

In the

SUPREME COURT OF MISSOURI

En Banc

May Session, 2013

**Report of the Office of the Chief Disciplinary Counsel for the year
2012 together with the Financial Report of the Treasurer of the
Advisory Committee Fund for 2012**

**ALAN D. PRATZEL
Chief Disciplinary Counsel**

IN THE
SUPREME COURT OF MISSOURI

EN BANC

MAY SESSION, 2013

REPORT OF THE OFFICE OF CHIEF DISCIPLINARY COUNSEL FOR THE YEAR
2012 TOGETHER WITH THE FINANCIAL REPORT OF THE TREASURER OF THE
ADVISORY COMMITTEE FUND FOR 2012

To the Honorable Judges of The Supreme Court:

Comes now the Office of Chief Disciplinary Counsel, and respectfully reports to
the Court on matters concluded during calendar year 2012 or pending on December 31,
2012.

I.

THE FOLLOWING DISCIPLINARY ACTIONS WERE TAKEN BY THE COURT DURING 2012 BASED ON PROCEEDINGS PROSECUTED BY THE OFFICE OF CHIEF DISCIPLINARY COUNSEL¹

ALLAN, JOHN J., St. Louis, MO, Missouri Bar #24080

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-1.3, 4-3.3(a)(1), 4-3.3(a)(3), 4-4.1, 4-8.4(c), and 4-8.4(d). Date of Order: September 28, 2012.

BARKER, RONALD KAY, Lee's Summit, MO, Missouri Bar #25233

Disbarment: Violation of Rules 4-1.15 and 4-8.4. Date of Order: January 31, 2012.

BARTON JR., JAMES P., Marshall, MO, Missouri Bar #34782

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of two years: Violation of Rules 4-1.1, 4-1.4(a), 4-1.4(b), 4-1.15(c), 4-1.15(d), 4-1.15(i), 4-5.5(a), and 4-8.4(d). Date of Order: March 6, 2012.

BOBRINK, JEANNIE M., North Kansas City, MO, Missouri Bar #36685

Public Reprimand: Violation of Rules 4-1.4(a), 4-1.16(d), 4-8.1, and 4-8.4(d). Date of Order: March 6, 2012.

BRIEGEL, DANIEL JAMES, Union, MO, Missouri Bar #44476

Suspension, suspension stayed, placed on probation for three years: Violation of Rules 4-1.2, 4-1.3, 4-1.4, 4-1.15(c), 4-1.15(d), 4-1.15(e), 4-1.15(m), 4-8.1(c), and 4-8.4(c). Date of Order: May 29, 2012.

BUTLER, PATRICK STEVEN, Eureka, MO, Missouri Bar #43040

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.15(c), 4-1.15(d), 4-8.4(c), and 4-8.4(d). Date of Order: September 25, 2012.

¹ Often there are attorneys with the same or similar names. It is important to note the bar number and location of the individual.

COLLIER, GARRETT CHARLES, St. Louis, MO, Missouri Bar #54611

Disbarment: Violation of Rules 4-1.3, 4-1.4(a), 4-1.15(c), 4-5.5, 4-8.1(c), and 4-8.4(c). Date of Order: December 18, 2012.

DAVIS, JOHN C., Overland Park, KS, Missouri Bar #21766

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of three years: Violation of Rules 4-8.4(b), 4-8.4(c), and 4-8.4(d). Date of Order: May 1, 2012.

EDWARDS JR., BERNARD F., St. Louis, MO, Missouri Bar #23020

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.5, 4-1.15(f), 4-1.16(d), 4-3.2, 4-3.4, 4-8.1(c), and 4-8.4(d). Date of Order: January 31, 2012.

ENGLAND, WILLIAM S., Kansas City, MO, Missouri Bar #37845

Probation revoked. Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of two years: Violation of Rules 4-1.3, 4-8.4(d), and 5.225(b). Date of Order: September 25, 2012.

EVANS, STEPHEN BRUCE, St. Louis, MO, Missouri Bar #40305

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: March 9, 2012.

FELDMAN, HARVEY I., St. Louis, MO, Missouri Bar #16542

Surrendered license and disbarred: Violation of Rules 4-1.15(i), 4-8.4(c), and 4-8.4(d). Date of Order: May 29, 2012. Supreme Court No. SC92479

Pending disciplinary case Dismissed on June 19, 2012. Supreme Court No. SC92316

**FRANCO, PAUL SAMUEL, Mission, KS, (now Kansas City, MO),
Missouri Bar #45122**

Public Reprimand: Rule 5.20 (Reciprocal – United States Court of Appeals, Tenth Circuit); Violation of Rules 4-1.1, 4-1.3, 4-3.2, and 4-8.4(d). Date of Order: August 14, 2012.

GARTENBERG, STEVEN PETER, St. Louis, MO, Missouri Bar #37456

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: May 18, 2012.

GRIESE DIECK III, EDWARD JOSEPH, St. Louis, MO, Missouri Bar #33483

Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a).
Date of Order: July 3, 2012.

HARRY, VENUS VALINE, St. Louis, MO, Missouri Bar #50195

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.1, 4-1.3, 4-1.4(a), and 4-1.15(m). Date of Order: January 31, 2012.

HODGE, W. CHRISTOPHER, Knob Noster, MO, Missouri Bar #33312

Surrendered license and disbarred: Violation of Rules 4-1.3, 4-1.4, 4-1.5(c), 4-3.4(d), 4-8.1(c), and 4-8.4(c). Date of Order: November 20, 2012.

HUTSON, ERIC, Lebanon, MO, Missouri Bar #37106

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of three years: Violation of Rules 4-1.7(a) and 4-8.4(d). Date of Order: July 30, 2012.

JAMISON, KEVIN L., Gladstone, MO, Missouri Bar #31278

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.15(c-h) and 4-5.3. Date of Order: August 3, 2012.

KINNAMON JR., LARRY E., Belton, MO, Missouri Bar #26337

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(c), 4-1.15(d), 4-1.15(i), 4-8.1(a), 4-8.1(c), and 4-8.1(d). Date of Order: March 23, 2012.

MAJORS, STEVEN TROY, North Kansas City, MO, Missouri Bar #52859

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: June 5, 2012.

MARKHAM, MELINDA SUSAN, St. Louis, MO, Missouri Bar #30218

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of three years: Violation of Rules 4-1.3, 4-1.5, 4-1.5(f), and 4-8.4(c). Date of Order: March 5, 2012.

MCEVOY, JAMES SHAWN, Lake St. Louis, MO, Missouri Bar #50861

Default Disbarment: Violation of Rules 4-5.5(b), 4-5.5(e), and 4-8.1(c). Date of Order: February 2, 2012.

MCGOOGAN, SHANE AMES, St. Louis, MO, Missouri Bar #56803

Surrendered license and disbarred: Violation of Rule 4-1.15(c). Date of Order: July 24, 2012.

MORSE, MINDY J., Kansas City, MO, Missouri Bar #41258

Probation revoked. Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of twelve months: Violation of Rules 4-1.3, 4-8.1, and 5.225(b). Date of Order: September 25, 2012.

OLSON, EDWIN JOHN, St. Louis, MO, Missouri Bar #35800

Default Disbarment: Violation of Rules 4-1.15(c), 4-1.15(i), 4-5.5, 4-8.1(c), and 4-8.4(c). Date of Order: February 2, 2012.

ORR, WILLIAM L., Columbia, MO, Missouri Bar #25507

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: April 2, 2012.

PEETZ, MICHAEL ANTHONY, Chesterfield, MO, Missouri Bar #45247

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(c), 4-1.15(d)(2), and 4-8.4(c). Date of Order: December 18, 2012.

RAINES III, RADFORD REUBEN, O'Fallon, MO, Missouri Bar #39731

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.3, 4-8.1(c), and 4-8.4(a). Date of Order: November 28, 2012.

REYNOLDS, SCOTT DOUGLAS, Cape Girardeau, MO, Missouri Bar #38088

Suspension, suspension stayed, placed on probation for eighteen months: Violation of Rules 4-1.16(d), 4-8.4(a), and 4-8.4(b). Date of Order: September 25, 2012.

ROBBINS, THOMAS R., Jefferson City, MO, Missouri Bar #58074

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: November 6, 2012.

ROSWOLD, JAMES MICHAEL, Kansas City, MO, Missouri Bar #41053

Suspension, suspension stayed, placed on probation for one year: Rule 5.20 (Reciprocal – Kansas); Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.5(c), 4-5.1(a), 4-5.1(c)(2), and 4-8.4(a). Date of Order: March 6, 2012.

SCHUETZ, JAMES ANTHONY, St. Louis, MO, Missouri Bar #38567

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.16(a)(1), 4-1.16(d), 4-4.1, 4-5.5, 4-8.1(c), and 4-8.4(c). Date of Order: February 2, 2012.

SEBOLD, MICHAEL M., St. Louis, MO, Missouri Bar #43248

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of six months: Rule 5.21(Criminal Conviction); Violation of Rule 4-8.4(b). Date of Order: April 3, 2012.

SIGILLITO, MARTIN THURMAN, St. Louis, MO, Missouri Bar #26353

Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a). Date of Order: August 10, 2012.

SIMON, BRUCE W., St. Joseph, MO, Missouri Bar #21099

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: March 6, 2012.

SMITH, TERRANCE CHRISTOPHER, St. Louis, MO, Missouri Bar #58835

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.5, 4-1.16, 4-8.1(c), and 4-8.4(c). Date of Order: July 20, 2012.

SULLIVANT, ELLE, Leesburg, VA, Missouri Bar #46739

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of eighteen months: Violation of Rules 4-1.1, 4-1.15(c), 4-1.16(a), 4-3.3(a), 4-3.4(c), 4-5.5(b), 4-8.4(c), 4-8.4(d), and 6.05(c). Date of Order: September 25, 2012.

**SWISCHER, COREY MICHAEL, Butler, MO, (now Nevada, MO),
Missouri Bar #52013**

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.3, 4-1.4(a)(1), 4-1.5(c), 4-1.15(i), 4-3.2, 4-5.3(b), 4-8.1(c), and 4-8.4(d). Date of Order: May 29, 2012.

THOMPSON, LISA THERESA, University City, MO, Missouri Bar #46042

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of six months: Rule 5.20 (Reciprocal – Illinois); Violation of Rules 4-3.3(a)(1), 4-4.1(a), 4-5.5(a), 4-8.1(a)(1), 4-8.4(c), and 4-8.4(d). Date of Order: May 29, 2012.

THOMPSON, THOMAS K., Liberty, MO, Missouri Bar #21257

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(d), 4-1.15(e), and 4-1.5(e). Date of Order: December 21, 2012.

TROTTER, AL DON, Mount Vernon, MO, Missouri Bar #53605

Public Reprimand: Violation of Rules 4-1.3 and 4-1.4. Date of Order: March 6, 2012.

WILSON, RYAN GLEN, St. Joseph, MO, Missouri Bar #56658

Suspension, suspension stayed, placed on probation for one year: Rule 5.21(Criminal Conviction). Date of Order: October 18, 2012.

WIRKEN, JAMES CHARLES, Kansas City, MO, Missouri Bar #21734

Surrendered license and disbarred: Violation of Rules 4-1.8(a) and 4-1.15(c). Date of Order: November 2, 2012.

YOUNG, MARY ELLEN TRIMIAR, Lee's Summit, MO, Missouri Bar #36717

Probation revoked. Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-1.3, 4-1.4, and 4-8.4(d). Date of Order: May 29, 2012.

II.

**THE FOLLOWING DISCIPLINARY ACTIONS WERE PENDING
BEFORE THE COURT AT THE CLOSE OF 2012 BASED ON PROCEEDINGS
PROSECUTED BY THE OFFICE OF
CHIEF DISCIPLINARY COUNSEL**

CARLSON, FRANK KIMBERLY, Union, MO, Missouri Bar #27840

(Public Reprimand: Violation of Rules 4-1.16(c) and 4-8.4(d). Date of Order: June 11, 2013.)

DADE, ROGER JOHN, Kansas City, MO, Missouri Bar #54795

Pending.

DEGROOT, THOMAS JAMES, St. Louis, MO, Missouri Bar #30291

(Respondent's motion to close file sustained. File ordered closed. Date of Order: March 22, 2013.)

DOTSON, CELESTINE, St. Louis, MO, Missouri Bar #50633

(Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(c), 4-1.15(f), 4-1.15(i), 4-1.5(a), 4-8.4(c), and 4-8.4(d). Date of Order: January 29, 2013.)

**GOLDBLATT, L. STEVEN, Morgan Hill, CA, (now Gilroy, CA),
Missouri Bar #27642**

(Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of one year: Violation of Rules 4-1.15(c) and 4-1.15(d). Date of Order: January 2, 2013.)

GRIESEDECK III, EDWARD JOSEPH, St. Louis, MO, Missouri Bar #33483

(Suspended from the practice of law and no application for reinstatement shall be entertained by the Court prior to July 3, 2014: Rule 5.21(Criminal Conviction); Date of Order: January 29, 2013.)

HESS, LAWRENCE JOSEPH, St. Louis, MO, Missouri Bar #24789

Pending.

HESS, LUIS FERNANDO, The Woodlands, TX, Missouri Bar #62945

(Public Reprimand: Violation of Rules 4-1.15(c), 4-1.15(d), and 4-1.15(f). Date of Order: January 29, 2013.)

MILZARK JR., EUGENE RICHARD, St. Louis, MO, Missouri Bar #53840

(Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: March 19, 2013.)

MONROE, RICHARD ELMUS, Springfield, MO, Missouri Bar #27297

(Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of six months: Rule 5.20 (Reciprocal – United States Court of Appeals, Eighth Circuit); Violation of Rules 4-1.3, 4-3.2, and 4-8.4(d). Date of Order: January 29, 2013. Supreme Court No. SC92922)

(Suspension, suspension stayed: Violation of Rules 4-1.3, 4-1.4, and 4-8.1(c). Date of Order: January 29, 2013. Supreme Court No. SC93041)

III. REINSTATEMENT PROCEEDINGS

A. DISCIPLINARY MATTERS

At the beginning of the year, 8 Missouri lawyers who had previously been disciplined had applications for reinstatement pending for processing by the Chief Disciplinary Counsel. During the year, 11 additional applications for reinstatement were filed and referred to the Chief Disciplinary Counsel for processing. The OCDC processed a total of 19 disciplinary reinstatement applications during 2012.

The status of those 19 applications is as follows:

Reinstated	8
Denied	3
Dismissed	3
Pending with OCDC	5

Eight Disciplined Petitioners Were Reinstated By The Supreme Court

1. Patrick F. Andre, Manchester, MO, Missouri Bar #38680, reinstated on August 14, 2012. Petitioner was disbarred on May 2, 2006.
2. Amy Marie Christiansen (now Stokes-Christiansen), O'Fallon, MO, Missouri Bar #58660, reinstated on October 23, 2012, and placed on probation for a period of one year. Petitioner was suspended on October 25, 2011.
3. Erio M. Comici, Chesterfield, MO, Missouri Bar #24772, reinstated on March 6, 2012. Petitioner was disbarred on April 26, 1994.
4. Dan J. Kazanas, St. Louis, MO, Missouri Bar #31056, reinstated on August 14, 2012, and placed on probation for a period of two years. Petitioner was suspended on an interim basis on October 16, 2000. Petitioner was then disbarred on March 4, 2003.
5. Nathaniel M. Landman, St. Louis, MO, Missouri Bar #38514, reinstated on September 28, 2012, and placed on probation for a period of one year. Petitioner was suspended on July 1, 2003. Petitioner was then disbarred on April 26, 2005.
6. Sam Edward Poston, St. Louis, MO, Missouri Bar #40589, reinstated on May 29, 2012, and placed on probation for a period of two years. Petitioner was disbarred on September 25, 2006.

7. Byron G. Stewart, Kansas City, MO, Missouri Bar #30511, reinstated on May 4, 2012. Petitioner was suspended on July 14, 2011.
8. Josh P. Tolin, Ballwin, MO, Missouri Bar #35836, reinstated on November 20, 2012, and placed on probation for a period of two years. Petitioner was disbarred on April 11, 2006.

**Three Disciplined Petitioners Were Denied Reinstatement
By The Supreme Court**

1. Mark Belz, Missouri Bar #27420, denied reinstatement. Petitioner was suspended on July 15, 2008.
2. Charles Benjamin Kaiser, III, Missouri Bar #34406, denied reinstatement. Petitioner was suspended on November 23, 2004. Petitioner's suspension was extended on August 21, 2007.
3. Seth D. Shumaker, Missouri Bar #36654, denied reinstatement. Petitioner was suspended on January 25, 2011.

Three Petitions Were Dismissed By The Supreme Court in 2012

1. Lance M. Haley, Missouri Bar #37896, Petitioner filed voluntary withdrawal of application for reinstatement on June 15, 2012. Petitioner was suspended on January 30, 2007.
2. Stanley Loris Wiles, Missouri Bar #21807, cause dismissed on April 3, 2012. Petitioner was suspended on September 20, 2005.
3. Stanley Loris Wiles, Missouri Bar #21807, cause dismissed on October 30, 2012. Petitioner was suspended on September 20, 2005.

B. OTHER REINSTATEMENTS

Tax

Lawyers may be suspended for state tax issues under Rule 5.245. During 2012, the OCDC investigated and processed 10 tax suspension applications for reinstatement. Seven were reinstated. One application was denied, and two applications remained pending at the end of 2012.

Fee

Lawyers may be suspended under Rule 6.01(f) upon non-payment of annual enrollment fees. If their non-payment exceeds three years, they must apply for reinstatement under Rule 5.28. In 2012, the OCDC investigated and processed nine applications for reinstatement by those lawyers. Four were reinstated. One application was denied, one application was dismissed, and three applications remained pending at the end of 2012.

Returns to Active Status

Lawyers may elect to become inactive under Rule 6.03. Per Rule 6.06, the OCDC investigated and processed 61 inactive lawyers' applications for reinstatement. Fifty were returned to active status. Two applications were dismissed, and nine applications remained pending at the end of 2012.

MCLE

Lawyers may be suspended for non-compliance with Mandatory Continuing Legal Education requirements under Rule 15.06(f). During 2012, the OCDC investigated and processed three MCLE suspension applications for reinstatement. Two were reinstated. One application remained pending at the end of 2012.

IV. COMPLAINTS RECEIVED AND ACTED UPON IN 2012

2,039 complaints of attorney misconduct were received in 2012.

During 2012, the following actions were taken on complaints received:

- 865** Formal Investigations opened
 - 475** Cases investigated by Regional Disciplinary Committees
 - 390** Cases investigated by OCDC

- 48** Cases placed in the OCDC's Informal Resolution Program
[*See Paragraph A (below)]

- 968** Investigations not opened (*In certain instances, OCDC does not open an investigation until after related litigation is completed.*) Approximately 94 complaints were provided a further review and response by senior OCDC staff, following complainants' requests. Some of those reviews led to an investigation being opened.

- 125** Insufficient information to proceed

- 96** Referred to Fee Dispute Committees

- 24** Referred to Complaint Resolution Committee (**See Missouri Bar Complaint Resolution Activity Report attached.*)

- 27** Placed in "Inquiry" status (*These cases were not opened but were monitored to determine whether an investigation should be opened in the future.*)

A. Informal Resolution Program

In this program, intake counsel assigns appropriate cases to a paralegal to contact the complainant, the respondent, or both, to assist in resolving the complaint rather than proceeding with a formal investigation. The program is used most often in response to complaints that the client has not had adequate communication from the lawyer or where the client has been unable to obtain file documents. It may also be used in a case where the complainant has trouble articulating the nature of the complaint, or seems confused about the lawyer's responsibilities or the legal process. The program has been successful in reducing complaint processing time while preserving the attorney/client relationship. Most cases in the program were resolved without opening an investigation.

B. Advisory Committee Review

Rule 5.12 permits complainants to seek review by the Advisory Committee in cases in which the OCDC or a Regional Disciplinary Committee investigates and finds no probable cause that a violation occurred. In 2012, 76 complainants requested review. The Advisory Committee upheld the findings on 32 of these files. The Committee assigned 18 of the review files for further investigation. Twenty-six of these review files were pending with the Committee at the end of the year.

C. Fee Disputes

The Missouri Bar and Kansas City Metropolitan Bar Association continued to provide fee dispute resolution programs. These programs are valuable to lawyers and legal consumers by providing a forum for fee-related complaints to be addressed through a non-disciplinary structure. During the year, 96 complainants were referred to Fee Dispute Committees.

V. DISCIPLINE ACTION INITIATED

A. Admonitions

The OCDC administered 65 written admonitions and the Regional Disciplinary Committees administered 39 written admonitions to Missouri lawyers. (Total: 104 admonitions). In addition, 179 cautionary letters were sent to lawyers by OCDC and the Regional Committees. Cautionary letters are not disciplinary action, but are used to educate the attorney on ethical responsibilities or to alert the attorney that a particular course of conduct, if unchecked in the future, may cause additional complaints to be filed.

B. Investigation Summary

Region	Investigations Pending 1/1/12	Investigations Referred 2012	Investigations Disposed in 2012
IV	62	150	152
X	82	175	200
XI	40	78	86
XV	54	72	86
OCDC	176	390	382

Region	Admonitions Issued in 2012	Cautionary Letters Issued in 2012
IV	13	19
X	11	18
XI	5	9
XV	10	14
OCDC	65	119

C. Filed Hearing Matters

FILING INFORMATION

In 2012, the OCDC and the Regional Disciplinary Committees filed Informations (the formal charging document) on 69 files. “Files” indicate individual complaints against attorneys. An Information against one attorney may include charges involving multiple files.

Thirty Informations, representing 55 complaint files, were pending before the Advisory Committee and Disciplinary Hearing Panels at the beginning of 2012. Disciplinary Hearing Panels conducted 24 hearings involving 53 files. Default Informations were filed directly in the Supreme Court against 4 attorneys.

D. Cases filed at the Supreme Court

RULE 5.19

In 2012, thirteen disciplinary hearing panel decisions were approved by the Missouri Supreme Court, pursuant to Rule 5.19(c), without requirement of briefing and argument.

Informant’s briefs were filed pursuant to Rule 5.19(d), in the Supreme Court in five cases. Of those five cases, three were heard because the Respondent did not concur in a DHP’s recommended sanction; one was heard because the Informant did not concur in a DHP’s recommended sanction; and one was heard after the Court rejected a joint stipulation or statement of acceptance of the panel’s decision. In addition, Informant’s reply briefs were filed in three cases. Six disciplinary cases appeared on the Court’s oral argument calendar in 2012.

RULE 5.20

Four reciprocal discipline cases, based on adjudication of misconduct in other jurisdictions, were filed in 2012: *In re Franco*, SC92634; *In re Hess*, SC92923; *In re Monroe*, SC92922; and *In re Thompson*, SC92436.

RULE 5.21

In 2012, two Informations were filed under Rule 5.21(a) against attorneys who had pled guilty, had been found guilty, or pled nolo contendere to violations of criminal laws: *In re Griesedieck*, SC92505 and *In re Sigillito*, SC92719.

Also in 2012, Informations were filed under Rule 5.21(c) against five attorneys whose criminal cases were finally disposed: *In re Gartenberg*, SC92521; *In re Griesedieck*, SC92726; *In re Milzark*, SC93027; *In re Simon*, SC92279; and *In re Wilson*, SC92843.

RULE 5.24

Four Informations requesting interim suspension for substantial threat of irreparable harm were filed in 2012: *In re Evans*, SC92409; *In re Majors*, SC92546; *In re Orr*, SC92338; and *In re Robbins*, SC92915.

RULE 5.25

In 2012, four attorneys applied to surrender their licenses under Rule 5.25: *In re Feldman*, SC92479 (accepted May 29, 2012); *In re Hodge*, SC92884 (accepted November 20, 2012); *In re McGoogan*, SC92629 (accepted July 24, 2012); and *In re Wirken*, SC92856 (accepted November 2, 2012). The OCDC filed Reports and Recommendations in each of these cases.

VI. LAWYER MONITORING

OCDC staff monitor lawyers' practices in four circumstances, all intended to improve the lawyers' likelihood of maintaining a successful practice and protecting the public. In 2012, the office monitored 19 lawyers in the disciplinary diversion program established by Rule 5.105. The diversion program was created to help offenders who have engaged in relatively minor rule violations.

Thirty lawyers were monitored in 2012 while on probation under Rule 5.225, the rule permitting probation for suspended lawyers whose conduct did not warrant disbarment. Also, the office was asked by the Missouri Supreme Court and Missouri Board of Law Examiners in 2012 to monitor the practice of 9 newly admitted lawyers. Finally in 2012, the office monitored the practice of 9 lawyers who have been reinstated subject to an order of probation.

VII. UNAUTHORIZED PRACTICE OF LAW

The Office of Chief Disciplinary Counsel opened complaint files on approximately 14 individuals and organizations alleged to have engaged in the unlawful practice of law.

Some of these cases were referred to local prosecuting attorneys or to the Consumer Protection Division of the Missouri Attorney General's office. Others were resolved through communication with the company or individual.

Due to the workload and staff resources of OCDC, the office focused its efforts on conducting in-depth investigations in those cases where it appeared that widespread consumer fraud was occurring. Where appropriate, the office conducted investigations of complaints, and the office referred the materials to law enforcement for criminal prosecution as OCDC is only authorized to seek a civil injunction against a party for engaging in the unauthorized practice of law.

VIII. PRESENTATIONS BY OCDC STAFF

During 2012, OCDC staff gave 38 presentations at Continuing Legal Education (CLE) seminars. The OCDC staff gave presentations to the following organizations: American Red Cross; Kansas City Metropolitan Bar Association; Lincoln County Bar Association; Missouri Association of Criminal Defense Lawyers; Missouri Department of Labor and Industrial Relations – Workers' Compensation; Missouri Department of Revenue; Missouri Municipal and Associate Circuit Judges; Missouri Organization of Defense Lawyers; Missouri Paralegal Association; Newman, Comley & Ruth; Sandberg Phoenix; St. Louis County Bar Association; St. Louis University School of Law; United

States District Court – Eastern District; University of Missouri – Columbia, School of Law; University of Missouri – Kansas City, School of Law; and Washington University, School of Law. The OCDC staff also spoke at the Missouri Bar’s Solo and Small Firm Conference, several Missouri Bar telephone CLEs and webinars, and many other CLE presentations sponsored by the Missouri Bar and other organizations.

IX. SIGNIFICANT ACTIVITIES IN 2012

Disciplinary Case Processing

The Supreme Court has established timeline standards for the disposition of pending cases that seek to complete 75% of investigations within six months and 90% of investigations within one year. During 2012, the OCDC and the disciplinary system met these timeline standards during the first and second quarters and failed to meet the timeline standards during the third and fourth quarters.

Policy regarding Frequent Complaint Recipients

The OCDC devotes a significant amount of its resources to complaints against attorneys who are frequent complaint recipients (FCR attorneys). In an effort to address this issue, the OCDC adopted a policy intended to identify and meet with FCR attorneys in order to discuss and address law practice management issues and any other issues that affect the FCR attorney’s practice and contribute to client complaints. In addition, the FCR meetings are intended to inform the attorney regarding the disciplinary process and the system of progressive discipline adhered to by the Supreme Court and the OCDC. During 2012, the Chief Disciplinary Counsel continued to meet with FCR attorneys pursuant to this policy.

Law Practice Management Course

In 2007, with the support and approval of the Supreme Court, the OCDC began working with The Missouri Bar to develop a comprehensive program to address the issues raised by the lack of law practice management skills among a few members of the Bar whose clients have repeatedly complained against them. This cooperative effort resulted in the development of a practice management course staffed by a distinguished faculty of lawyers from around the state. In 2012, the course was offered through a series of webinars as well as a full-day in-person session in Columbia, Missouri. Forty (40) lawyers attended the course in 2012. Sarah Read, a law practice management consultant, has contacted those attorneys who attended the course in 2012 and has been conducting a series of interactive discussion groups with many of the attendees to track their progress in meeting their law practice management goals.

OCDC Physical Facility

In 2011, the Supreme Court approved a study to be performed by The Architects Alliance to determine whether the current OCDC facility is adequate to meet the disciplinary system's current and future needs. The Architects Alliance issued its report finding that the existing OCDC facility, while well-maintained, is operating at maximum capacity within existing building limitations. The report recommended that in order to increase efficiencies, meet future growth projections and move existing off-site storage to the OCDC, a building approximately 6,000 – 8,000 square feet larger than the present space would be necessary. During 2012, with the approval of the Supreme Court and the Advisory Committee, The Architects Alliance completed a Phase II Site Feasibility Study that analyzed and evaluated several available options, including expansion of the existing OCDC facility and the availability of improved and unimproved sites for the construction of a new facility. In addition, the OCDC has met with representatives of The Missouri Bar and the Trustees of The Missouri Bar to provide them with periodic updates regarding building activities. Efforts to address the OCDC's building needs have continued during 2013.

Regional Disciplinary Committee Training

The OCDC is an accredited MCLE provider. In 2012, we hosted a training session and MCLE presentation for the benefit of Special Representatives who serve the Regional Disciplinary Committees and who participate in the disciplinary system at the regional level throughout the state.

Staff Training

In 2012, the OCDC attorney staff participated in training by attending conferences offered by The Missouri Bar, the National Organization of Bar Counsel and the American Bar Association – Center for Professional Responsibility. Paralegals at the OCDC attended and presented training through the Missouri Paralegal Association and the Organization of Bar Investigators, an organization affiliated with the National Organization of Bar Counsel.

Public Access

On March 29, 2012, the Court adopted a new Rule 5.31 pertaining to public access to disciplinary records and proceedings. It became effective on July 1, 2012. Since the rule's adoption, the OCDC and the Legal Ethics Counsel have been working to assure that the public can access non-confidential disciplinary records.

Supreme Court Rule 4

On October 30, 2012, the Court adopted a new organizational system for the rules addressing the safekeeping property duties that apply when a lawyer holds funds belonging to clients and third parties. These duties are now broken down into four separate rules that take a more organized approach to setting forth these specific requirements, as well as addressing the responsibilities that arise with the era of increased electronic banking. The new rules became effective on July 1, 2013.

In 2010, the Supreme Court adopted an amendment to Rule 4-1.15 of the Rules of Professional Conduct that requires financial institutions holding lawyer trust accounts to notify the OCDC in cases where the trust account is overdrawn. In 2012, the OCDC received 168 overdraft notifications. Many of these involved negligent or careless management of trust accounts, which were often handled by education and follow-up monitoring without discipline. Some overdrafts were more serious, either by scope of the problem or by the intention of the attorney. Various levels of discipline were necessary in these matters in order to protect the public and the integrity of the profession.

Supreme Court Rule 5

On May 31, 2012, the Supreme Court adopted amendments to Rule 5.16, 5.19 and 5.225 expanding available sanction options to dispose of disciplinary cases. The amended rules allow for “reprimands with requirements” and for probation in settings other than stayed suspensions. The rules also establish a mechanism for enforcing probation conditions and reprimand requirements. The amended rules became effective on January 1, 2013.

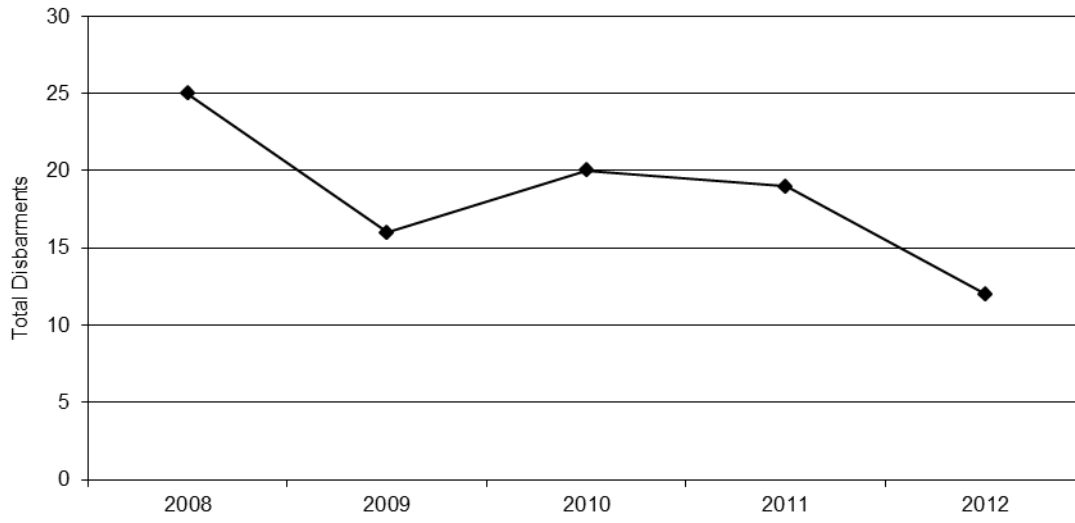
SUMMARY OF DISCIPLINE ACTIONS

During 2012:

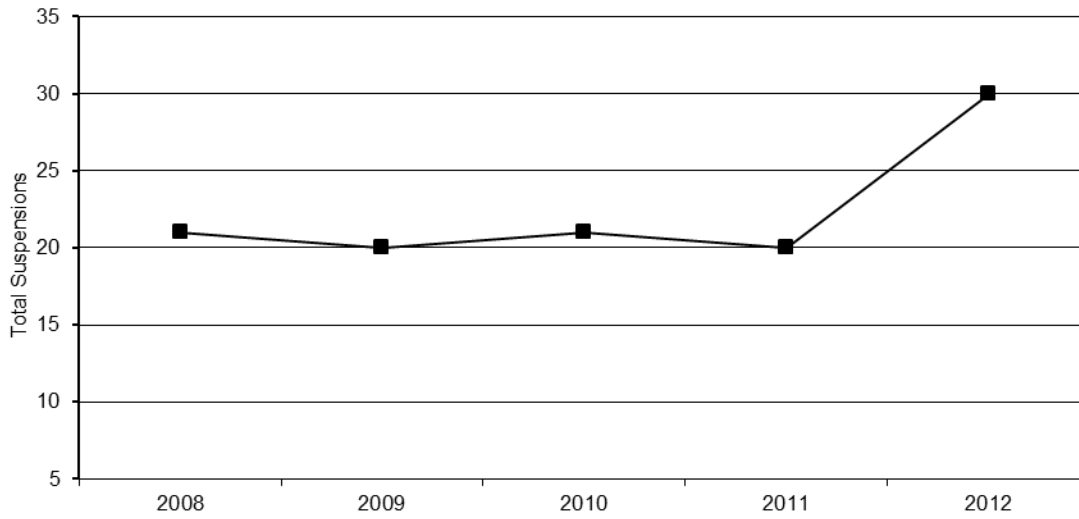
- **12** Twelve lawyers were disbarred;
- **30** Thirty lawyers were suspended; **thirteen** of those suspensions were stayed and attorneys placed on probation with conditions; additionally, the Court lifted the stay on **three** lawyers' earlier suspensions, revoking their probation;
- **16** Sixteen lawyers were suspended pursuant to Rule 5.245 (Failure to Pay Tax);
- **3** Three lawyers received public reprimands;
- **104** One hundred four written admonitions were administered by the Regional Disciplinary Committees and the OCDC; and
- **1** One additional matter was dismissed by the Court.

On occasion, other pending complaints against a lawyer are dismissed upon that lawyer's disbarment or suspension.

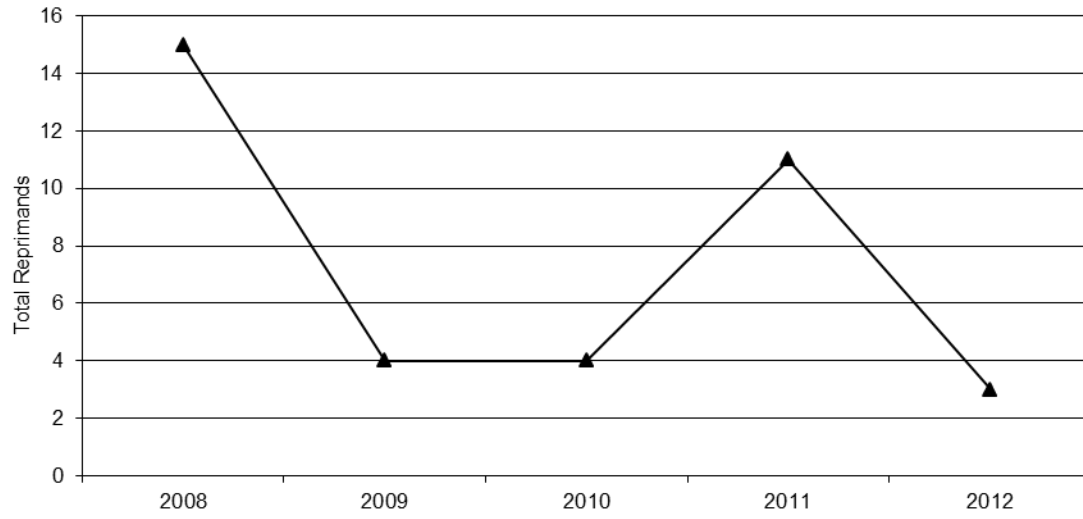
Disbarments



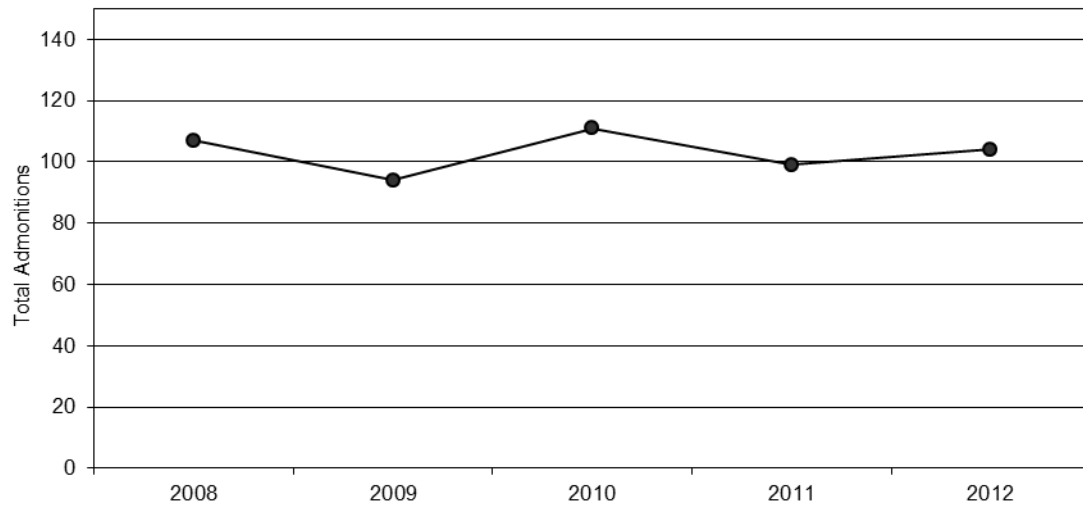
Suspensions



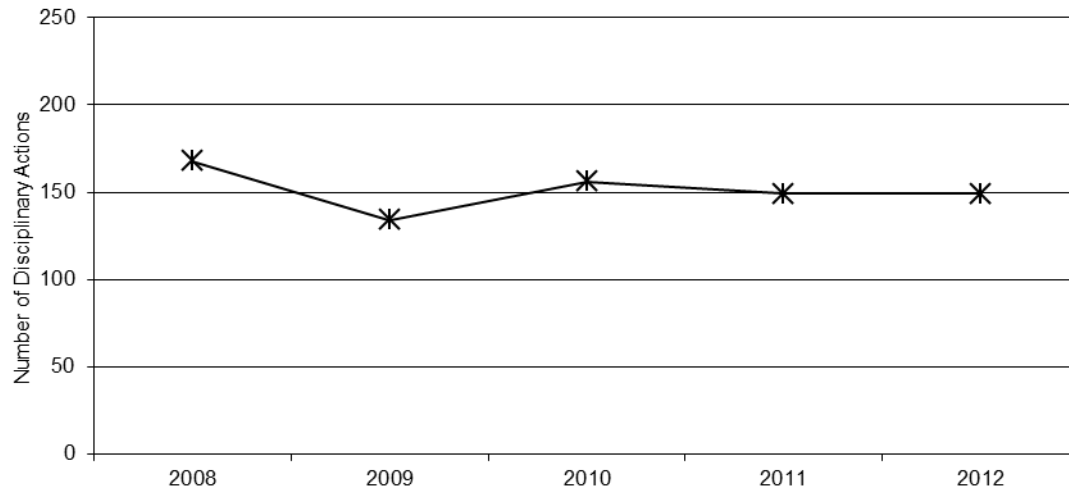
Reprimands



Admonitions



Total Disciplinary Actions



In 2012, there were a total of (149) disciplinary actions including admonitions and formal discipline matters.

The total number of complaints opened as formal investigations during 2012 was 865. The most common complaint areas are as follows:

NATURE OF VIOLATIONS *	NO.
Rule 4-1.4 (Communication)	386
Rule 4-1.3 (Diligence)	334
Rule 4-1.15 (Safekeeping Property)	217
Rule 4-1.5 (Excessive Fees)	115
Rule 4-8.4(c) (Dishonesty, Fraud, Deceit, Misrepresentation)	83
Rule 4-1.16 (Improper Withdrawal)	73
Rule 4-1.7 (Conflicts)	67
Rule 4-5.5 (Unauthorized Practice)	35
Rule 4-7.2 (Advertising)	33
Rule 4-1.1 (Competence)	23
Rule 4-3.3 (Truth to Tribunal)	21
Rule 4-4.1 (Truth to 3 rd Persons)	21
Rule 4-1.6 (Confidentiality)	18
Rule 4-5.3(b) (Supervisory Responsibility)	7
Rule 4-8.4(b) (Criminal Activity)	7
Rule 4-3.4 (Obstruction/False Evidence)	4
Rule 4-3.5(b) (Ex Parte Contacts)	4
Rule 4-3.8 (Prosecutorial Responsibility)	2

* Many complaints included more than one allegation.

The most prevalent practice areas which resulted in investigations are as follows:

AREA OF PRACTICE *	NO.
Domestic	173
Criminal	106
Torts	102
Other	74
Estate/Probate	44
Bankruptcy/Receivership	37
Administrative/Governmental	21
Collections	18
Real Property	18
Workers Compensation	18
Traffic	17
Litigation	15
Contracts	14
Immigration/Naturalization	13
Corporate/Banking	11
Labor Law	11
Civil Rights	3
Landlord/Tenant	2
Patent/Trademark	2
Insurance	1

* Investigations involving trust account overdraft notifications made to the OCDC are not included in this tabulation.

Dated at the Office of Chief Disciplinary Counsel at Jefferson City, Missouri this 19th day of August, 2013.

Respectfully Submitted,

ALAN D. PRATZEL
Chief Disciplinary Counsel

LEGAL ETHICS COUNSEL ANNUAL REPORT FOR 2012

I. LEGAL ETHICS COUNSEL ROLE

A. Informal Advisory Opinions

Pursuant to Rule 5.30(c), the Legal Ethics Counsel issues nonbinding informal advisory opinions.

The Legal Ethics Counsel office provided 1,787 oral informal advisory opinions, almost exclusively via telephone. Many of these opinions involved multiple questions. Opinions given in conjunction with informal contact at bar meetings and CLE programs are generally not included in this count.

The Legal Ethics Counsel also provided 66 written informal advisory opinions.

B. CLE Presentations

The Legal Ethics Counsel prepared and gave 19 CLE presentations for various groups, including: The Missouri Bar, University of Missouri at Kansas City Law School, Kansas City National Employment Lawyers Associations, Missouri Office of Prosecution Services, Greater Kansas City Hispanic Bar Association, Clay County Bar Association, and Christian County Bar Association.

II. COUNSEL TO ADVISORY COMMITTEE ROLE:

Rule 5.07(b) provides that the Legal Ethics Counsel shall serve as staff to the Advisory Committee.

A. Review Summaries

Pursuant to Rule 5.12, the Advisory Committee reviews investigation files if the OCDC or a Regional Disciplinary Committee finds no probable cause and the complainant requests review. The Legal Ethics Counsel office summarized and distributed 70 review files.

B. Hearings

The Legal Ethics Counsel office provided assistance with arrangements for hearings, as requested, to Disciplinary Hearing Officers.

The Legal Ethics Counsel administered the hearing process to assist the Chair of the Advisory Committee. The Legal Ethics Counsel proposes a hearing panel, provides the file to the hearing panel once the panel has been approved by the Chair, monitors the progress of the hearing, and assists the hearing officers with issues that arise during the course of the process. 46 Informations were filed in 2012.

Rule 5.16 provides, in part:

(e) The written decision of the disciplinary hearing panel shall be filed with the chair of the advisory committee. The chair shall review the panel's decision for the limited purpose of determining that the recommendation for discipline, if any, conforms to this Rule 5 and the sanctions established by the Court. If the chair of the advisory committee determines that the panel's recommendation does not conform, the chair shall direct the disciplinary hearing panel to reconsider its recommendation for discipline. After reconsideration, the panel shall file the revised written decision with the chair of the advisory committee.

(f) The chair of the advisory committee shall serve the written decision of the disciplinary hearing panel by first class United States mail, postage prepaid, on the respondent, the counsel for the informant, and the chief disciplinary counsel.

The Legal Ethics Counsel performs the majority of these duties on behalf of, and in consultation with, the Chair.

C. Budget

The Legal Ethics Counsel prepared a proposed budget for the Advisory Committee and LEC for 2013.

D. Meetings

The Legal Ethics Counsel office coordinated arrangements for four regular Advisory Committee meetings, and one budget conference call meeting. The Legal Ethics Counsel office also prepares agendas and meeting materials, as well as records and prepares the minutes for these meetings.

E. Formal Opinions

The Legal Ethics Counsel provides assistance in relation to reviewing requests for formal opinions and possible appropriate topics for formal opinions.

F. Overdraft Reporting/Financial Institution Approval

Beginning January 1, 2010, Missouri attorneys were required to have their trust accounts at financial institutions “approved” by the Advisory Committee. In order to be approved, the financial institution must enter into an agreement to report insufficient funds situations that arise on attorneys’ trust accounts to the Office of Chief Disciplinary Counsel. The Legal Ethics Counsel handles issues related to bank name changes, mergers, etc., as they relate to approved status. The Legal Ethics Counsel maintains a list of approved banks on the office website.

G. Other matters

The Legal Ethics Counsel maintained a website for the Advisory Committee and Legal Ethics Counsel, www.mo-legal-ethics.org. The website includes a list of pending disciplinary matters, information on public access to disciplinary records pursuant to Rule 5.31, articles and CLE materials on legal ethics issues prepared by the Legal Ethics Counsel, and links to various resources.