

**In the**

**SUPREME COURT OF MISSOURI**

**En Banc**

**May Session, 2015**

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**Report of the Office of the Chief Disciplinary Counsel for the year  
2014 together with the Financial Report of the Treasurer of the  
Advisory Committee Fund for 2014**

**ALAN D. PRATZEL  
Chief Disciplinary Counsel**

IN THE  
SUPREME COURT OF MISSOURI

EN BANC

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MAY SESSION, 2015

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REPORT OF THE OFFICE OF CHIEF DISCIPLINARY COUNSEL FOR THE YEAR  
2014 TOGETHER WITH THE FINANCIAL REPORT OF THE TREASURER OF THE  
ADVISORY COMMITTEE FUND FOR 2014

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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 2014 or pending on December 31,  
2014.

I.

**THE FOLLOWING DISCIPLINARY ACTIONS WERE TAKEN BY  
THE COURT DURING 2014 BASED ON PROCEEDINGS  
PROSECUTED BY THE OFFICE OF  
CHIEF DISCIPLINARY COUNSEL<sup>1</sup>**

**BARKER, BRENDON PATRICK, Olathe, KS, Missouri Bar #53335**

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 – Kansas); Violation of Rules 4-1.1, 4-1.3, 4-1.4, and 4-1.16(a)(2). Date of Order: November 25, 2014.

**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.

**BOSLEY, FREEMAN ROBERTSON, St. Louis, MO, Missouri Bar #29341**

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, 4-1.15(a), 4-1.15(b), 4-1.15(d), 4-1.15(f), and 4-8.4(c). Date of Order: September 30, 2014.

**CHAGANTI, NAREN, Town & Country, MO, Missouri Bar #53401**

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 4-4.2 and 4-8.4(d). Date of Order: October 28, 2014.

**CIPRIANO, ANTHONY W., St. Louis, MO, Missouri Bar #35147**

Surrendered license and disbarred: Violation of Rule 4-8.4. Date of Order: September 18, 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.

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

**DEVOTO, ROBERT LEO, St. Louis, MO, Missouri Bar #28229**

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.3, 4-1.5(c), 4-1.15(c), 4-1.15(d), 4-1.15(e), 4-1.15(i), 4-8.1(c), 4-8.1(e), and 4-8.4(c) . Date of Order: September 30, 2014.

**EARNSHAW-HOBBS, CATHERINE, Lee's Summit, MO, Missouri Bar #23452**

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, 4-1.15(d), 4-8.4(a), and 4-8.4(d). Date of Order: March 25, 2014.

**FLEMING, LAWRENCE JOSEPH, St. Louis, MO, Missouri Bar #19946**

Disbarment: Violation of Rules 4-1.1, 4-1.2(a), 4-1.3, 4-1.4(a), 4-1.5(a), 4-1.15(a), 4-1.15(c), 4-1.15(d), 4-1.16(d), 4-3.3(a), 4-8.1(a), and 4-8.4(c). Date of Order: October 28, 2014.

**FORCK, NATHAN JAMES, Jefferson City, MO, Missouri Bar #58206**

Remain on probation for two years: Violation of Rules 4-1.1 and 4-1.5. Date of Order: February 24, 2014. Supreme Court No. SC88961

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 4-1.2, 4-1.3, 4-1.4, 4-1.16, and 4-8.1(c). Date of Order: December 23, 2014. Supreme Court No. SC88961

**FRITZ, RICHARD REED, Kansas City, MO, Missouri Bar #53606**

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.15(e), 4-1.16, 4-8.1(c), and 4-8.4(d). Date of Order: March 25, 2014.

**GLADDERS, WARREN JAN, Wentzville, MO, Missouri Bar #27457**

Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a). Date of Order: August 22, 2014. Supreme Court No. SC94343

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: November 19, 2014. Supreme Court No. SC94563

**HAJEK, JAMES ALAN, St. Louis, MO, Missouri Bar #52364**

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(c), 4-1.15(d), and 4-8.1(c). Date of Order: October 28, 2014.

**JACKSON, PAUL RICK, Kirksville, MO, Missouri Bar #29735**

Default Disbarment: Violation of Rules 4-1.1, 4-1.3, 4-1.16(d), 4-8.1(c), and 4-8.4(d). Date of Order: January 8, 2014.

**JOHNS, JEFFREY MICHAEL, Olathe, KS, Missouri Bar #57009**

Suspension, suspension stayed, placed on probation for six months: Rule 5.20 (Reciprocal – Kansas and Illinois). Date of Order: April 29, 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.

**JOHNSON, LYNN PLAISANCE, Springfield, MO, Missouri Bar #44073**

Public Reprimand: Violation of Rule 4-8.1(c). Date of Order: September 30, 2014.

**KELLETT, TIMOTHY KEVIN, St. Louis, MO, Missouri Bar #26555**

Surrendered license and disbarred: Violation of Rules 4-1.1, 4-1.3, and 4-8.4(c). Date of Order: April 23, 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.

**KREMPASKY, LISA D., St. Louis, MO, Missouri Bar #39185**

Disbarment: Violation of Rules 4-1.1, 4-1.7, 4-1.8(a), 4-1.15, 4-1.16(d), 4-8.4(c), and 4-8.4(d). Date of Order: October 28, 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.

**LANDOLL, ERIC MITCHELL, Nevada, MO, Missouri Bar #42804**

Default Disbarment: Violation – in default pursuant to Rule 5.13. Date of Order: February 26, 2014.

Order of default disbarment issued on February 26, 2014, set aside. Respondent's motion to set aside order of default disbarment sustained. Respondent granted thirty days to file an answer with the Chair of the Advisory Committee. Date of Order: May 27, 2014.

**LEEDS, KENNETH A., St. Louis, MO, Missouri Bar #30885**

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.8(e), 4-1.15(c), and 4-1.15(d). Date of Order: September 30, 2014.

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

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.5, 4-1.8(a), 4-1.15, 4-1.16(d), 4-3.2, 4-3.3, 4-3.4(c), 4-5.5, 4-8.1(a), 4-8.1(c), 4-8.4(c), 4-8.4(d), and 5.27. Date of Order: February 25, 2014.

**MANDELBAUM, DAVID BEN, Leawood, KS, Missouri Bar #35420**

Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.8(e), 4-1.15(b), 4-1.15(c), and 4-1.15(d). Date of Order: October 28, 2014.

**MASK, TRAVIS JASON, West Plains, MO, Missouri Bar #44544**

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of two years: Rule 5.21 (Criminal Conviction). Date of Order: August 19, 2014.

**MASTERSON, JOSEPH P., Kansas City, MO, Missouri Bar #37632**

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of order: March 10, 2014. Supreme Court No. SC94043

Default Disbarment: Violation of Rules 4-1.15(a), 4-1.15(d), 4-8.1(a), 4-8.4(b), and 4-8.4(c). Date of Order: June 6, 2014. Supreme Court No. SC94236

**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.

**MINTZ, ROBERT ADAM, Overland Park, KS, Missouri Bar #41506**

Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of thirty-two months: Rule 5.20 (Reciprocal – Kansas); Violation of Rules 4-8.4(c) and 4-8.4(d). Date of Order: June 24, 2014.

**MURDICK, DAVID CALVIN, Blue Springs, MO, Missouri Bar #64049**

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: August 22, 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.

**NUMRICH, ROBERT PHILLIP, Kansas City, MO, Missouri Bar #23747**

Suspension, suspension stayed, placed on probation for three years: Violation of Rules 4-1.2(a), 4-1.3, 4-1.4, 4-3.2, 4-4.1, 4-8.4(c), and 4-8.4(d). Date of Order: September 9, 2014.

**ODO, LYLE LOUIS, Platte City, MO, Missouri Bar #24665**

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 4-1.7(a)(2), 4-1.8(a)(1), 4-1.8(a)(2), 4-1.8(a)(3), 4-1.8(e), 4-1.9(a), and 4-8.4(d). Date of Order: September 30, 2014.

**ORTMANN, PHILIP WADE, Salem, MO, Missouri Bar #48794**

Default Disbarment: Violation of Rules 4-1.2, 4-1.3, 4-1.4, 4-1.5, 4-1.7, 4-1.15, 4-1.16(d), 4-5.5, 4-8.1(a), 4-8.1(b), 4-8.4(c), 4-8.4(d), 5.27, and 6.05. Date of Order: June 20, 2014.

**PRUITT, TABITHA SUE, Nixa, MO, Missouri Bar #49271**

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. Date of Order: February 25, 2014.

**PURCELL, DAVID S., St. Louis, MO, Missouri Bar #24739**

Disbarment: Violation of Rules 4-1.1, 4-1.2(a), 4-1.3, 4-1.4(a), 4-1.5(a), 4-1.7, 4-1.8(f), 4-1.16(d), 4-3.4, 4-5.3(b), 4-8.4(c), and 4-8.4(d). Date of Order: October 14, 2014.

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

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. Date of Order: February 25, 2014. Supreme Court No. SC92960

Interim suspension from the practice of law pursuant to provisions of Rule 5.23(c). Date of Order: September 30, 2014. Supreme Court No. SC94399

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

Default Disbarment: Violation of Rules 4-1.4(a), 4-1.15(d), and 4-1.16(d). Date of Order: December 5, 2014.

**RIVES, WARREN STEVEN, Lake Ozark, MO, Missouri Bar #41425**

Surrendered license and disbarred: Violation of Rules 4-1.1, 4-1.7, 4-1.8(c), 4-1.15(d), 4-1.15(e), 4-1.15(f), 4-4.1(a), 4-5.3, and 4-8.4(c). Date of Order: May 28, 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, (now Raytown, 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**

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.6, 4-1.15(c), 4-1.15(d), 4-8.4(c), and 4-8.4(d). Date of Order: September 9, 2014.

**SCHOLZ III, RICHARD F., Quincy, IL, Missouri Bar #43722**

Placed on probation for eighteen months: Rule 5.20 (Reciprocal – Illinois); Violation of Rules 4-1.3, 4-1.4(a)(1), 4-8.1(c), and 4-8.4(d). Date of Order: September 30, 2014.

**SCHOUTEN, LORETTA LYNN, Columbia, MO, Missouri Bar #52290**

Default Disbarment: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.5, 4-1.16(d), and 4-8.4(c). Date of Order: September 23, 2014.

**SHELFHORSE IV, JOHN COLEMAN, St. Louis, MO, Missouri Bar #46744**

Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(a) and 4-8.1(c). Date of Order: September 9, 2014.



**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. Supreme Court No. SC93743

Petition for voluntary surrender of license denied on April 2, 2014. Supreme Court No. SC94047

**SOTIER, RAYMOND O., St. Louis, MO, Missouri Bar #15250**

Default Disbarment: Violation of Rules 4-1.1, 4-1.4(a)(2), 4-1.5(a), 4-1.5(b), 4-1.14(a), 4-1.15(c), 4-1.15(d), 4-1.15(i), 4-1.15(m), and 4-8.4(c). Date of Order: August 8, 2014.

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

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: February 4, 2014.

**SWIMMER, DAVID R., St. Louis, MO, Missouri Bar #22827**

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 4-1.4, 4-1.5, 4-1.15(c), 4-1.15(e), 4-1.16(d), 4-8.4(c), and 4-8.4(d). Date of Order: October 28, 2014.

**TRAPP, SAMUEL EDWARD, Jefferson City, MO, Missouri Bar #52617**

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 4-1.4, 4-1.15, 4-1.15(c), 4-1.15(j), 4-1.16(d), and 4-8.1. Date of Order: October 14, 2014.

**UNGER, JEFFREY LOUIS, Lee's Summit, MO, Missouri Bar #54129**

Default Disbarment: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.16(d), 4-8.1(b), 4-8.1(c), 4-8.4(c), and 4-8.4(d). Date of Order: June 10, 2014.

**WHITWORTH, DANIEL D., Joplin, MO, (now Marion, IL), Missouri Bar #28775**

Surrendered license and disbarred: Violation of Rules 4-8.4(b) and 4-8.4(c). Date of Order: August 26, 2014.

**WILSON, ALEXANDER M., Glen Carbon, IL, Missouri Bar #41865**

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), 4-8.4(c), and 4-8.4(d). Date of Order: June 19, 2014.

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

Default Disbarment: Violation of Rules 4-1.1, 4-1.2, 4-1.3, 4-1.4, 4-1.4(a), 4-1.5, 4-1.7(a), 4-1.15(a), 4-1.15(d), 4-1.15(i), 4-1.16(d), 4-3.3, 4-4.1, 4-5.3, 4-5.5, 4-8.1(a), and 4-8.4(c). Date of Order: June 6, 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. Supreme Court No. SC93885

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: September 4, 2014. Supreme Court No. SC94403

## II.

**THE FOLLOWING DISCIPLINARY ACTIONS WERE PENDING  
BEFORE THE COURT AT THE CLOSE OF 2014 BASED ON PROCEEDINGS  
PROSECUTED BY THE OFFICE OF  
CHIEF DISCIPLINARY COUNSEL**

**BERGMAN, ALLISON LAYTON, Kansas City, MO, Missouri Bar #45081**

(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.7, 4-1.8(j), 4-1.13(b), 4-1.13(d), and 4-8.4(c). Date of Order: May 26, 2015.)

**FARRIS, ERIC ALEXANDER, Branson, MO, Missouri Bar #42649**

(Pending.)

**HALE, ANDREW DEMING, St. Louis, MO, Missouri Bar #51072**

(Pending disciplinary case Dismissed on February 3, 2015.)

**HARDY, DAVID A., Overland Park, KS, Missouri Bar #61201**

(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). Date of Order: February 24, 2015.)

**HASTY JR., PAUL PAXTON, Overland Park, KS, Missouri Bar #34470**

(Suspended from the practice of law and no application for reinstatement shall be entertained by the Court for a period of three years: Rule 5.20 (Reciprocal – Kansas); Violation of Rules 4-1.3, 4-1.4(a), 4-1.4(b), 4-3.4(d), and 4-8.4(d). Date of Order: February 3, 2015.)

**IRVIN, JOHN R., Butler, MO, Missouri Bar #20319**

(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, 4-1.3, 4-1.4, 4-1.5(a), 4-1.7(a), 4-1.8(e), 4-1.15(a), 4-3.4(c), and 4-8.4(d). Date of Order: February 3, 2015.)

**KIRKSEY JR., CHARLES E., University City, MO, Missouri Bar #24792**

(Suspension, suspension stayed, placed on probation for one year: Violation of Rules 4-1.15(c), 4-1.15(e), 4-1.15(i), 4-8.1(c), and 4-8.4(c). Date of Order: February 3, 2015.)

**MCNABB, JAMES DEAN, Springfield, MO, Missouri Bar #28952**

(Suspension, suspension stayed, placed on probation for five years: Violation of Rules 4-1.3, 4-1.4, 4-1.15, and 4-8.1. Date of Order: February 3, 2015.)

(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. Date of Order: June 30, 2015.)

**MEYER, TREY THOMAS, Lawrence, KS, Missouri Bar #53434**

(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 – Kansas); Violation of Rules 4-1.2, 4-1.3, 4-1.4, 4-8.4(c), and 4-8.4(d). Date of Order: March 27, 2015.)

**RAINES, JOBY JASON, Marshall, MO, Missouri Bar #52909**

(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.4(a), 4-1.16(d), 4-8.1(c), and 4-8.4(b). Date of Order: February 3, 2015.)

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

(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 Rule 4-8.4(b). Date of Order: August 18, 2015.)

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

(Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: January 22, 2015.)

**TURNER, RICHARD FRANK E., Bethany, MO, Missouri Bar #49330**

(Interim suspension from the practice of law pursuant to provisions of Rule 5.21(a). Date of Order: January 15, 2015.)

### III. REINSTATEMENT PROCEEDINGS

#### A. DISCIPLINARY MATTERS

At the beginning of the year, 10 Missouri lawyers who had previously been disciplined had applications for reinstatement pending for processing by the Chief Disciplinary Counsel. During the year, 10 additional applications for reinstatement were filed and referred to the Chief Disciplinary Counsel for processing.

The OCDC processed a total of 20 disciplinary reinstatement applications during 2014. The status of those 20 applications is as follows:

Reinstated	<b>4</b>
Denied	<b>5</b>
Dismissed	<b>1</b>
Pending with OCDC	<b>10</b>

#### **Four Petitioners Were Reinstated By The Supreme Court**

1. Jonathan W. Belsky, St. Louis, MO, Missouri Bar #28050, reinstated on October 28, 2014, and placed on probation for a period of two years. Petitioner was disbarred on December 12, 2001.
2. Chauncey Mitchell Depew, Blue Springs, MO, Missouri Bar #42079, reinstated on February 4, 2014. Petitioner was suspended on December 3, 2010.
3. Stephen Alan Jenkins, Kansas City, MO, Missouri Bar #45455, reinstated on May 27, 2014, and placed on probation for a period of two years. Petitioner was suspended on September 16, 2011.
4. Michael Allen Millett, Overland Park, KS, Missouri Bar #50160, reinstated on April 29, 2014. Petitioner was suspended on June 6, 2011.

#### **Five Disciplined Petitioners Were Denied Reinstatement By The Supreme Court**

1. Mark Belz, Missouri Bar #27420, denied reinstatement. Petitioner was suspended on August 1, 2008.
2. Gerald Michael Dunne, Missouri Bar #29150, denied reinstatement. Petitioner was suspended on May 13, 2010.

3. James Scott Pope, Missouri Bar #33228, denied reinstatement. Petitioner was disbarred on April 14, 2005.
4. Seth D. Shumaker, Missouri Bar #36654, denied reinstatement. Petitioner was suspended on January 25, 2011.
5. Edward Francis Walsh, IV, Missouri Bar #45046, denied reinstatement. Petitioner was suspended on September 30, 2008.

### **One Petition Was Dismissed By The Supreme Court in 2014**

1. Thomas M. Utterback, Missouri Bar #23288, Petitioner filed motion for withdrawal of application for reinstatement on March 14, 2014. Petitioner was disbarred on June 30, 1998.

## **B. OTHER REINSTATEMENTS**

### **Tax**

Lawyers may be suspended for state tax issues under Rule 5.245. During 2014, the OCDC investigated and processed 26 tax suspension applications for reinstatement. Twenty-three were reinstated. Three applications remained pending at the end of 2014.

### **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 2014, the OCDC investigated and processed six applications for reinstatement by those lawyers. Four were reinstated. One application was denied. One application remained pending at the end of 2014.

### **Returns to Active Status**

Lawyers may elect to become inactive under Rule 6.03. Per Rule 6.06, the OCDC investigated and processed 73 inactive lawyers' applications for reinstatement. Sixty-six were returned to active status. One application was dismissed, and six applications remained pending at the end of 2014.

## **MCLE**

Lawyers may be suspended for non-compliance with Mandatory Continuing Legal Education requirements under Rule 15.06(f). During 2014, the OCDC investigated and processed seven MCLE suspension applications for reinstatement. Three were reinstated. One application was denied, and three applications remained pending at the end of 2014.

#### **IV. COMPLAINTS RECEIVED AND ACTED UPON IN 2014**

**1,917** complaints of attorney misconduct were received in 2014.

During 2014, the following actions were taken on complaints received:

- 852** Formal Investigations opened
  - 521** Cases investigated by Regional Disciplinary Committees
  - 331** Cases investigated by OCDC
  
- 42** Cases placed in the OCDC's Informal Resolution Program  
[\*See Paragraph A (below)]
  
- 940** Investigations not opened (*In certain instances, OCDC does not open an investigation until after related litigation is completed.*) Approximately 112 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.
  
- 65** Insufficient information to proceed
  
- 40** Referred to Fee Dispute Committees
  
- 14** Referred to Complaint Resolution Committee (*\*See Missouri Bar Complaint Resolution Activity Report attached.*)
  
- 18** 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 investigated and found insufficient probable cause to believe that an attorney was guilty of professional misconduct that would justify discipline. In 2014, 54 complainants requested review. The Advisory Committee upheld the findings on 30 of these files but issued a cautionary letter to one lawyer. The Committee assigned eight of the review files for further investigation. Fifteen 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, 40 complainants were referred to Fee Dispute Committees.

## **D. Overdraft Notification**

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 2014, the OCDC received 148 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.

## V. DISCIPLINE ACTION INITIATED

### A. Admonitions

The OCDC administered 55 written admonitions and the Regional Disciplinary Committees administered 38 written admonitions to Missouri lawyers. (Total: 93 admonitions). In addition, 183 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 1/1/14	Investigations Referred 2014	Investigations Disposed in 2014
IV	67	148	139
X	80	211	201
XI	32	67	78
XV	33	95	83
OCDC	175	331	356

Region	Admonitions Issued in 2014	Cautionary Letters Issued in 2014
IV	14	21
X	11	39
XI	4	12
XV	9	16
OCDC	55	95

## **C. Filed Hearing Matters**

### **FILING INFORMATION**

In 2014, the OCDC and the Regional Disciplinary Committees filed Informations (the formal charging document) on 55 files. “Files” indicate individual complaints against attorneys. An Information against one attorney may include charges involving multiple files.

Twenty-six Informations, representing 76 complaint files, were pending before the Advisory Committee and Disciplinary Hearing Panels at the beginning of 2014. Disciplinary Hearing Panels conducted 15 hearings involving 27 files. Eleven default Informations were filed directly in the Supreme Court.

## **D. Cases filed at the Supreme Court**

### **RULE 5.19**

In 2014, three 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 18 cases. Of those 18 cases, seven were heard because the Respondent did not concur in a DHP’s recommended sanction, two were heard because the Informant did not concur in a DHP’s recommended sanction, and nine were heard after the Court rejected a joint stipulation or statement of acceptance of the panel’s decision. In addition, an Informant’s reply brief was filed in one case. Twenty disciplinary cases appeared on the Court’s oral argument calendar in 2014.

### **RULE 5.20**

Seven reciprocal discipline cases, based on adjudication of misconduct in other jurisdictions, were filed in 2014: *In re Barker*, SC94401; *In re Hasty*, SC94591; *In re Johns*, SC94095; *In re Meyer*, SC94672; *In re Mintz*, SC94163; *In re Scholz*, SC94244; and *In re Wilson*, SC94071.

### **RULE 5.21**

Effective September 1, 2014, Rule 5.21 was amended. During 2014, two Informations were filed under Rule 5.21(a) against attorneys who had pled guilty or pled nolo contendere to violations of criminal laws: *In re Gladders*, SC94343 and *In re Turner*, SC94631.

Also in 2014, prior to the amendment, Informations were filed under Rule 5.21(c) against three attorneys whose criminal cases were finally disposed: *In re Mask*, SC94219; *In re Murdick*, SC94220; and *In re York*, SC94403.

Following the amendment, Informations were filed under new Rule 5.21(d) against attorneys whose criminal cases were finally disposed, and who had previously been suspended under Rule 5.21(a): *In re Gladders*, SC94563 and *In re Sigillito*, SC94557.

Finally, following the amendment, Informations were filed under Rule 5.21(e) against two attorneys whose criminal cases were finally disposed but who had not previously been suspended on an interim basis under Rule 5.21(a) or 5.21(b): *In re Hardy*, SC94682 and *In re Robbins*, SC94673.

### **RULE 5.23**

In 2014, an Information was filed under Rule 5.23(c) against one attorney, based on the attorney's contention that he was disabled from continuing to practice law by reason of mental infirmity: *In re Raines*, SC94399.

### **RULE 5.24**

Two Informations requesting interim suspension for substantial threat of irreparable harm were filed in 2014: *In re Hale*, SC94690 and *In re Masterson*, SC94043.

### **RULE 5.25**

In 2014, five attorneys applied to surrender their licenses under Rule 5.25: *In re Cipriano*, SC94360 (accepted September 18, 2014); *In re Kellett*, SC94111 (accepted April 23, 2014); *In re Rives*, SC94179 (accepted May 28, 2014); *In re Smith*, SC94047 (denied April 2, 2014); and *In re Whitworth*, SC94334 (accepted August 26, 2014). 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 2014, the office monitored 16 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.

Forty-nine lawyers were monitored in 2014 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 2014 to monitor the practice of 21 newly admitted lawyers. Finally, in 2014, the office monitored the practice of 17 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 17 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 2014, OCDC staff gave 19 presentations at Continuing Legal Education (CLE) seminars. The OCDC staff gave presentations to the following organizations: American Red Cross; Edward Jones; Evans & Dixon; Hannibal Bar Association; Jasper County Bar Association; Missouri Department of Labor and Industrial Relations – Workers' Compensation; Ross R. Robert's Trial Academy; Springfield Metropolitan Bar Association; St. Joseph Bar Association; St. Louis County Bar Association; 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 2014**

### **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 2014, the OCDC and the disciplinary system partially met these timeline standards during the first, second and third quarters and failed to meet the timeline standards during the fourth quarter.

### **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 2014, 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 2014, 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 2014. Sarah Read, a law practice management consultant, has contacted those attorneys who attended the course in 2014 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 and LEC Physical Facilities**

In 2013, 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 commenced. Construction on the new OCDC building was completed and the OCDC staff moved into its new facility on July 1, 2015. Renovation of the old OCDC building for use by the Advisory Committee and the Office of Legal Ethics Counsel is underway and expected to be completed in September 2015.

## **Regional Disciplinary Committee Training**

The OCDC is an accredited MCLE provider. In 2014, 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 2014, 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 5**

On July 9, 2014, the Court adopted amendments to Rule 5.21 - the rule establishing a discipline procedure when lawyers are found guilty or convicted of crimes. The amendments establish distinct procedures for situations where the OCDC seeks an interim suspension upon a guilty finding (and later seeks permanent discipline upon final disposition of the criminal case) and those situations where the OCDC does not seek interim suspension, and instead waits for a final disposition in the underlying criminal case before seeking discipline.

## SUMMARY OF DISCIPLINE ACTIONS

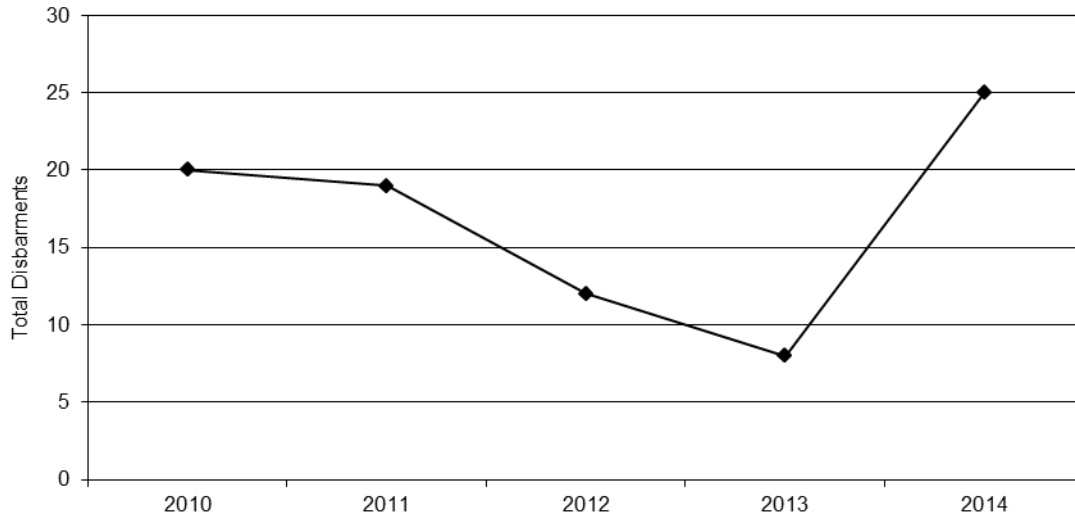
During 2014:

- **25** Twenty-five lawyers were disbarred;
- **30** Thirty lawyers were suspended; **twelve** 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;
- **1** One lawyer was placed on probation where no suspension was imposed;
- **36** Thirty-six lawyers were suspended pursuant to Rule 5.245 (Failure to Pay Tax);
- **2** Two lawyers received public reprimands; and
- **93** Ninety-three written admonitions were administered by the Regional Disciplinary Committees and the OCDC.

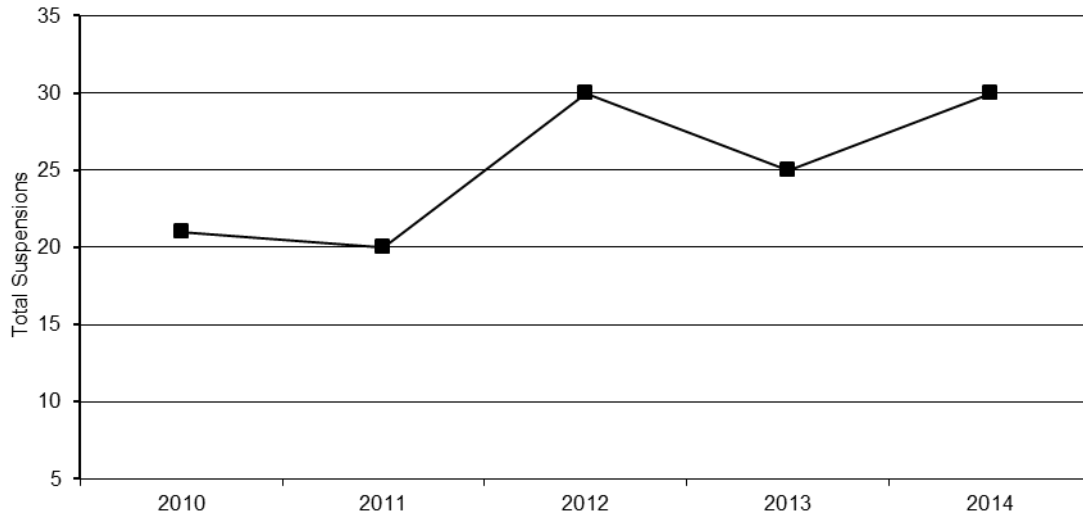
On occasion, other pending complaints against a lawyer are dismissed upon that lawyer's disbarment or suspension.



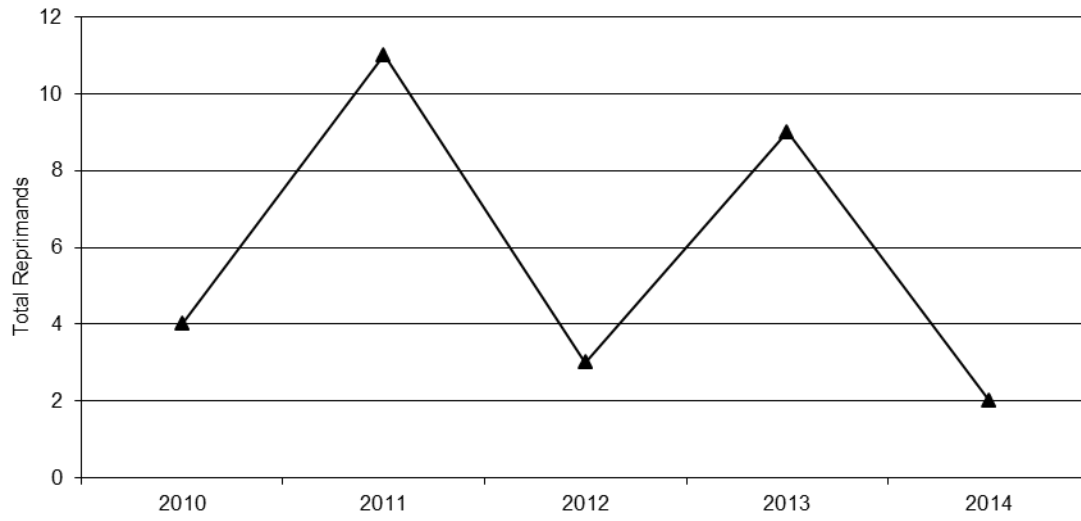
### Disbarments



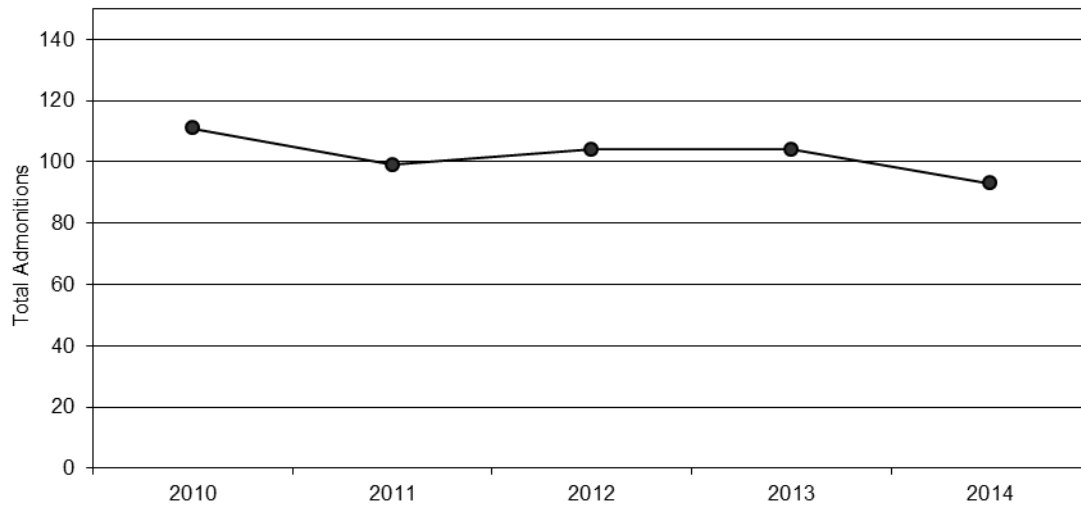
### Suspensions



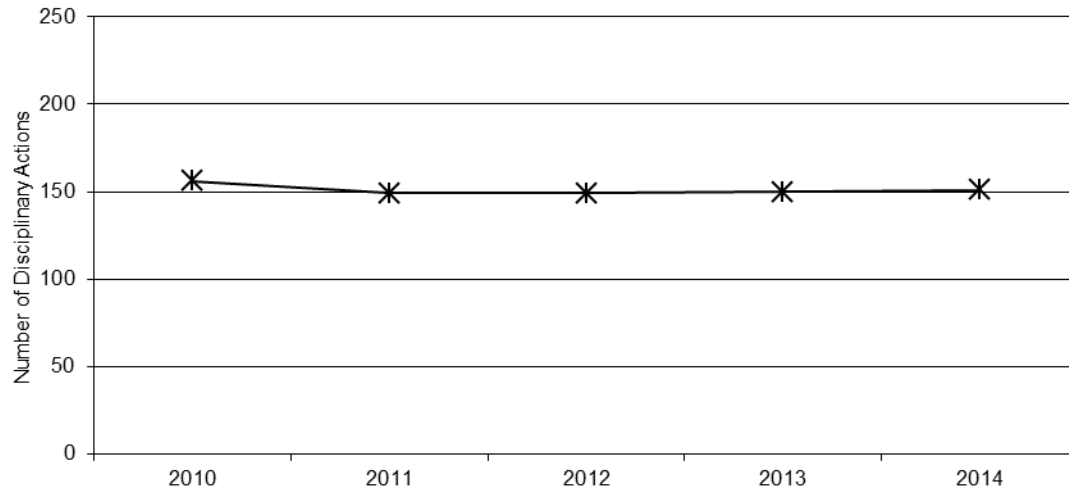
### Reprimands



### Admonitions



### Total Disciplinary Actions



*In 2014, there were a total of (151) disciplinary actions including admonitions and formal discipline matters.*

The total number of complaints opened as formal investigations during 2014 was 852. The most common complaint areas are as follows:

<b>NATURE OF VIOLATIONS *</b>	<b>NO.</b>
Rule 4-1.4 (Communication)	383
Rule 4-1.3 (Diligence)	333
Rule 4-1.15 (Safekeeping Property)	204
Rule 4-1.16 (Improper Withdrawal)	94
Rule 4-1.5 (Excessive Fees)	90
Rule 4-8.4(c) (Dishonesty, Fraud, Deceit, Misrepresentation)	84
Rule 4-1.7 (Conflicts)	53
Rule 4-5.5 (Unauthorized Practice)	36
Rule 4-3.3 (Truth to Tribunal)	24
Rule 4-1.6 (Confidentiality)	22
Rule 4-1.1 (Competence)	21
Rule 4-4.1 (Truth to 3 <sup>rd</sup> Persons)	21
Rule 4-7.2 (Advertising)	17
Rule 4-8.4(b) (Criminal Activity)	9
Rule 4-5.3(b) (Supervisory Responsibility)	7
Rule 4-3.5(b) (Ex Parte Contacts)	3
Rule 4-3.8 (Prosecutorial Responsibility)	3
Rule 4-3.4 (Obstruction/False Evidence)	2
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:

<b>AREA OF PRACTICE *</b>	<b>NO.</b>
Domestic	187
Criminal	110
Torts	66
Other	58
Estate/Probate	50
Bankruptcy/Receivership	46
Traffic	33
Labor Law	23
Workers Compensation	21
Real Property	20
Administrative/Governmental	17
Litigation	17
Contracts	13
Corporate/Banking	12
Landlord/Tenant	8
Collections	7
Immigration/Naturalization	4
Consumer Law	3
Commercial Law	2
Securities	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 27<sup>th</sup> day of August, 2015.

Respectfully Submitted,

ALAN D. PRATZEL  
Chief Disciplinary Counsel

## **LEGAL ETHICS COUNSEL ANNUAL REPORT FOR 2014**

### **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 1,780 oral informal advisory opinions 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 42 written informal advisory opinions.

#### **B. CLE Presentations**

The Legal Ethics Counsel prepared and gave 18 CLE presentations for various groups, including: The Missouri Bar, Missouri Attorney General's Office, and National Organization of Bar Counsel.

### **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 58 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. 24 Informations were filed in 2014.

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 2015.

### **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](http://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.

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.