

**IN RE: COURTNEY B. HARMON****NO. BD-2011-94****S.J.C. Order of Term Suspension entered by Justice Cordy on January 31, 2012.¹****SUMMARY²**

Courtney B. Harmon (the respondent) was admitted to the practice of law in Massachusetts on June 16, 2004.

In March 2009, Client 1 retained the respondent to adjust the immigration status of his wife, who was Venezuelan and had been stopped at the border while attempting to enter the United States illegally.

The respondent advised that the wife return to Venezuela. She agreed to prepare and file the forms necessary for the wife to immigrate legally to the United States, and the forms necessary for consular processing at the American Consulate in Venezuela, including an I-601 waiver of unlawful presence. Client 1 paid the respondent a \$3,500 retainer and \$500 in filing fees.

The respondent failed to file the necessary documents with the Department of Homeland Security and did not keep the client informed of the status of the matter. Client 1's wife was unable for an extended time period to immigrate to the United States for an extended period.

The respondent did not earn the \$3,500 in legal fees paid by Client 1 and did not use any of the \$500 expense funds advanced to her by him. In the fall of 2010, Client 1 terminated the respondent and requested that she return his files, any unearned fees and advanced expenses. The respondent did not return the file, or account for and refund unearned fees or unused expense money.

In January 2009, Client 2 hired the respondent to obtain legal resident status for her husband, a Brazilian national. Client 2 immediately paid the respondent \$3,860 in attorney's fees, and later advanced \$480 to pay certain filing fees.

On Client 2's behalf, the respondent filed a form I-130 (Alien Relative Petition). In an August 25, 2009 letter to Client 2, the respondent advised that the husband needed to leave the US by November 4 pursuant to a voluntary departure order and then wait for approval of the I-130. In accordance with the respondent's instructions, Client 2 and her husband traveled to Brazil in October 2009. Subsequently, the respondent took no further action on Client 2's matter. The respondent did not reply to Client 2's numerous attempts to reach her

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

or keep Client 2 reasonably informed about the status of her matter.

In 2010, Client 2 terminated the respondent's engagement and hired new counsel, who was able to get the I-130 application back on track. Client 2 requested that the respondent return her files, and refund the unearned fees and unused expense money. The respondent had not earned a substantial portion of the fees or used the expense funds she had received from Client 2, but she failed to timely refund the unearned fees and unused expense money.

The respondent did not reply to several letters from bar counsel forwarding the complaints of Client 1 and Client 2, and instructing her to reply within specified time periods.

The respondent's failure to provide diligent and prompt representation to her clients violated Mass. R. Prof. C. 1.3. Her failure to keep her clients reasonably informed about the status of the matter violated Mass. R. Prof. C. 1.4(a). Her failure to return the clients' files to them and her failure to refund unearned advanced fees and unused advanced expenses violated Mass. R. Prof. C. 1.16(d) and (e). Her knowing failure without good cause to cooperate with bar counsel's investigations of the two matters violated Mass. R. Prof. C. 8.1(b), 8.4(g) and (h), and S.J.C. Rule 4:01, § 3.

Bar counsel filed a petition for discipline concerning the respondent on June 14, 2011. The respondent failed to file an answer to the petition. On August 3, 2011, the respondent was defaulted for failing to file an answer to bar counsel's petition for discipline. On September 12, 2011, the board voted to recommend to the Supreme Judicial Court that the respondent be suspended from practice for one year and one day. The respondent then through counsel filed a motion with the Court to remand the matter to the board. At a hearing before the single justice on October 12, 2011, the Court issued an order temporarily suspending the respondent and remanded the matter back to the Board of Bar Overseers for a hearing on mitigation. Subsequently the respondent withdrew her request for a hearing on mitigation and stipulated to a recommendation of a year and a day suspension. The board voted to accept the stipulation and on January 31, 2012, the single justice entered an order suspending the respondent for one year and one day.