

JEFFREY NEIL MOXON

Order (public reprimand) entered by the Board February 25, 2005.

SUMMARY¹

The respondent represented the wife in a divorce case, which was settled with the execution by the parties of a separation agreement. In conjunction with the entry of the judgment of divorce nisi, the respondent undertook in April 2002 to prepare three qualified domestic relations orders (QDROs) transferring certain retirement benefits to the client from her husband. The client paid the respondent \$750 in advance for these services.

The respondent thereafter did not complete the QDROs in a timely manner. Twenty months later, on December 17, 2003, the client contacted bar counsel. Between January and October 2004, the respondent repeatedly promised bar counsel that the QDROs would be drafted by dates certain and repeatedly failed to complete the QDROs by those dates. In addition, after speaking with the client once in January 2004, the respondent failed to communicate with her for the next ten months.

On October 30, 2004, after further inquiries from bar counsel, the respondent finalized the three QDRO drafts and sent copies for approval to the husband's attorney and the investment company. On November 24, 2004, the QDROs were entered by order of the Probate and Family Court.

There was no ultimate harm to the respondent's client. She intended the funds to remain as retirement funds, did not need to liquidate any of the funds for retirement purposes, and would not have altered her husband's investment strategy in any material way.

The respondent's failure to complete the QDROs for over two years and to keep the client reasonably informed of the status of the matter constituted a lack of diligent representation and inadequate client communication in violation of Mass. R. Prof. C. 1.3 and 1.4.

In aggravation, on July 30, 2001, the respondent received an admonition for failing to provide a client with an accounting of his fee and for inadvertently depositing a retainer into a business account. On June 3, 2003, the respondent was cautioned by bar counsel for failing to adequately communicate with another client. On June 28, 2004, the respondent received a second admonition for failing to account for and refund an unearned retainer for almost a year after his services were terminated.

This matter came before the Board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. On February 14, 2005, the Board of Bar Overseers voted to adopt the parties' stipulation and to impose a public reprimand.

¹ Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.

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