

ALDANA JOHNSON

Order (public reprimand) entered by the Board January 22, 2008.

SUMMARY¹

In February of 2006, a client consulted the respondent in connection with selling property in Florida that he had inherited from his father, who had died in New York. The client was the sole beneficiary and executor of his father's estate. The property was adjacent to land owned by the City of North Port, FL, which was interested in buying the land. On October 2, 2006, the City formally offered in writing to buy the property for an amount that was higher than both the appraised value and the assessed value.

In response to the city's offer, the respondent attempted unsuccessfully to have the city accept a purchase and sale agreement signed by the client as executor. The city required ancillary administration for the estate in Florida. On November 16, 2006, the respondent wrote to the client, telling him that ancillary administration in Florida was necessary. Upon receipt of the respondent's letter, the client telephoned the respondent asking her to complete the ancillary administration in Florida and how much it would cost, to which the respondent did not have an answer at that time.

Between January and August of 2007, the client left numerous telephone messages for the respondent. The respondent never replied to the client's telephone messages or advised the client about the cost of taking out ancillary administration or completing the sale of the property to the city. She also never wrote to the client again after her letter of November 16, 2006. The client reached and spoke with the respondent only once during this period, in January of 2007. During that conversation, the respondent stated she had been ill and had been unable to work on the client's real estate matter. The respondent never returned any of the client's other calls.

Initially, the respondent made intermittent and unsuccessful attempts to obtain the forms for ancillary administration and to find a Florida attorney to handle the matter for the client. The respondent did nothing on the matter after June of 2007.

In August of 2007, the client learned from the city that it had not heard from the respondent in months, that the proposed transaction had been placed in a "dead file" and that the city was no longer interested in purchasing the property at the previously proposed price because of the downward trend in real estate prices. He later learned from the city that it was still willing to buy the property, but for substantially less than the previous offer.

The respondent's failure to keep the client informed about the status of the matter and promptly comply with reasonable requests for information, to communicate with the City, to take out ancillary administration or to refer the client to competent Florida counsel, were in violation of Mass. R. Prof. C. 1.2(a), 1.3, and 1.4.

On September 10, 2007, the Office of Bar Counsel received a complaint from the client. The

respondent repeatedly failed without good cause to respond to Bar Counsel's letters asking for an answer to the client's complaint. On November 16, 2007, the respondent appeared in the Office of Bar Counsel, pursuant to a subpoena issued to compel her appearance. The respondent's failure without good cause to cooperate with Bar Counsel's investigation, resulting in the issuance of a subpoena to compel her appearance at the Office of Bar Counsel, was in violation of Mass. R. Prof. C. 8.4(g) and S.J.C. Rule 4:01, § 3(1).

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On January 16, 2008, the Board voted to accept 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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