

In the

SUPREME COURT OF MISSOURI

En Banc

May Session, 2014

**Report of the Office of the Chief Disciplinary Counsel for the year
2013 together with the Financial Report of the Treasurer of the
Advisory Committee Fund for 2013**

**ALAN D. PRATZEL
Chief Disciplinary Counsel**

IN THE
SUPREME COURT OF MISSOURI

EN BANC

MAY SESSION, 2014

REPORT OF THE OFFICE OF CHIEF DISCIPLINARY COUNSEL FOR THE YEAR
2013 TOGETHER WITH THE FINANCIAL REPORT OF THE TREASURER OF THE
ADVISORY COMMITTEE FUND FOR 2013

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 2013 or pending on December 31,
2013.

I.

**THE FOLLOWING DISCIPLINARY ACTIONS WERE TAKEN BY
THE COURT DURING 2013 BASED ON PROCEEDINGS
PROSECUTED BY THE OFFICE OF
CHIEF DISCIPLINARY COUNSEL¹**

ABRAMS, RICHARD ARTHUR, St. Louis, MO, Missouri Bar #26128

Public Reprimand with Requirements: Violation of Rules 4-1.3, 4-8.4(c), and 4-8.4(d). Date of Order: June 25, 2013.

ALBERT, MARY M., Brighton, IL, (now Godfrey, IL), Missouri Bar #31767

Public Reprimand with Requirements: Violation of Rules 4-1.8(e) and 4-3.1. Date of Order: October 29, 2013.

BLACKWELL, ROBERT MICHAEL, St. Louis, MO, Missouri Bar #39982

Interim suspension from the practice of law pursuant to provisions of Rule 5.23(b). Date of Order: August 2, 2013.

BRAUN, MARC W., St. Louis, MO, Missouri Bar #33511

Surrendered license and disbarred: Violation of Rule 4-8.4(c). Date of Order: June 24, 2013.

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.

CARSON, LYDIA MARIE, Kansas City, MO, Missouri Bar #30639

Public Reprimand: Violation of Rule 4-1.4(a). Date of Order: February 26, 2013.

CARTER, NICHOLAS B., St. Louis, MO, Missouri Bar #39624

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.15(c), 4-1.8(e), and 4-8.4(c). Date of Order: November 26, 2013.

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

CLAMPITT, JAMES ARTHUR, Mexico, MO, Missouri Bar #48548

Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a).
Date of Order: March 14, 2013. Supreme Court No. SC93167

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: May 17, 2013.
Supreme Court No. SC93351

COLLINS, GARY LEE, Springfield, MO, Missouri Bar #53392

Public Reprimand with Requirements: Violation of Rules 4-1.3, 4-1.15, 4-1.15(d),
4-3.2, and 4-8.1. Date of Order: September 18, 2013.

CONARD, FRANK ARTHUR, St. Peters, MO, Missouri Bar #27060

Suspension, suspension stayed, placed on probation for one year: Violation of
Rules 4-1.5, 4-1.7, 4-1.9, and 4-4.2. Date of Order: November 26, 2013.

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

Suspension, suspension stayed, placed on probation for two years: Violation of
Rules 4-5.5(a) and 4-8.4(d). Date of Order: October 1, 2013.

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

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

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

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: August 6, 2013.

GERISCHER, CARRIE ROSEANN, Rolla, MO, Missouri Bar #51993

Placed on probation for one year: Violation of Rules 4-1.15(c) and 4-1.15(d).
Date of Order: June 26, 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.

HARRINGTON, MEGAN LEIGH, Overland Park, KS, Missouri Bar #57254

Placed on probation for twenty months: Rule 5.20 (Reciprocal – Kansas); Violation of Rule 4-8.4(b). Date of Order: August 13, 2013.

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

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 4-3.1 and 4-8.4(d). Date of Order: September 12, 2013.

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.

JARMAN, LINDA FAYE, St. Louis, MO, Missouri Bar #39927

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 4-1.1, 4-1.3, 4-1.4, 4-1.5, and 4-1.16(d). Date of Order: December 19, 2013.

LAWRENCE, WILLIAM ERNEST, Ozark, MO, Missouri Bar #43707

Placed on probation for two years: Violation of Rules 4-1.4, 4-1.15(c), 4-1.15(i), and 4-8.1(c). Date of Order: March 19, 2013.

MATHERS, GEORGIA ANN, Jefferson City, MO, Missouri Bar #58025

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 4-1.15(c), 4-1.15(f), and 4-8.1(c). Date of Order: May 9, 2013.

MCDONNELL, MICHAEL J., St. Louis, MO, Missouri Bar #30271

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 4-1.15(c), 4-8.1(a), 4-8.4(c), and 4-8.4(d). Date of Order: March 19, 2013.

MCGEE, ROBERT DEAN, Springfield, MO, Missouri Bar #35049

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.9, 4-1.15(c), 4-1.15(d), 4-1.15(f), and 4-8.1(c). Date of Order: October 1, 2013.

MCMAHON, MICHELE GAIL, St. Louis, MO, Missouri Bar #49579

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, 4-8.4(a), 4-8.4(d), and 5.27. Date of Order: June 11, 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

MYLES, LUCILLE RIZETTA, Kansas City, MO, Missouri Bar #27587

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-8.1(c), and 4-8.4(d). Date of Order: June 20, 2013.

PARTEE, RONALD E., Kansas City, MO, Missouri Bar #23898

Surrendered license and disbarred: Violation of Rule 4-8.4(b). Date of Order: April 30, 2013.

PRUITT, TABITHA SUE, Ozark, MO, (now Nixa, MO), Missouri Bar #49271

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.2, 4-1.3, 4-1.4, 4-1.15(d), 4-1.15(e), and 4-8.4(a). Date of Order: April 30, 2013.

RATHMANN, DENNIS T., St. Louis, MO, Missouri Bar #23143

Public Reprimand: Violation of Rules 4-1.8(a)(2) and 4-1.8(a)(3). Date of Order: April 17, 2013.

RICE, MARK ALAN, Springfield, MO, Missouri Bar #33236

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: December 23, 2013.

RIEHN, JAMES MICHAEL, Cassville, MO, Missouri Bar #45328

Public Reprimand: Violation of Rules 4-1.5(c), 4-1.5(e), 4-1.7, and 4-1.9. Date of Order: December 24, 2013.

RIESENMY, DAVID JOSEPH, Joplin, MO, Missouri Bar #34921

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.15(c), 4-1.15(e), 4-8.1(c), and 4-8.4(a). Date of Order: October 29, 2013.

STEPHENSON, KEVIN KENT, Glenwood Springs, CO, Missouri Bar #52330

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: August 28, 2013.

STOFFREGEN, MICHAEL C., Springfield, MO, Missouri Bar #48034

Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a). Date of Order: July 16, 2013.

TATE JR., RUFUS JAMES, St. Louis, MO, Missouri Bar #46993

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.15(c), 4-1.15(f) (now Rule 4-1.15(c) as of July 1, 2013), and 4-8.4(d). Date of Order: December 24, 2013.

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

Placed on probation for two years: Violation of Rules 4-1.5(c), 4-1.5(e), 4-1.7, and 4-1.9. Date of Order: December 24, 2013.

WALSH, RYAN LEONARD, Cassville, MO, Missouri Bar #62680

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: July 17, 2013.

WEEKS III, PAUL BENTON, Richardson, TX, Missouri Bar #32637

Surrendered license and suspended from the practice of law, on an interim basis, pursuant to provisions of Rule 5.23(c). Date of Order: April 9, 2013.

WHITWORTH, DANIEL D., Joplin, MO, Missouri Bar #28775

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: October 18, 2013.

WILLIAMS, GREGORY DAVID, Sunrise Beach, MO, Missouri Bar #32272

Public Reprimand: Violation of Rule 4-1.8(a). Date of Order: October 1, 2013.

WILLIS, CHARLES R., St. Louis, MO, Missouri Bar #23073

Interim suspension from the practice of law pursuant to provisions of Rule 5.23(c). Date of Order: June 18, 2013.

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

Probation revoked. 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 Rule 4-8.4(b). Date of Order: December 24, 2013.

WITT, JEFFREY MICHAEL, St. Charles, MO, Missouri Bar #56579

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: December 2, 2013.

WITTNER, HOWARD ALLEN, St. Louis, MO, Missouri Bar #17408

Surrendered license and disbarred: Violation of Rule 4-8.4(b). Date of Order: October 1, 2013.

YORKE, JAY R., Dexter, MO, Missouri Bar #35023

Suspension, suspension stayed, placed on probation for three years: Violation of Rules 4-1.3, 4-1.4, 4-3.2, and 4-8.4(d). Date of Order: November 26, 2013.

II.

**THE FOLLOWING DISCIPLINARY ACTIONS WERE PENDING
BEFORE THE COURT AT THE CLOSE OF 2013 BASED ON PROCEEDINGS
PROSECUTED BY THE OFFICE OF
CHIEF DISCIPLINARY COUNSEL**

**BLUEBAUM, ANISSA FAYE WHITTLE, Ozark, MO, (now Republic, MO),
Missouri Bar #56779**

(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.16(d), 4-5.3(c), 4-7.3(a), 4-8.4(a), 4-8.4(c), and 4-8.4(d). Date of Order: March 25, 2014.)

COOK, ROBERT M., Phoenix, AZ, Missouri Bar #28557

(Disbarment: Rule 5.20 (Reciprocal – Arizona); Violation of Rules 4-1.1, 4-1.2, 4-1.3, 4-1.4, 4-1.5, 4-1.6, 4-1.7, 4-1.8, 4-1.16, 4-3.1, 4-3.2, 4-3.3, 4-8.1, and 4-8.4. Date of Order: February 7, 2014.)

JOHNSON JR., DARRYL BRENT, Springfield, MO, Missouri Bar #45260

(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 4-1.7 and 4-1.15(c). Date of Order: March 25, 2014.)

KIDWELL, PAUL ANDREW, Poplar Bluff, MO, Missouri Bar #38505

(Surrendered license and disbarred: Violation of Rules 4-1.3, 4-1.4, 4-1.16(d), 4-3.3, 4-3.4(c), 4-5.5, 4-8.4(a), 4-8.4(c), 4-8.4(d), 5.27, and 6.05. Date of Order: January 10, 2014.)

LACKS, DAVID B., Clayton, MO, Missouri Bar #19276

(Public Reprimand: Violation of Rules 4-1.7 and 4-8.4(d). Date of Order: February 4, 2014.)

MILLER, JEFFREY LEE, Louisiana, MO, Missouri Bar #56430

(Suspension, suspension stayed, placed on probation for eighteen months: Violation of Rules 4-1.15(c), 4-1.15(e), 4-1.15(i), and 4-5.3(b). Date of Order: May 27, 2014.)

NADENBUSH (N/K/A HADDIX), CARYN H., St. Louis, MO, Missouri Bar #57074
(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 4-3.5(b), 4-8.1(a), 4-8.4(c), and 4-8.4(d). Date of Order: February 4, 2014.)

SANDERS, WESLEY EUGENE, Nixa, MO, Missouri Bar #56466
(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-8.1(a) and 4-8.4(c). Date of Order: February 25, 2014.)

SAVORY, DOROTHY L., Kansas City, MO, Missouri Bar #57709
(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-3.3, 4-8.4(c), and 4-8.4(d). Date of Order: February 4, 2014.)

SAYLE, DANIEL LEE, Maryland Heights, MO, Missouri Bar #31997
(Pending.)

SMITH, HEATHER RENEE, Liberty, MO, Missouri Bar #51192
(Disbarment: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.5, 4-1.15, 4-1.16, and 4-1.16(d). Date of Order: April 29, 2014.)

STOFFREGEN, MICHAEL C., Springfield, MO, Missouri Bar #48034
(Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: February 4, 2014.)

YORK, TERESA LYNN, Blue Springs, MO, Missouri Bar #31150
(Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a). Date of Order: January 30, 2014.)

III. REINSTATEMENT PROCEEDINGS

A. DISCIPLINARY MATTERS

At the beginning of the year, 5 Missouri lawyers who had previously been disciplined had applications for reinstatement pending for processing by the Chief Disciplinary Counsel. One additional lawyer filed an application for reinstatement that the Supreme Court treated as a motion to set aside an interim order of suspension and an order of disbarment. During the year, 16 additional applications for reinstatement were filed and referred to the Chief Disciplinary Counsel for processing.

The OCDC processed a total of 22 disciplinary reinstatement applications during 2013. The status of those 22 applications is as follows:

Reinstated	8
Denied	3
Overruled	1
Pending with OCDC	10

Eight Petitioners Were Reinstated By The Supreme Court

1. John J. Allan, St. Louis, MO, Missouri Bar #24080, reinstated on October 1, 2013, and placed on probation for a period of two years. Petitioner was suspended on September 25, 2012.
2. Sharon M. Bante, De Soto, MO, Missouri Bar #36964, reinstated on December 24, 2013. Petitioner was suspended on January 27, 2004.
3. Richard Irwin Buchli, II, Kansas City, MO, Missouri Bar #30533, reinstated on April 30, 2013, and placed on probation for a period of three years.
4. Carleton Wayne Keith Davis, St. Louis, MO, Missouri Bar #44870, reinstated on October 1, 2013. Petitioner was disbarred on September 6, 2006.
5. David J. Fingerhut, St. Louis, MO, Missouri Bar #21567, reinstated on March 19, 2013, and placed on probation for a period of eighteen months. Petitioner was disbarred on May 1, 1990.
6. Sandra Moore-Dyson, St. Louis, MO, Missouri Bar #31709, reinstated on June 11, 2013, and placed on probation for a period of one year. Petitioner was suspended on August 21, 2001.

7. Shirley Joanne Rukcic, Fenton, MO, Missouri Bar #46920, reinstated on October 29, 2013, and placed on probation for a period of two years. Petitioner was disbarred on August 29, 2006.
8. Scott Gregory Taylor, Ozark, MO, Missouri Bar #42820, reinstated on February 26, 2013, and placed on probation for a period of three years. Petitioner was disbarred on January 12, 2004.

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

1. James Scott Pope, Missouri Bar #33228, denied reinstatement. Petitioner was disbarred on April 14, 2005.
2. Diana Louise Webb, Missouri Bar #38925, denied reinstatement. Petitioner was disbarred on July 15, 1997.
3. Derrick Reuben Williams, Sr., Missouri Bar #53416, denied reinstatement. Petitioner was suspended on January 4, 2008.

One Petition Was Overruled By The Supreme Court in 2013

1. Stanley Loris Wiles, Missouri Bar #21807, petition overruled on October 1, 2013. Petitioner was suspended on September 20, 2005.

B. OTHER REINSTATEMENTS

Tax

Lawyers may be suspended for state tax issues under Rule 5.245. During 2013, the OCDC investigated and processed 27 tax suspension applications for reinstatement. Twenty-four were reinstated. One application was denied, one application was dismissed, and one application remained pending at the end of 2013.

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 2013, the OCDC investigated and processed nine

applications for reinstatement by those lawyers. Six were reinstated. Three applications remained pending at the end of 2013.

Returns to Active Status

Lawyers may elect to become inactive under Rule 6.03. Per Rule 6.06, the OCDC investigated and processed 66 inactive lawyers' applications for reinstatement. Fifty-three were returned to active status. Three applications were dismissed, and ten applications remained pending at the end of 2013.

MCLE

Lawyers may be suspended for non-compliance with Mandatory Continuing Legal Education requirements under Rule 15.06(f). During 2013, the OCDC investigated and processed six MCLE suspension applications for reinstatement. Four were reinstated. Two applications remained pending at the end of 2013.

IV. COMPLAINTS RECEIVED AND ACTED UPON IN 2013

1,939 complaints of attorney misconduct were received in 2013.

During 2013, the following actions were taken on complaints received:

- 842 Formal Investigations opened
 - 468 Cases investigated by Regional Disciplinary Committees
 - 374 Cases investigated by OCDC

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

- 902 Investigations not opened (*In certain instances, OCDC does not open an investigation until after related litigation is completed.*) Approximately 130 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.

- 87 Insufficient information to proceed

- 55 Referred to Fee Dispute Committees

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

- 19 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 2013, 73 complainants requested review. The Advisory Committee upheld the findings on 37 of these files but issued cautionary letters to two lawyers. The Committee assigned 11 of the review files for further investigation. Twenty-three 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, 55 complainants were referred to Fee Dispute Committees.

V. DISCIPLINE ACTION INITIATED

A. Admonitions

The OCDC administered 58 written admonitions and the Regional Disciplinary Committees administered 46 written admonitions to Missouri lawyers. (Total: 104 admonitions). In addition, 181 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 1/1/13	Investigations Referred 2013	Investigations Disposed in 2013
IV	67	118	105
X	80	197	175
XI	32	84	84
XV	33	69	73
OCDC	175	374	387

Region	Admonitions Issued in 2013	Cautionary Letters Issued in 2013
IV	12	17
X	11	25
XI	13	7
XV	10	7
OCDC	58	125

C. Filed Hearing Matters

FILING INFORMATION

In 2013, the OCDC and the Regional Disciplinary Committees filed Informations (the formal charging document) on 99 files. “Files” indicate individual complaints against attorneys. An Information against one attorney may include charges involving multiple files.

Thirty-four Informations, representing 64 complaint files, were pending before the Advisory Committee and Disciplinary Hearing Panels at the beginning of 2013. Disciplinary Hearing Panels conducted 28 hearings involving 56 files. A Default Information was filed directly in the Supreme Court against one attorney.

D. Cases filed at the Supreme Court

RULE 5.19

In 2013, fourteen 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 11 cases. Of those 11 cases, three were heard because the Respondent did not concur in a DHP’s recommended sanction and eight were 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 2013.

RULE 5.20

Four reciprocal discipline cases, based on adjudication of misconduct in other jurisdictions, were filed in 2013: *In re Cook*, SC93888; *In re Harrington*, SC93427; *In re Hess*, SC92923; and *In re Nadenbush*, (n/k/a Haddix), SC93420.

RULE 5.21

In 2013, three 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 Clampitt*, SC93167; *In re Stoffregen*, SC93467; and *In re York*, SC93885.

In 2013, Informations were filed under Rule 5.21(c) against four attorneys whose criminal cases were finally disposed: *In re Clampitt*, SC93351; *In re Evans*, SC93580; *In re Stephenson*, SC93585; and *In re Stoffregen*, SC93879.

RULE 5.23

In 2013, Informations were filed under Rule 5.23(b) against two attorneys, based on the inability to competently represent the interest of clients by reason of physical or mental condition: *In re Blackwell*, SC93250 and *In re Willis*, SC93323.

RULE 5.24

Four Informations requesting interim suspension for substantial threat of irreparable harm were filed in 2013: *In re Rice*, SC93867; *In re Walsh*, SC93534; *In re Whitworth*, SC93712; and *In re Witt*, SC93806.

RULE 5.25

In 2013, five attorneys applied to surrender their licenses under Rule 5.25: *In re Braun*, SC93450 (accepted June 24, 2013); *In re Kidwell*, SC93815 (accepted January 10, 2014); *In re Partee*, SC93164 (accepted April 30, 2013); *In re Weeks*, SC93116 (accepted April 9, 2013); and *In re Wittner*, SC93558 (accepted October 1, 2013). 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 2013, the office monitored 18 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-four lawyers were monitored in 2013 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 2013 to monitor the practice of 22 newly admitted lawyers. Finally, in 2013, the office monitored the practice of 10 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 nine 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 2013, OCDC staff gave 33 presentations at Continuing Legal Education (CLE) seminars. The OCDC staff gave presentations to the following organizations: American Red Cross; Audrain County Bar Association; Evans Dixon; Library Association; Missouri Department of Labor and Industrial Relations – Workers' Compensation; Missouri Department of Revenue; Missouri Paralegal Association; Polsinelli; St. Louis County Bar Association; Supreme Court of Missouri; 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 2013

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 2013, the OCDC and the disciplinary system partially met these timeline standards during the first and fourth quarters and failed to meet the timeline standards during the second and third 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 2013, the Chief Disciplinary Counsel continued to meet with FCR attorneys pursuant to this policy.

Law Practice Management Course

For the past several years, with the support and approval of the Supreme Court, the OCDC has worked with The Missouri Bar to present 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 2013, the course was offered through a series of webinars as well as a full-day in-person session in Columbia, Missouri. Twenty-nine (29) lawyers attended the course in 2013. Sarah Read, a law practice management consultant, has contacted those attorneys who attended the course in 2013 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 2013, based on the Advisory Committee's recommendation, the Supreme Court approved the acquisition of an unimproved site adjacent to the existing OCDC facility for the construction of a new building to serve the future needs of the disciplinary system. The Court also approved the retention and renovation of the existing OCDC facility in order to serve as the future headquarters of the Advisory Committee and Office of Legal Ethics Counsel. Following a competitive bidding process, a contract was awarded in 2014 for the capital improvement project and construction has commenced.

Regional Disciplinary Committee Training

The OCDC is an accredited MCLE provider. In 2013, we hosted a training session and MCLE presentation for the benefit of lawyers and non-lawyers who serve on the Regional Disciplinary Committees and who participate in the disciplinary system at the regional level throughout the state.

Staff Training

In 2013, 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.

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. Additionally, the new rules include specified record keeping mandates. The new rules became effective on July 1, 2013. The OCDC and LEC offer many continuing education programs related to those new rules.

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 2013, the OCDC received 164 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 August 19, 2013, the Court amended Rule 5.09 to permit the OCDC to use subpoenas to assist other attorney disciplinary jurisdictions in the course of their investigations. That rule became effective January 1, 2014.

Supreme Court Rule 6

On November 8, 2013, the Court amended Rule 6.01 to increase the Bar Fee for lawyers and to assess a low income legal services fee. No increase was made to the Advisory Committee Fee, which supports the Advisory Committee, the OCDC and LEC. That rule became effective July 1, 2014.

On December 19, 2013, the Court amended Rules 6.01 and 6.03 to provide that lawyers exempt from enrollment fees should also be exempt from the fee imposed on those who take inactive status. In that same order, the Court amended Rule 6.06 to add a \$500 fee for lawyers who seek reinstatement after taking inactive status, but who have failed to pay the \$50 annual inactive status fee while inactive. That rule became effective July 1, 2014.

Supreme Court Rule 9

On October 23, 2013, the Court amended Rule 9.03 to require local counsel (designated associate) who appear with a Visiting (out-of-state) Attorney to (a) enter an appearance as an attorney of record, (b) sign all pleadings, briefs, and other filed or served documents, and (c) unless excused by the judge or presiding officer, be present at all hearings. That rule became effective October 23, 2013.

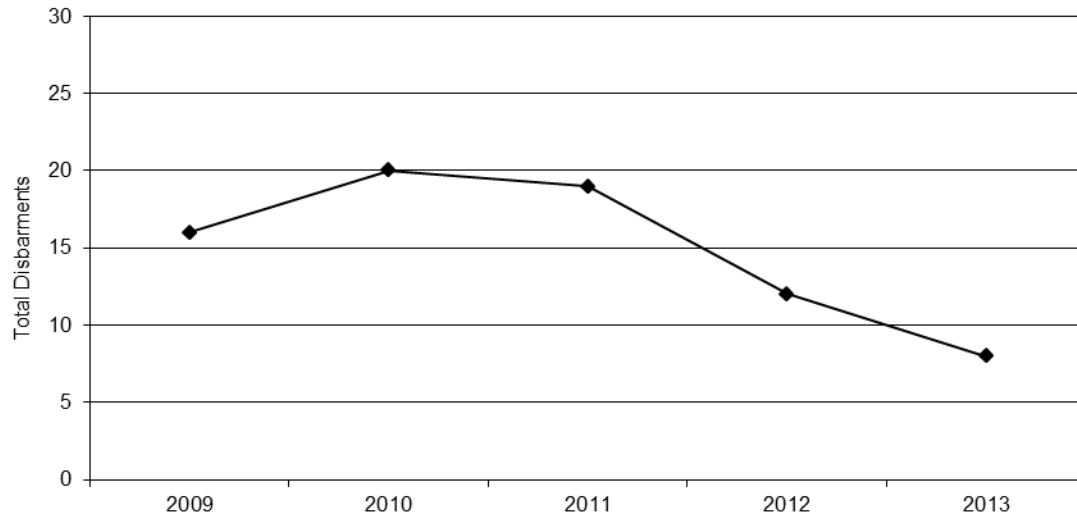
SUMMARY OF DISCIPLINE ACTIONS

During 2013:

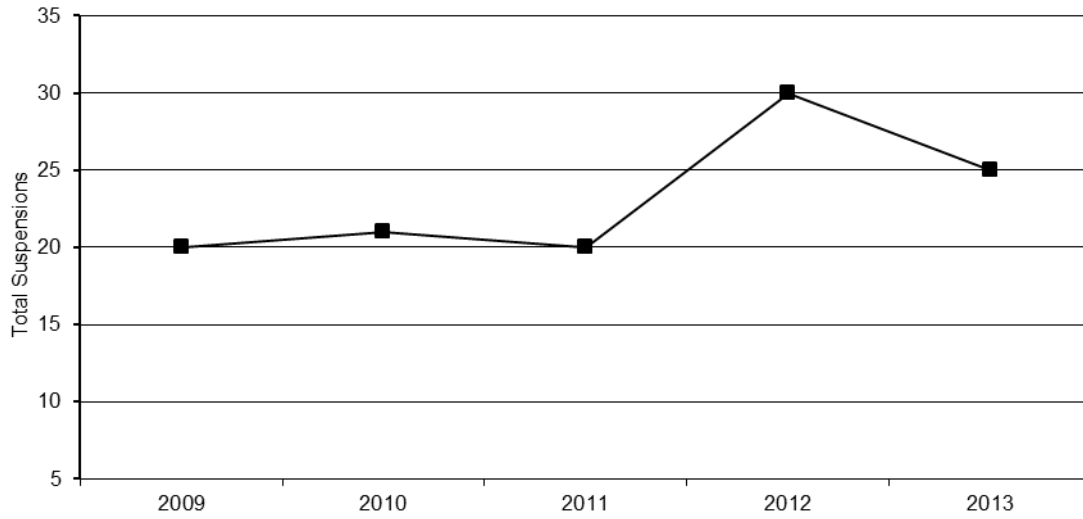
- **8** Eight lawyers were disbarred;
- **25** Twenty-five lawyers were suspended; **nine** of those suspensions were stayed and attorneys placed on probation with conditions; additionally, the Court lifted the stay on **two** lawyers' earlier suspensions, revoking their probation;
- **4** Four lawyers were placed on probation.
- **35** Thirty-five lawyers were suspended pursuant to Rule 5.245 (Failure to Pay Tax);
- **9** Nine lawyers received public reprimands; **three** of those reprimands were with requirements;
- **104** One hundred four written admonitions were administered by the Regional Disciplinary Committees and the OCDC; and

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

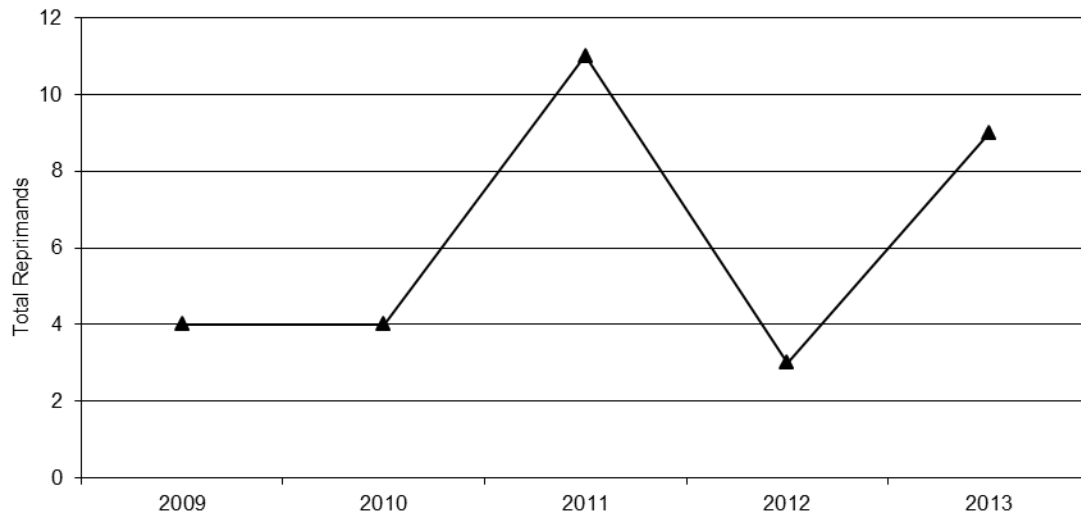
Disbarments



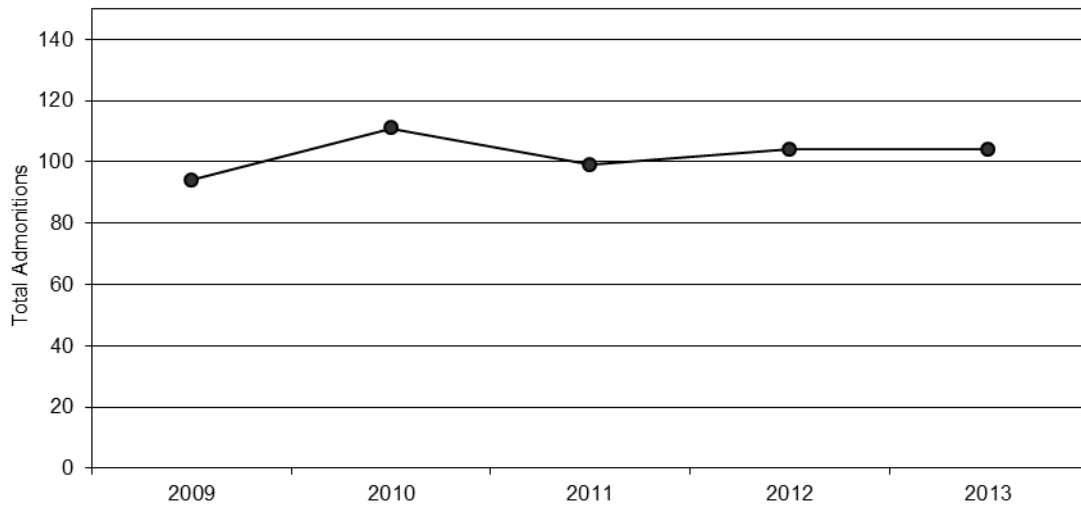
Suspensions



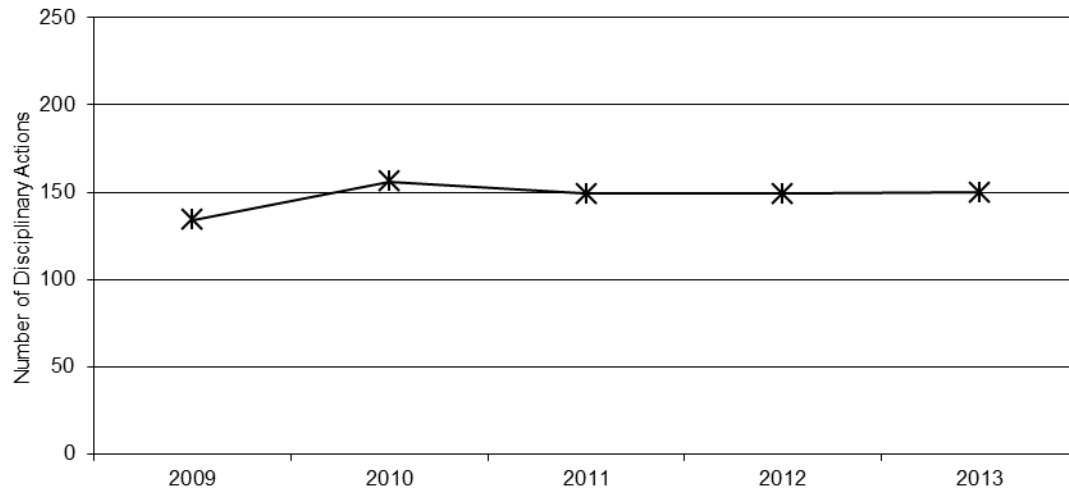
Reprimands



Admonitions



Total Disciplinary Actions



In 2013, there were a total of (150) disciplinary actions including admonitions and formal discipline matters.

The total number of complaints opened as formal investigations during 2013 was 842. The most common complaint areas are as follows:

NATURE OF VIOLATIONS *	NO.
Rule 4-1.4 (Communication)	375
Rule 4-1.3 (Diligence)	347
Rule 4-1.15 (Safekeeping Property)	235
Rule 4-1.5 (Excessive Fees)	95
Rule 4-8.4(c) (Dishonesty, Fraud, Deceit, Misrepresentation)	94
Rule 4-1.16 (Improper Withdrawal)	61
Rule 4-1.7 (Conflicts)	45
Rule 4-5.5 (Unauthorized Practice)	29
Rule 4-7.2 (Advertising)	27
Rule 4-1.6 (Confidentiality)	26
Rule 4-1.1 (Competence)	19
Rule 4-3.3 (Truth to Tribunal)	12
Rule 4-8.4(b) (Criminal Activity)	11
Rule 4-3.4 (Obstruction/False Evidence)	8
Rule 4-5.3(b) (Supervisory Responsibility)	7
Rule 4-3.8 (Prosecutorial Responsibility)	5
Rule 4-4.1 (Truth to 3 rd Persons)	5
Rule 4-3.5(b) (Ex Parte Contacts)	3
Rule 4-3.6 (Trial Publicity)	1

* Many complaints included more than one allegation.

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

AREA OF PRACTICE *	NO.
Domestic	175
Torts	92
Criminal	75
Bankruptcy/Receivership	52
Other	50
Estate/Probate	47
Traffic	31
Litigation	25
Contracts	24
Real Property	22
Workers Compensation	18
Administrative/Governmental	17
Labor Law	17
Landlord/Tenant	7
Collections	5
Corporate/Banking	5
Immigration/Naturalization	5
Insurance	3
Securities	3
Commercial Law	2
Patent/Trademark	2
Civil Rights	1
Consumer Law	1
Guardianship	1
Taxation	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 25th day of August, 2014.

Respectfully Submitted,

ALAN D. PRATZEL
Chief Disciplinary Counsel

LEGAL ETHICS COUNSEL ANNUAL REPORT FOR 2013

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 1,833 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 59 written informal advisory opinions.

B. CLE Presentations

The Legal Ethics Counsel prepared and gave 17 CLE presentations for various groups, including: The Missouri Bar, Office of State Court Administrator, Phelps County Bar Association, and Legal Service of Southern Missouri.

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 75 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. 37 Informations were filed in 2013.

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 2014.

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, a calendar of upcoming disciplinary hearings, 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. That website was revised by the Legal Ethics Counsel as to format in 2013 to provide greater organization and ease of use to users.

The Legal Ethics Counsel served on the program committee for the National Organization of Bar Counsel.

The Legal Ethics Counsel served on the Planning Committee for The Missouri Bar’s Solo & Small Firm Conference.