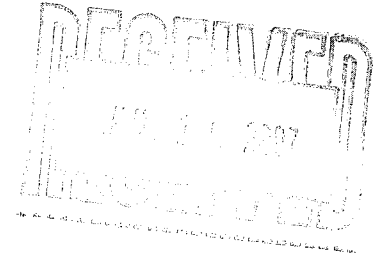




The Disciplinary Board
AN AGENCY OF THE SUPREME COURT OF THE
STATE OF NEW MEXICO



CONFIDENTIAL

July 17, 2007

Stuart L. Stein, Esq.
The Stein Law Firm
City Place
2155 Louisiana Blvd. N.E.
Suite 2200
Albuquerque, New Mexico 87110

RE: **Your Complaint Against Gregory W. MacKenzie, Esq.**

Dear Mr. Stein:

I have completed my investigation on behalf of the New Mexico Disciplinary Board concerning your complaint against attorney Gregory W. MacKenzie, but have found insufficient evidence to support allegations that Mr. MacKenzie has violated the Rules of Professional Conduct. For that reason, I recommend the Board take no further action.

You make numerous complaints against Mr. MacKenzie including but not limited to your allegation that while representing Ms. Cathe Temmerman, Mr. MacKenzie notified Citigroup Smith Barney broker, Leonard E. Leetzow, Jr. of Sarasota, Florida about the guardianship and conservatorship case involving your former client, Bruce Clinesmith. The Smith Barney account was a stock brokerage account held in the names of Bruce Clinesmith and Ruth Clinesmith, his wife, as joint tenants with rights of survivorship. You allege that after Mr. MacKenzie's communication with Mr. Leetzow, the joint account was frozen because of Mr. MacKenzie's conduct and that this task was "accomplished either by telephone or letter or both with Mr. Leetzow."

Secondly, you allege that Mr. MacKenzie's Firm's legal fees in representing Ms. Temmerman in the guardianship and conservatorship case were "secretly" paid by a third party (Moody Bible Institute of Chicago). Moody was the trustee and beneficiary of three trusts valued in excess of \$10 million in assets. Mr. Clinesmith and his wife, Ruth, were grantors and income beneficiaries under these trusts. You allege that payment of Ms. Temmerman's legal fees by a third party (Moody) who may have an adverse interest to Ms. Temmerman is a violation of the Code of Professional Conduct.

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There is no credible evidence to conclude that Attorney MacKenzie's communication with Mr. Leetzow resulted in the assets contained within the Citicorp Smith Barney account being "frozen" to the detriment of the Clinesmiths. To the contrary, Mr. Leetzow had numerous concerns which resulted in his office taking action prior to his communication with Attorney MacKenzie. Furthermore, there is no evidence that Attorney MacKenzie requested the account be "frozen" or that his communication with Mr. Leetzow was undertaken in violation of Rule 16-303 (A)(2) as you allege. Therefore, there has been no evidence presented which can establish misconduct.

With respect to your allegation regarding improper payment of attorney's fees to Attorney MacKenzie by a third party, there is no merit to the complaint. The underlying litigation which serves as the basis for this complaint is complex and bitter. The pleadings indicate several lawsuits filed on behalf of and concerning Bruce Clinesmith.

The evidence indicates that legal fees were paid by the Moody Bible Institute in its capacity as trustee for Bruce Clinesmith's trust. Payments for attorney's fees were paid to Attorney MacKenzie's Firm and Stuart Stein, Esq. in the amount of \$25,000.00 each so that the conservatorship and guardianship proceedings could be fully litigated. The trustee determined that payment of attorney's fees to initiate protective proceedings for Mr. Clinesmith was necessary not only for his support but also to ensure that any income payments from the trusts would be properly managed. In response to your complaint regarding a conflict of interest, it does not appear that such an impermissible conflict occurred.

Finally, as you are aware, the contents of this investigation and findings are confidential pursuant to Rule 17-304 of the Rules Governing Discipline. Therefore, the dissemination of any information relating to this investigation without prior approval of Disciplinary Counsel or Mr. MacKenzie is prohibited.

Accordingly, the Disciplinary Board will be closing its file in this matter. If you do not understand the reasons for the dismissal or wish to have the decision to dismiss this complaint reviewed by the Chair of the Disciplinary Board, you may submit a written request for review to the Disciplinary Board. If the Chair believes that additional investigation is warranted, he will order that the file be re-opened for that purpose. The Chair's authority does not, however, extend to ordering that disciplinary action be taken.

Thank you for bringing your concerns to the attention of the Board and allowing this office to look into them for you.

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Very truly yours,

A handwritten signature in black ink, appearing to read "M. Lopez, III". The signature is stylized with a large initial "M" and a long, sweeping underline.

Martin Lopez, III
Special Assistant Bar Counsel

cc: Chairman of the Disciplinary Board

Virginia L. Ferrara
Chief Disciplinary Counsel

Greg MacKenzie, Esq.