

In the Matter of a Non-Member of the State Bar of Arizona Patrick G. Drury, File No. PDJ-2011-9003, effective 04/29/2011. Attorney Reprimanded, Restitution and Costs ordered.

In Count One, Respondent owned and operated, *The Mortgage Modification Law Group* in Maricopa, Arizona and also a law based practice in Illinois known as *The Patrick Drury Law Group*. Respondent advertised both companies on his website www.tmmlg.com, however, he failed to distinguish the difference between the companies and failed to disclose that he was only licensed to practice law in Illinois and not Arizona. Respondent further failed to adequately supervise his non-lawyer assistant at *The Mortgage Modification Law Group*.

In Count Two, Respondent and his business *The Mortgage Modification Law Group* was retained by a client for a home-loan modification. The client paid \$3,000 to Respondent for those services and Respondent's fee agreement reflected that the fees were earned on receipt. The fee agreement however, failed to include the required language regarding a refund. Respondent thereafter, failed to provide the contracted services and refunded the client \$1,500.00. During the period of representation Respondent further failed to inform the client of the status of the modification and failed to inform the client that his business, *The Mortgage Modification Law Group* was no longer operating.

Respondent failed to respond to the State Bar's inquiries in both counts and failed to participate in these disciplinary proceedings; therefore, his misconduct was deemed admitted by default pursuant to Rule 58(d), Ariz.R.Sup.Ct.

Respondent intentionally defrauded his client in Count Two and caused actual injury to the client. Had Respondent been a member of the State Bar of Arizona, a suspension of six months and one day may have been appropriate.

Respondent's misconduct constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Rule 42, ERs 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), 5.3 (responsibilities regarding non-lawyer assistants), 5.5 (unauthorized practice of law), 7.1 (communication concerning lawyer's services), 7.5 (firm names/letterhead), 8.1(b) (failure to respond), 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation), 8.4(d) (conduct prejudicial to the administration of justice); and Rules 53(d) and 53 (f), Ariz.R.Sup.Ct.

Aggravating factors include: 9.22(b) (dishonest or selfish motive), 9.22(d) (multiple offenses), 9.22(e) (obstruction of disciplinary proceedings) and 9.22(i) (substantial experience in the practice of law).

Mitigating factors include: 9.32(a) (absence of prior disciplinary history).

Restitution in the amount of \$1,500.00 to the client in Count Two, Michael Neaderhiser and costs in the amount of \$2,000.00 are imposed.