make such application for admission, he will be required to comply with the bar admission requirements in Section II of the Idaho Bar Commission Rules and shall have the burden of overcoming the rebuttable presumption of "unfitness to practice law."

By the terms of the Idaho Supreme Court's Order, Mr. Duffin's name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in the State of Idaho was terminated on September 27, 2012.

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