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Contact: Barry Massey, communications officer
bmassey@nmcourts.gov
505-827-4805
505-470-3436

Albuquerque attorney disbarred for misappropriating client funds and other misconduct

SANTA FE – The state Supreme Court has disbarred Albuquerque attorney Jennie Deden Behles and ordered her to pay restitution of $19,239 to a client for ethical misconduct, including misappropriating the client's funds.

"Behles's misconduct is an affront to the legal profession," the Court said in an opinion written by Justice Barbara J. Vigil. "She repeatedly engaged in professional practices riddled with deceit to the detriment of her client, as well as the reputation of all lawyers in this state. Lawyers play an integral role in the justice system, granting their clients access to the law's remedies and protections. When the integrity of one lawyer is put into question, the integrity of the entire justice system is put into question."

Behles, who had been licensed to practice law in New Mexico since 1970, violated Rules of Professional Conduct governing the safekeeping of client funds and against charging unreasonable fees. The Court also found Behles "engaged in conduct prejudicial to the administration of justice" by failing to deliver $19,239 to her client "while misrepresenting that she was holding that money in trust."

Ethical rules require attorneys to keep client money, such as a retainer or advance payment for legal services, in a separate account from the lawyer's own funds and financial records are to be maintained.

The Court found that Behles "expended client funds she had been ordered to hold in trust, failed to maintain complete records of her client trust account, failed to keep client money separate from her own, and unreasonably charged a contingent fee on the return of her client's court bond."

The misconduct occurred during her work for Dubalouche, LLC, concerning commercial property it owned in Albuquerque. She agreed in December 2014 to represent the firm and an

ethical misconduct complaint was filed against her in 2017 with the Disciplinary Board of the Supreme Court. After an investigation, the board recommended to the Supreme Court that Behles be disbarred to permanently stop her from practicing law in New Mexico.

The Court heard arguments in the disciplinary case earlier this year and ordered the restitution and disbarment, which took effect April 30. The Court followed up with its written opinion to provide the legal reasoning for its decision.

It was the second time Behles was disciplined over improper management of client trust accounts. In 2006, the Court imposed probationary requirements that deferred her suspension. She later was reinstated to the practice of law after complying with Court requirements for maintaining her trust account.

“In particular, Behles’s prior discipline for similar misconduct, her substantial experience in law, and her refusal to acknowledge the wrongfulness of her behavior lead us to conclude that disbarment is the only way to protect the public from the grave consequences of Behles’s transgressions,” the Court said.

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To read the opinion in *In re Behles*, No. S-1-SC-37393, please visit the New Mexico Compilation Commission's website using the following link:

https://decisia.lexum.com/nmos/nmsc/en/item/421850/index.do