

STATE OF KANSAS
OFFICE OF THE DISCIPLINARY ADMINISTRATOR



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BIO:

Kathleen J. Selzler Lippert, JD is a graduate of Drake Law School. She joined the Office of the Disciplinary Administrator (ODA) in December 2019 as a Deputy Disciplinary Administrator. She has practiced law for over two decades in public service. As a prosecutor for over a decade, her work involved general criminal cases, drug task force, and felony domestic violence including homicide cases. She practiced in administrative law and medical license regulation for over a decade by serving in a variety of roles for the Kansas State Board of Healing Arts. She is a wife, mother of three young men – two in college and one in high school – and serves on the local school board.

Julia A. Hart, J.D., is a Washburn University School of Law graduate. Julia is currently a Deputy Disciplinary Administrator, having joined the Disciplinary Administrator's Office in May 2021. Julia began her career in the office of the general counsel at the Kansas State Board of Healing Arts, where she assisted with licensure and disciplinary matters of healthcare professionals. Julia moved from Topeka in 2011 and then practiced as an Assistant District Attorney in Wichita. She prosecuted a wide array of criminal cases, including financial crimes and major felonies. Julia is married to Jason, who is also an attorney, and they have two sons.

Presentation Title:

Office of the Disciplinary Administrator: Seinfeld Ethics – Was That Wrong?
AKA: Absurd and Outrageous Lawyer Misconduct Cases, Lessons We Can All Learn

Summary/overview: No one graduates from law school, takes the bar, and gets a license to practice law just to decide they will become the poster child for absurd and outrageous misconduct. Airplane crash investigators study the crash site, review, and consider how the crash happened so others can learn and not make the same mistake. This CLE will review flagrant attorney misconduct to consider how it happened and consider how to avoid a crash.

Presentation Outline:

Office of the Disciplinary Administrator: Seinfeld Ethics – Was That Wrong?

1. Competence
 - a. Freshly minted and seasoned lawyers are at risk for not exercising competence in the practice of law. Consider cautionary tales from FL, KS, and ND.
2. Overzealous Advocacy – Win At All Costs?
 - a. Zealous advocacy has limits. Consider whether conduct is a “leg up” or “downward spiral”.
3. Check Yourself Before You Wreck Yourself

- a. Common sense is a flower that doesn't bloom in everyone's garden – a juris doctorate does not confer common sense.
- 4. Forgotten Boundaries
 - a. A failure to recognize where your authority starts and stops leads to problems.
- 5. Money of Others
 - a. Its true, attorneys can become bank robbers and bank robbers can become attorneys. Play it safe and don't comingle or borrow property that isn't yours.

CASE	NOTES / SUMMARY:
COMPETENCE	
Competence The Florida Bar v. Ian James Christensen, 233 So.3d 1019 (Fla 2018) Order	<p>FL case. The respondent founded "IJC Law Group, P.A." in 2013, less than three months after being admitted to the bar. (Ian James Christensen - IJC)</p> <p>At the time, the respondent had no training in the area of medical marijuana. Within a short time, the respondent formed other businesses, including (1) Health Law Services (HLS) and (2) Cannabinoid Therapy Institute (CTI). The respondent's business model included charging clients \$799 for a doctor's visit through CTI and if the doctor found a medical necessity the client would be given "Official Legal Certification" and ID card stating the client had received a marijuana prescription. The "official Legal Certification" purported to advise law enforcement of the client's legal right to cannabis as a medical necessity. The respondent advised his clients they were protected by an affirmative defense and Florida law allowed them to possess marijuana due to medical necessity. However, the respondent's "advice" was not based on Florida law in place at that time.</p> <p>Several of the respondent's clients were arrested and prosecuted. The respondent attempted to represent two of these clients in the criminal proceedings but was subsequently disqualified based on a conflict of interest. The respondent refused to refund the attorney's fees and was eventually ordered to refund fees. The respondent failed to comply with the order and filed an untimely notice of appeal. The respondent also failed to respond to the trial court's order to show cause and failed to appear at the show cause hearing; the court issued a warrant for his arrest. Some clients were 'referred' to a doctor who was not licensed to practice medicine in Florida. Other clients were arrested and convicted of criminal offenses, some clients lost their nursing license or engineering job.</p> <p>Based on the facts, it was determined that the respondent violated rules related to competence, fraudulent conduct, excessive fee, conflict of interest, failure to supervise nonlawyers, and conduct involving dishonesty, fraud, deceit or misrepresentation. The referee recommended a two-year suspension. The FL S. Ct. disbarred the respondent.</p> <p style="background-color: yellow;">So What? Now What? KRPC implicated include: KRPC Rule 1.1 (Competence)</p>

CASE	NOTES / SUMMARY:
	<p>A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p> <ul style="list-style-type: none"> • Where did this lawyer start to go wrong? • KALAP resources and Law Practice Management Program (LPM) • Find a mentor / be a mentor
<p>Competence</p> <p>The Fla. Bar v. Randall Lawrence Gilbert, 246 So.3d 196 (Fla. 2018)</p>	<p>FL case. “The egregious facts, as found by the referee, demonstrate Gilbert’s failure to exercise any supervision over Steven Sacks, Gilbert’s employee with a known history of wire fraud and embezzlement of more than \$7 million.” The probation officer for the employee warned the respondent that the employee was financially irresponsible and should not be working at a law firm – the respondent did nothing.</p> <p>The respondent discovered that his employee embezzled over \$20,000 from the law firm’s operating account. The respondent fired and then rehired the employee. The respondent eventually delegated to the employee all matters regarding the administration of the firm trust account. Ultimately, the employee embezzled nearly \$5 million from the firm’s trust account.</p> <p>The court said, “this case gives new meaning to the phrase ‘turning a blind eye’”. Based on the facts, it was determined the respondent violated rules related to diligence, supervision of nonlawyers, conduct involving dishonesty, fraud, deceit or misrepresentation, and trust account violations. The FL S. Ct. disbarred the respondent.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC Rule 5.1 Responsibilities of Partners, Managers and Supervisory Lawyers</p> <p>KRPC Rule 5.2 Responsibilities of a Subordinate Lawyer</p> <p>KRPC Rule 5.3 Responsibilities Regarding Nonlawyer Assistance</p> <ul style="list-style-type: none"> • Duty to properly supervise, train, and avoid conflicts. <p>KRPC 1.10 Imputation of Conflicts of Interest: General Rule (Rule 1.10 applies to nonlawyers in the office)</p> <p><i>Zimmerman v. Mahaska Bottling Co.</i>, 270 Kan. 810 (2001) (KRPC 1.10 and KRPC 5.3 read together require nonlawyers to be treated in the same manner as lawyers when considering ‘imputed disqualification’ issues under KRPC 1.10.</p> <p><i>In re Caenen</i>, 235 Kan. 451 (1984) (work done by secretaries and others, lawyer must supervise their work and be responsible for their work product or lack of it)</p>

CASE	NOTES / SUMMARY:
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<p>Competence</p> <p>In re Ira Dennis Hawver, 300 Kan. 1023 (2014)</p>	<p>KS case. The respondent told jurors that his capital murder client was a “professional drug dealer” and a “shooter of people”. The respondent’s defense for his client included the idea that his client would never have left a witness alive if he had shot the two women victims.</p> <p>The respondent had never previously tried a capital murder case and had not tried a murder case in more than 20 years. The respondent didn’t investigate alibi witnesses and didn’t track his client’s cellphone to find his location at the time of the murders. The respondent said he had no funds for a pretrial investigation and didn’t call the indigent defense board to explore whether funding was available to support his representation. Additionally, the respondent didn’t remember – but doesn’t contest – that a representative from the indigent defense board called and offered to provide co-counsel, investigators, consultants and expert witnesses.</p> <p>In defense that he violated professional rules of conduct, he argued that the First Amendment protected his representation of his client and the Sixth Amendment protected his client’s decision to choose him as defense counsel. The Supreme Court rejected both arguments. The Court considered his prior discipline (diversion for violating competence). The Court concluded that his inexplicable incompetence in the guilt and penalty phases supported disbarment.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.2 Scope of representation, highly summarized, provides that a lawyer shall abide by a client’s decisions. However, this rule also provides excepts. The exceptions are equally important to remember.</p> <p>KRPC 1.2(e) “When a lawyer knows that a client expects assistance not permitted by the rules of professional conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer’s conduct.</p> <ul style="list-style-type: none"> • Client blaming is generally ineffective – the client wanted me to represent them, it was their choice, or the client wanted me..... • Client’s Sixth Amendment rights as a defense to a disciplinary proceeding brought against the attorney, generally, is not applicable. <p>KRPC 1.1 (Competency) A lawyer carrying out strategy directed by client does not preclude attorney discipline arising out of competency. Any consent of client to strategy did not account for attorney’s failure to obtain training, failure to file statutorily required notices, and improper closing argument.</p>

CASE	NOTES / SUMMARY:
	<p>KRPC 1.7 (Conflict) Flat-fee arrangement with client, who was defendant in capital murder trial, in combination with client's inability to pay for representation, created conflict of interest.</p>
<p>Competence</p> <p>Matter of Disciplinary Action Against Jessica M. Hibl, 2020 ND 229, 950 N.W.2d 423 (Oct. 29, 2020)</p>	<p>ND case. The respondent contacted law enforcement to report she had been a victim of a robbery at gunpoint. The respondent reported that the driver of a vehicle she was riding in pulled over, produced a gun and robbed her of \$200 cash; then forced her out of the vehicle into inhospitable weather with little protective clothing. The suspect vehicle was stopped and searched. Law enforcement found a large quantity of marijuana but no weapon. The individuals in the vehicle said the respondent had sold them the drugs but they had shorted her on the agreed upon sum. The respondent was interviewed and admitted she sold the drugs and lied to law enforcement.</p> <p>A petition for discipline was filed and the respondent filed a response. However, the respondent failed to appear for the formal hearing or object to the hearing report filed with the court. Based on the facts, the respondent violated Rule 8.4(b) (criminal conduct) and Rule 8.4(c) (dishonest or deceitful information to law enforcement that adversely reflects on her fitness). The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 8.4(b) professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.</p> <ul style="list-style-type: none"> • "Criminal act" is broader than being convicted of a crime. <p>KRPC 8.4(c) professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.</p> <ul style="list-style-type: none"> • Dishonest or false statements to law enforcement is a violation of professional rules of conduct; see <i>Ahrens and Mintz</i>. <p><i>In re Ahrens</i>, 312 Kan. 689 (2021) (false statement to LEOs) <i>In re Mintz</i>, 298 Kan. 897 (2014) (dishonest conduct warrants discipline)</p>
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CASE	NOTES / SUMMARY:
OVERZEALOUS ADVOCACY - WIN AT ALL COSTS?	
<p>Overzealous Advocacy - Win At All Costs?</p> <p>Florida Bar v. Robert D. Adams, (Respondent) v. Adam Robert Filthaut, (Respondent) 198 So.3d 593 (Fla. 2016) Order</p>	<p>FL case. This case stems from the misconduct of three (3) attorneys and a paralegal from the same firm.</p> <p>The respondent and his practice partner(s) were defending a local radio station and one of its disc jockeys in a high-profile civil suit for defamation. The lawsuit had been ongoing for five (5) years and received considerable media attention.</p> <p>The case was in the middle of trial and had recessed for the evening. The paralegal went to a nearby steakhouse with a friend and noted that opposing counsel was also at the same restaurant. After consulting with her bosses, the paralegal and her friend joined opposing counsel, openly and obviously flirted with opposing counsel, encouraged him to drink and purchased drinks for opposing counsel. Meanwhile, the respondent communicated with a 'friend' on the police department who set up a stakeout near the steakhouse. The police were specifically watching for opposing counsel on a tip that opposing counsel would be drinking and driving. Opposing counsel offered to call a cab for his new 'friend' but the paralegal refused and ultimately convinced opposing counsel to drive her car. Shortly after leaving the steakhouse, opposing counsel was arrested for DUI. The next morning, the respondent or one of his practice partners contacted the press to exclaim what an embarrassment to the legal system opposing counsel was after his DUI arrest caused the trial to be postponed. It didn't take long to discover the paralegal's true identity. The DUI charges were dropped against the opposing counsel. The respondent and his practice partners did not escape the shenanigans unscathed. It is note worthy that this was not the respondent and/or his partner's first attempt to have opposing counsel arrested for DUI was unsuccessful. The respondents intended to set opposing counsel up for a DUI fall. As it turned out respondents took the fall when their scheme resulted in disbarment.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.7(a)(2) conflict when personal interest of lawyer - aka win at all costs - is implicated when counsel becomes personally invested or emotionally involved.</p> <p>KRPC 2.1 (Advisor) In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation. Cmt [1] ... "Legal advice often involves unpleasant facts and alternatives..."</p> <p>KRPC 3.6 Trial Publicity</p>

CASE	NOTES / SUMMARY:
	KRPC 4.1 Truthfulness in Statements to Others KRPC 4.4 Respect for Rights of Third Persons KRPC 8.4(a) - (g)
<p>Overzealous Advocacy – Win At All Costs?</p> <p>Matter of Neary, 84 N.E.3d 1194 (Ind. 2017),</p>	<p>IN case. The respondent was a prosecutor and committed professional misconduct while serving as the chief deputy prosecutor.</p> <p>In the first count, the respondent was present when a criminal defendant and his counsel were talking in an interview room at the police station. The defense attorney was instructed on how to disable the sound in the interview and did so. However, the switch merely controlled the recording system and did not disable the audio and video feeds, which were controlled in a separate area in the police station referred to as the “war room”. Respondent and several detectives gathered in the war room but did not disable the audio or video feeds. Rather the respondent and the officers watched and listened to the confidential attorney-client discussion for ten to twenty minutes. Based on information learned during the attorney-client conversation overheard by the respondent and officers, a gun was recovered. The respondent did not initially notify the defense counsel of what had transpired. When the police chief learned of the events, the chief emphasized to the respondent the importance of sharing that information with the defense counsel. The respondent then notified counsel.</p> <p>In the second count, a suspect was being held at the police department and agreed to give a statement to investigators in exchange for being charged with voluntary manslaughter in lieu of murder. About an hour into the interview, the participants took a short break. The suspect and his counsel remained in the interview room after the others had left. The recording system was not turned off and continued to record while the suspect spoke with his counsel about several confidential matters, including defense strategy. The respondent viewed the DVD about a month later and watched the entire break discussion even though the privileged status of that discussion either was, or should have been, immediately apparent to the respondent. The respondent did provide a copy of the DVD, including the break discussion, to defense counsel but did not mention to counsel that the break discussion had been recorded.</p> <p>Thereafter, the defense counsel filed a motion to dismiss based on the recording of the break discussion. The respondent filed an unsealed response in which he recited the contents of the break discussion and attached as exhibits the DVD and a written transcript. The trial court ordered the transcript and all relevant information be placed under seal and instructed the respondent to resubmit his filing on green paper excluding from public access.</p>

CASE	NOTES / SUMMARY:
	<p>The respondent violated Rule 4.4(a) (respect for rights of third persons) and Rule 8.4(d) (conduct prejudicial to the administration of justice). The court stated, “the egregious nature of Respondent’s conduct cannot be overstated” and “warrants a sanction at the upper end of the disciplinary spectrum.” The court imposed a suspension of not less than four years without automatic reinstatement.</p> <p>So What? Now What? KRPC implicated include: KRPC 3.8 Special Responsibilities of a Prosecutor Prosecutors are required to adhere to all of the professional rules of conduct and have additional professional responsibilities. In addition to Rule 3.8, their duties include seek justice, provide exculpatory evidence, provide Brady and Gialio material.</p>
<p>Overzealous Advocacy – Win At All Costs?</p> <p>Matter of Allen R. Stout, No.20S-DI-719, 2022 WL 324724, 179 N.E.3d 465 (Ind. Feb. 3, 2022) Order of Discipline</p>	<p>IN case. The respondent’s client faced a petition for protective order by his former girlfriend. The opposing party, petitioner/girlfriend, was pro se.</p> <p>During a deposition of the pro se petitioner/girlfriend, the respondent confronted the petitioner/girlfriend with several 8x10 photos. The photos were intimate photos she had sent to respondent’s client during their relationship, prior to the events giving rise to the protective order. The respondent displayed the photos face up on the table for all in attendance to see and asked the petitioner, “why do women who seek the aid of the court send these kinds of pictures to men?” Respondent then asked her if she still intended to pursue a protective order or whether there would be a “better way” to handle things than for her to be “drug through” and “exposed in” court. Petitioner responded she just wanted the man to stop harassing her.</p> <p>The respondent said there was a way to stop that but the matter still pending will have to submitted to the court and have a very public hearing. The petitioner/girlfriend then indicated she wanted to dismiss the case.</p> <p>The respondent went “off the record” then instructed her how to file for dismissal. The respondent later bragged to an associate about having secured a dismissal by threatening to have the photographs become part of the record.</p> <p>The court found respondent violated Rules 4.1(a) (truthfulness in statements to others), 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice). The court found the respondent’s deception was part of an intentional and purposeful plan devised to coerce and bully the petitioner</p>

CASE	NOTES / SUMMARY:
	<p>into dismissing her case under threat of having her intimate photos exposed. The respondent was suspended for a period of 90 days.</p> <p>So What? Now What? KRPC implicated include: KRPC 1.2 is not a defense. While the scope of representation rule points out that a lawyer shall abide by a client’s decisions, this rule prohibits a lawyer from engaging in conduct not permitted by the rules of professional conduct. KRPC 3.4 Fairness to Opposing Party and Counsel KRPC 4.1 Truthfulness in Statements to Others KRPC 4.3 Dealing with Unrepresented Person KRPC 4.4 Respect for Rights of Third Persons <i>In re Gamble</i>, 301 Kan. 13 (2014) (email to pro se opposing party)</p>
<p>Overzealous Advocacy – Win At All Costs?</p> <p>In re Jack Jordan, 518 P.3d 203 (Kan. 2022)</p> <p>October 21, 2022</p>	<p>KS case. The respondent was admitted in Ks in 2019 but had been admitted and practicing in other jurisdictions for a long time.</p> <p>The respondent represented his spouse in an administrative proceeding related to injuries she sustained while working as a defense contractor overseas. The respondent sought an email, referred to as the “Powers’ email” in discovery. The ALJ denied production of an unredacted version of the “Powers’ email” based on attorney-client privilege. The respondent filed interlocutory appeals, Freedom of Information Act (FOIA) requests, and federal lawsuit to obtain the “Powers’ email” – all without success. A federal judge conducted an <i>in camera</i> review of the document and ruled the email was protected by attorney-client privilege. The respondent appealed federal judge’s decision; however, it was affirmed on appeal. Undeterred, the respondent filed more lawsuits and appeals – which were unsuccessful.</p> <p>The respondent filed a document titled, “Plaintiff’s Suggestions Supporting Motion to Remedy Judge Smith’s Lies and Crimes and Lift the Stay or Disqualify Judge Smith”. The respondent alleged the judge violated federal law and the Constitution, acted criminally, and acted with treason to the Constitution. The respondent made these allegations and others against several judges, opposing counsels, and eventually against the ODA.</p> <p>The Kansas Supreme court, in a 35-page decision, found that clear and convincing evidence established the respondent violated several rules. The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include:</p>

CASE	NOTES / SUMMARY:
	<p>KRPC 3.1 (meritorious claims and contentions), KRPC 3.4(c) (fairness – knowingly disobey an obligation under the rules of a tribunal), KRPC 8.2(a) (disciplinary matters – knowingly make a false statement of material fact), KRPC 8.4(d) (engage in conduct prejudicial to the administration of justice) and KRPC 8.4(g) (engage in conduct adversely reflects on fitness). The respondent was disbarred.</p>
CHECK YOURSELF BEFORE YOU WRECK YOURSELF	
<p>Check Yourself Before You Wreck Yourself</p> <p>Matter of Kent Wycliffe Easter, Release No. 79243, 115 S.E.C. Docket 2491, 2016 WL 6562144 (Cal. Nov. 4, 2016) [12-C-14551-CV / 34-79243]</p> <p>Stipulations to Facts, Conclusions of Law, and Disposition.</p>	<p>CA case. The respondent and his wife, also an attorney, were offended by a volunteer at their child’s school. When asked why their child was not ready for after school pick up, the volunteer explained and apologized. The respondent and his wife demanded the volunteer be fired. The school refused to ‘fire’ the volunteer and the parents believed it was their duty to take matters into their own hands.</p> <p>First the parents filed a police report regarding the incident with their son. Next, they filed a temporary restraining order claiming the volunteer was stalking the mom. The respondent and his wife proceeded to file a civil suit claiming false imprisonment of their son. When those steps did not get the desired result, they came up with a new plan.</p> <p>Finally, the police received a call claiming the volunteer had been seen driving erratically near the school and had drugs in her car. The police investigated and found the volunteer’s car with a baggie of marijuana visible from the window. The volunteer was detained and questioned for two hours. At some point in the investigation, the police began to question the legitimacy of the call to police.</p> <p>After additional investigation, it was determined that the respondent and his wife concocted the entire charade, planting the baggie of marijuana and reporting the volunteer to police. The respondent and his wife were arrested and convicted of false imprisonment, fraud, and deceit to detain the volunteer. The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 8.4(b) professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.</p> <ul style="list-style-type: none"> • “Criminal act” is broader than being convicted of a crime. <p>KRPC 8.4(c) professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.</p>

CASE	NOTES / SUMMARY:
	<ul style="list-style-type: none"> Dishonest or false statements to law enforcement is a violation of professional rules of conduct; see <i>Ahrens and Mintz</i> cited above.
<p>Check Yourself Before You Wreck Yourself</p> <p>Fla. Bar v. Lowy, 177 So.3d 1273 (Fla. 2015) Order Granting Emergency Suspension FL SC16-2229 FL SC16-2230 (Conditional Guilty Plea for Consent Judgment) (2017)</p>	<p>FL case. Background: a petition for emergency suspension was granted based on shortages discovered during an audit of the respondent's trust account. The respondent took a loaded firearm to one of his disciplinary hearings and was convicted of carrying a concealed firearm. The respondent faced personal issues related to substance abuse and addiction. The respondent was disbarred for misconduct while suspended.</p> <p>So What? Now What? KRPC implicated include: Rule 210 (Duty to Assist, Duty to Respond, Duty to Report) KRPC 8.3 (Reporting Professional Misconduct) KALAP - resource for lawyers who face substance use issues or struggle with anxiety, stress, or depression issues.</p>
<p>Check Yourself Before You Wreck Yourself</p> <p>Alison Hope Motta, United States Dist. Ct. Northern District of Illinois, 17 MC 220 (2017) Order</p> <p>Matter of Motta, No. 6284365, 2021 WL 5855773 (2021)</p> <p>Matter of Motta, No 6284365, 2021 WL 6188951 (2021) 2021PR00091</p>	<p>IL case. The respondent represented her client during a two-week trial. During the trial, the respondent was continuously disruptive, visibly reacted to testimony (such as by rolling her eyes) and made comments about the testimony in the presence of the jury. After unfavorable decisions on objections, the respondent would shake her head, roll her eyes, and make comments under her breath. One egregious instance, after her objection was overruled, she rolled her eyes and said, "Fxxxxxxx bullshit." Her conduct continued after multiple warnings from the judge.</p> <p>In response to the disciplinary complaint, the respondent apologized and stated she regretted projecting her frustration in her demeanor, language, and tone. The respondent violated Rule 3.5(d) by engaging in conduct intended to disrupt a tribunal and Rule 8.4(d) by engaging in conduct that is prejudicial to the administration of justice. The respondent was suspended for 90 days from the General Bar and for one year from the Trial Bar.</p> <p>So What? Now What? KRPC implicated include: Zeal does not trump decorum. KRPC 3.5 Impartiality and Decorum of the Tribunal Civility, or lack thereof, often implicates KRPC 3.4, 4.4, 8.4 <i>In re Gershater</i>, 270 Kan. 620 (2001) <i>In re Small</i>, 296 Kan. 759 (2013)</p>

CASE	NOTES / SUMMARY:
	<p><i>State v. Turner</i>, 217 Kan. 574 (1975), an original proceeding in discipline, by directing improper and abusive language toward opposing counsel.</p> <p><i>In re Romious</i>, 291 Kan. 300 (2010) Attorney engaged in discourteous conduct which exceeded bounds of zealous advocacy.</p> <p><i>In re Gamble</i>, 301 Kan. 13 (2014) Attorney sent social media message to unrepresented opposing party using emotionally manipulative language to urge her to sign a document.</p> <p>An excellent discussion of civility and limitations of zealous advocacy, see Joseph P. Mastrosimone’s article, Mind Your Manners, J. Kan. B. Ass’n, October 2014.</p>
<p>Check Yourself Before You Wreck Yourself</p> <p>In re Brad Thomas Andrus, 2021-01508, 2022 WL 172931 (La. Jan. 19, 2022) Order of Discipline</p>	<p>LA case. A broken pipe caused extensive damage and respondent was hired by his client to represent him in a claim for damages to his homeowner’s insurance. The client became dissatisfied with the respondent, terminated him and requested return of his file. The respondent did not comply. The former client hired new counsel who requested return of the file from respondent to no avail. The former client filed a disciplinary complaint.</p> <p>The respondent answered the disciplinary complaint and provided some information. However, the respondent failed to provide all requested information. Two extensions of time were granted to allow the respondent to provide the information. The respondent requested a third extension claiming he had spent “many, many hours preparing a response” which was stored on his laptop but the computer had been stolen in a vehicle burglary. The respondent provided a handwritten “Voluntary Statement” he had given to the police related to stolen computer and vehicle burglary. Disciplinary authorities attempted to verify information with the police related to the alleged vehicle burglary; however, the police had no record of receiving the vehicle burglary report.</p> <p>An investigator for the disciplinary authority went to the respondent’s office to serve a subpoena for a sworn statement. The investigator encountered the respondent in the parking lot. After the investigator introduced himself, the respondent stated that he was not “Brad Andrus, but was Jade Andrus, Brad’s twin brother.” Following the conversation with “Jade”, the investigator went to the respondent’s law office where he was informed by the receptionist that it was the respondent who spoke with the investigator in the parking lot.</p> <p>The respondent violated several rules of professional conduct related to his representation of the client. Additionally, the respondent violated rules in connection to the disciplinary investigation, including false statement in connection with a disciplinary matter, failure to cooperate, conduct</p>

CASE	NOTES / SUMMARY:
	<p>involving dishonesty, fraud, deceit, or misrepresentation, and conduct prejudicial to the administration of justice. The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include:</p> <p>Tip #1: Accept responsibility if you violate the professional rules of conduct. Lawyers have a duty to self-report. (Rule 210 and KRPC 8.3)</p> <p>Tip #2: don't lie, conceal, or mislead disciplinary office or investigators; that only compounds a bad situation.</p> <p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p>
<p>Check Yourself Before You Wreck Yourself</p> <p>Atty'y Grievance Comm'n of Maryland v. Robin Keith Annesley Ficker, 477 Md. 537, 271 A.3d 277 (2022)</p>	<p>MD case. The court first takes note of the respondent's disciplinary history – discipline on eight prior occasions. Beginning in 1990, the first charges related to his failures to appear in court, failure to prepare, failure to supervise employees, lack of candor to the court and in one instance, failure to safeguard client property. Prior discipline cases resulted in private reprimands, public reprimands, and indefinite suspensions.</p> <p>“Once again, the Commission has charged Mr. Ficker with a slate of violations” related to failure to appear for trial and contradictory statements as to whether he had signed a continuance motion that contained misstatements. “The sanctions that the Court has imposed on Mr. Ficker in the past have apparently not had the desired effect. The process must come to an end. Mr. Ficker has forfeited the privilege of practicing law in Maryland and will be disbarred.” The opinion includes nearly 18 pages reciting the respondent's past misconduct cases.</p> <p>In the new complaint, the hearing judge found clear and convincing evidence the respondent committed all of the alleged violations – competence, diligence, candor toward tribunal, failure to supervise non-attorney assistants, and other misconduct. The respondent filed exceptions.</p> <p>This disciplinary proceeding arises from the respondent's representation of a client facing three separate traffic cases. In the second traffic case the client was charged with driving without the required license. Two weeks prior to the trial date, the respondent became aware of a schedule conflict</p>

CASE	NOTES / SUMMARY:
	<p>and instructed his support staff to file continuance motions. The respondent neither reviewed the motion or signed it. It was signed by the support staff without indicating in any way that he had signed it on the respondent's behalf. The motion for continuance indicated the prosecutor had consented to the requested continuance. The prosecutor who was named on the motion and alleged to have agreed to the continuance had not been working in the prosecutor's office for a while and was not involved in this client's case – the support staff had used an old template without actually contacting anyone in the prosecutor's office.</p> <p>On the trial date, neither the respondent or his client appeared, and the prosecutor informed the judge he was unaware of the continuance motion that had been filed the previous day. The respondent was told he needed to appear and that the court was holding the case pending the respondent's arrival. Initially, the respondent told the court he had signed the motion for continuance. Later, the respondent finally admitted his office manager signed his name to the document with his permission. The hearing judge found that the purpose of the respondent's misrepresentation was to conceal from the judge that he had delegated to his non-attorney the authority to sign a paper requiring his signature. Later the office manager wrote a letter of apology to the court and took the blame. The judge in the disciplinary hearing found the respondent violated rules of competence, diligence, candor to the tribunal, conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct prejudicial to the administration of justice.</p> <p>The respondent violated duty of competency when he failed to appear for the scheduled court hearing and violated diligence when he neglected to stay informed about the status of the client's case. The respondent violated his duty of candor to the tribunal in two ways, (1) he told the judge that he had signed the motion to continue – an assertion that he knew to be false, and (2) he assured the judge that someone had contacted the client – an assertion for which he had no basis. In considering mitigation, the court noted, "But even one who is remorseful, and cooperative must be held accountable." Additionally, the court observed, "As these violations appear to be re-runs of frequent past misconduct, the weight of these violations is severely aggravated."</p> <p>If interested, consider Googling these headlines:</p> <ul style="list-style-type: none"> • "Robin Ficker Is Disbarred; Pledges His Gubernatorial Bid Will Continue" • November 30, 1992: "Out of Bounds" There are sports nuts, and then there are real wackos like these, who have crossed the line between fan and fanatic. Sports Illustrated Vault. <p>So What? Now What? KRPC implicated include: KALAP – Law Practice Management KRPC Rule 5.1 Responsibilities of Partners, Managers and Supervisory Lawyers</p>

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	KRPC Rule 5.2 Responsibilities of a Subordinate Lawyer KRPC Rule 5.3 Responsibilities Regarding Nonlawyer Assistance <ul style="list-style-type: none"> • Duty to properly supervise, train, avoid conflicts.
Check Yourself Before You Wreck Yourself Ali S. Zaidi Case No. 14-117-GA Board Opinion	<p>MI case. This disciplinary case arises out of the respondent's misrepresentations, including falsification of his resume prior to and continuing after his admission to practice. The complaint alleged the respondent asserted he was on the U.S. Field Hockey Squad that participated in the 1996 Olympics in Atlanta, and other misrepresentations. The respondent filed an answer but pled, "neither admit nor deny for lack of information and/or present knowledge but leave Petitioner to its proofs". The respondent did not appear for the hearing on misconduct, claiming later that he had an "emergency," which was his inability to secure childcare. The hearing panel found for the petitioner on all counts.</p> <p>The respondent did appear for the hearing on sanctions, and "unfortunately continued with his inability to be candid and answer simple questions in a straightforward manner." When the Grievance Administrator asked that respondent be sworn as a witness because he was testifying, the respondent denied he was testifying, and objected to taking the oath. The hearing panel found, "respondent knowingly and intentionally deceived just about everybody and every entity that he communicated with. As such, injury to the legal profession is self-evident." Unhappy with the hearing panel's order, the respondent petitioned the Attorney Discipline Board for review.</p> <p>The Attorney Discipline Board found that, "As a member of the State Bar, respondent had a duty to honestly represent himself and his qualifications to potential clients and employers. He clearly failed, admitting that much of the information included on his resumes was false. Respondent knowingly and intentionally made multiple misrepresentations regarding his law licenses, work history, and education, in order to obtain employment with various law firms and businesses." The respondent claimed that his firm and firm website, GLLG, had never been launched and was just an "idea"; despite evidence to the contrary. "Such evidence further establishes respondent's cumulative pattern of dishonesty which seriously and adversely reflects on his fitness to practice law." A panel member asked the respondent, "Where do you live now?" and almost two pages of testimony later, his answer was not clear.</p> <p>The Attorney Disciplinary Board found, "Although respondent does not have any prior discipline, there is no question he has an established track record of deceit. Given the number and pattern of violations, respondent's</p>

CASE	NOTES / SUMMARY:
	<p>dishonesty, and his overall lack of candor and cooperation, the panel properly found that disbarment is appropriate in this case.”</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p> <p>KRPC 8.4(c) Conduct involving dishonesty, fraud, deceit or misrepresentation.</p> <p>KRPC 8.4(d) Conduct that is prejudicial to the administration of justice.</p> <p>KRPC 8.4(g) Conduct that adversely reflects on the lawyer’s fitness to practice law.</p>
<p>Check Yourself Before You Wreck Yourself</p> <p>Conrad Hafen, Former Justice of the Peace, 133 Nev. 1027, 393 P.3d 684 (2017)</p> <p>Case No. 72453 Stipulation to Public Censure and Agreement Not to Serve in a Judicial Position</p>	<p>NV case. In Nevada, the judicial code includes a requirement that a judge be patient, dignified and courteous to litigants and others. The complaints in this case involve the judge losing his patience. In three different instances, litigants in the respondent’s court room argued and repeatedly interrupted the respondent who served as the judge in the proceeding. The respondent found the offending interrupting litigants in contempt and sentenced the offending litigant jail time ranging from 10 – 25 days. In one or more instances, the respondent failed to enter a written order of contempt to support the imprisonment.</p> <p>Finally, a public defender appeared in the respondent’s court to argue on behalf of her client’s sentencing. Witnesses in the investigation said the public defender repeatedly interrupted the respondent. The respondent told her to “be quiet” and asked her if she wanted to be found in contempt. The public defender continued to argue for leniency. The respondent ordered his bailiff to handcuff the public defender to a chair in the jury box and proceeded with sentencing the defendant to six months in jail – without the defendant having the assistance of counsel. At the conclusion of the hearing, the respondent told the bailiff to “un-cuff Zohra”, stating “I think she’s learned her lesson.” The respondent did enter a written order of contempt of court; however, it was later vacated by a district judge. In vacating the contempt order, the district judge did conclude that the public defender’s conduct may have qualified as less than professional or even inappropriate.</p>

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	<p>The respondent stipulated that his conduct violated several judicial canons which require (1) a judge to comply with the law, (2) a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, (3) failing to uphold the law and to perform all duties fairly and impartially, (4) failing to allow every person who has a legal interest to be heard according to law, and (5) failing to be patient, dignified and courteous to litigants. The respondent agreed to a public censure and agreed to not serve in a judicial position in the future.</p> <p>So What? Now What? KRPC implicated include: Judicial Cannons differ from lawyer rules of professional conduct and there are overlapping concepts of duty to justice and civility. Zeal does not trump decorum. KRPC 3.5 Impartiality and Decorum of the Tribunal</p>
<p>Check Yourself Before You Wreck Yourself</p> <p>State ex rel. Ok Bar Ass'n v. Jay Tayar Silvernail, 2022 OK 68, 2022 WL 2314853, (June 28, 2022) Order of Discipline</p>	<p>OK case. The respondent was charged and convicted of Assault and Battery with a Deadly Weapon. The facts surrounding his criminal conviction arise from a bar parking lot verbal dispute in connection with whether respondent's female friend should accept an invitation to leave with another guy. The respondent retrieved a pistol and chambered a round, poked the other guy in the chest and raised the pistol. The other guy pushed the respondent who fell to the ground. The respondent then shot the guy. Despite many surgeries, the shooting victim lost most of his right leg.</p> <p>Following the jury verdict, the respondent was immediately taken into custody pending formal sentencing. The criminal case was pending for more than three years, and the respondent knew incarceration was a possibility. Still, the respondent took no steps to prepare for that contingency.</p> <p>While in jail awaiting sentencing, the respondent called upon family members to assist in monitoring open cases, managing his law firm accounts, and arranging for fellow attorneys to stand in for him and seek continuances on pending matters. The respondent thought he could continue to represent existing clients while he remained in jail. The respondent thought that he could take on new clients as well. The respondent believed that as long as he could find attorneys to stand in for him at hearings, he could operate his practice vicariously. The respondent expressed strong reluctance at giving the stand-in attorneys access to client files stating, "If I give that file to [another lawyer], why is somebody going to pay me?" When discussing the possibility of taking on new clients, the respondent reasoned that once the client agreed to pay his firm, "I can send any practicing attorney to any court case."</p>

CASE	NOTES / SUMMARY:
	<p>The court observed that it was clear the respondent was not acting in his client’s best interest and placed his own financial motives first. “The obstacles to effective representation from a jail cell should be obvious. As an inmate, Silvernail was unable to confer with clients confidentially.” The respondent was not able to access legal resources, a computer, or even his own client files. Practicing law from a jail cell arguably gives the appearance of impropriety. The respondent placed himself in a situation where he was necessarily unable to provide prompt and competent representation to any of his clients – and he had plenty of time to avoid that outcome.</p> <p>Ultimately, the court concluded that several of the disciplinary allegations were not supported; however, they did find the respondent had engaged in serious misconduct, including Rule 1.1 (competence), Rule 1.3 (diligence) and Rule 1.7(a)(2) (conflict). The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include: KRPC 1.1 Competence KRPC 1.3 Diligence KRPC 1.7(a)(2) A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer’s personal interest.</p>
FORGOTTEN BOUNDARIES	
<p>Forgotten Boundaries</p> <p>Florida Bar v. John Gillespie, No SC20-974, 2022 WL 1261384, at *1 (Fla. Apr. 28, 2022) Order Accepting Referee Rpt</p> <p>FL SC20-974 Amended Report of Referee Accepting Consent Judgment</p>	<p>FL case. The respondent was hired to represent his client in two criminal cases. The respondent was aware his client had a history of abusing drugs when not incarcerated. During the criminal proceedings, the respondent alleged that his client was incompetent to proceed to trial based on the client’s long history of mental illness.</p> <p>While the respondent was counsel of record for his client, the client gave birth to a child and gave the child the respondent’s last name.</p> <p>In response to bar allegations of misconduct, the respondent asserted, “however, even if this child were mine and even if I had had some kind of physical contact with [client], that would not be a violation of the Attorney’s Code of Ethics unless it had adversely affected [client’s] case.” The respondent added, “[i]f necessary, [client] will provide an affidavit stating there was never a sexual relationship.”</p> <p>A paternity test revealed that respondent is the biological father of his client’s child. The respondent later admitted that he had sex with his client</p>

CASE	NOTES / SUMMARY:
Order of Discipline	<p>while he was counsel of record but continued to maintain that the relationship in no way compromised his ability to represent his client.</p> <p>The respondent testified at the bar proceeding that he revealed compromising information after he began representing his client. The respondent stated, "I put the word out that [client] was an informant in Daytona Beach..... So nobody would deal with her."</p> <ul style="list-style-type: none"> Note, it appears the respondent was trying to "save" his client and paramour from her drug habit by putting the word out that his client was an informant. <p>The respondent violated several rules of professional conduct, including (1) confidentiality, (2) conflict of interest (current and former client) and (3) conduct prejudicial to the administration of justice. The respondent was suspended for three years.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.6 Confidentiality</p> <p>KRPC 1.7(a)(2) A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's personal interest.</p> <p>KRPC 1.8 (k) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.</p> <p>KRPC 1.9 Duties to Former Clients</p> <p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p>
Forgotten Boundaries Jose Manuel Camacho SC16-145 Report of Referee (2016) Conditional Guilty Plea for	<p>FL case. The respondent experienced problems with his trust account including insufficient funds for \$12,000.00 item. The respondent was slow to respond to the investigation inquiry but eventually asserted the overdraft was related to a problem with a real estate wire transfer issue. The second issue arose from the respondent forging signatures of judges on numerous orders pertaining to structured settlements. The respondent explained that since the dockets were crowded with foreclosure cases and he had too many cases in several divisions per day, he could not make it to all the courtrooms and be heard on all cases. In an attempt to expedite the process, the respondent decided to sign the orders himself. The</p>

CASE	NOTES / SUMMARY:
<p>Disbarment on Consent (2016) Order of Discipline (2016)</p>	<p>respondent was charged criminally with the forgeries. The uncontested report of the referee was approved and the respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.15 Safekeeping Property</p> <p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p> <p>KRPC 8.4(b) prohibits committing a criminal act (aka forgery)</p> <p>KRPC 8.4(c) prohibits engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.</p> <p>KRPC 8.4(d) prohibits conduct that is prejudicial to the administration of justice.</p> <p>KRPC 8.4(g) prohibits engaging in any other conduct that adversely reflects on the lawyer's fitness to practice law.</p>
<p>Forgotten Boundaries</p> <p>Matter of Elizabeth Vila Rogan, 309 Ga. 583, 847 S.E.2d 308 (Aug. 10, 2020)</p> <p>Matter of Rogan, 170 N.Y.S.3d 556, (App. Div. July 5, 2022)</p> <p>Order of Discipline</p>	<p>GA case and NY case. The respondent represented a client in successfully vacating a felony conviction. Later, the client contacted the respondent because the client had been denied a conceal carry permit. The respondent returned to the court on several occasions to obtain a clarifying order, which the judge agreed to sign once some of the language was modified. The respondent again went to court to obtain the judge's signature. When the respondent learned the judge was not present, the respondent signed his initial to the order and presented the order to the clerk of the court. The respondent was indicted on one count of forgery and entered a plea of nolo contendere to the misdemeanor crime of obstruction and sentenced to one year probation in the criminal case.</p> <p>The respondent acknowledged her conduct was abhorrent, uncharacteristic, and inexplicable in her otherwise 34-year exemplary career. The respondent accepted responsibility and cooperated with the disciplinary case. The respondent asserted that her conduct was serious but did not warrant disbarment. The respondent's conduct violated rules related to truthfulness and dishonesty. The respondent granted her petition for voluntary surrender which is tantamount to disbarment.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 8.4(b) prohibits committing a criminal act (aka forgery)</p> <p>KRPC 8.4(c) prohibits engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.</p>

CASE	NOTES / SUMMARY:
	<p>KRPC 8.4(d) prohibits conduct that is prejudicial to the administration of justice.</p> <p>KRPC 8.4(g) prohibits engaging in any other conduct that adversely reflects on the lawyer's fitness to practice law.</p>
<p>Forgotten Boundaries</p> <p>Judge Dawn Michelle Gentry</p> <p>Gentry v. Kentucky Bar Ass'n, 644 S.W.3d 502 (Ky. 2022)</p> <p>Gentry v. Jud. Conduct Comm'n, 612 S.W.3d 832 (Ky. 2020)</p>	<p>KY case. The respondent served as a circuit judge from 2016 until her removal in 2021. While working as a judge, the respondent fired a staff member to hire her minister who she had an ongoing romantic relationship and knowingly approved false timesheets for her paramour. The respondent removed an attorney from the GAL panel alleging poor performance when she knew that evidence did not show the attorney had performed poorly prior to the removal. The respondent sought to keep her seat in an upcoming election and pressured GAL panel members to donate the maximum amount to her campaign and participate in her election efforts during working hours. The respondent directed her staff to place and deliver campaign signs and write thank-you notes for the campaign. The respondent attempted to conceal the above conduct. The respondent was investigated by the Judicial Conduct Commission (JCC). During the JCC's investigation, the respondent filed a bar complaint against an attorney cooperating with the investigation. The respondent later admitted she filed the complaint in hopes it would stall the investigation into her own wrongdoing. During the hearing, the respondent lied in sworn testimony about her romantic relationship with the minister she hired as her staff.</p> <p>In her defense, the respondent claimed her violations were due in large part to alcohol use and the manipulation she experienced at the hands of her paramour.</p> <p>The respondent violated Rule 8.2(b) (judicial candidates shall comply with code of judicial conduct), 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), 3.4(f) (prohibits requesting another person other than a client to refrain from giving relevant information). The court did not find she violated 8.4(b) which was dismissed. The court imposed a four-year suspension. In addition to the discipline by the JCC, the respondent was disciplined by the Kentucky Bar Association.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 3.4(f) (Fairness to Opposing Party and Counsel) A lawyer shall not (f) request a person other than a client to refrain from voluntarily giving relevant information to another party - unless one of the exceptions apply.</p>

CASE	NOTES / SUMMARY:
	<p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p> <p>KRPC 8.2(b) "A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the code of judicial conduct."</p> <p>KRPC 8.4(c) prohibits engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>Forgotten Boundaries</p> <p>Paul L. Letourneau Dkt: BAR-16-17 Amended Order and Decision</p>	<p>ME case. The respondent was court appointed counsel for a female facing three serious criminal charges. The respondent engaged in graphically sexualized conduct toward his client. The respondents conduct included: (1) sexting the client and repeated suggestions they meet to engage in sexual acts, (2) sending pictures of his genitalia to the client, and (3) on three occasions sent videos of himself masturbating. The respondent violated Rules 1.7(a)(2) (conflict of personal interest), 1.16(a)(1)(2) (declining or terminating representation), 8.4(a)(d) (conduct prejudicial to the administration of justice). The court suspended the respondent for 20 months and imposed conditions.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.7(a)(2) A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's personal interest.</p> <p>KRPC 1.16(a)(1) and (2): "[A] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the rules of professional conduct or other law; (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;"</p> <p>KRPC 8.4(d) "engage in conduct that is prejudicial to the administration of justice".</p>
<p>Forgotten Boundaries</p> <p>Steven B. Decillis 12 DHC 25 Order of Discipline</p>	<p>NC case. A client (Client 1) hired the respondent to represent her in connection with a vehicle wreck. The respondent filed a personal injury complaint on behalf of Client 1.</p> <p>Approximately six months later, the defendant in the personal injury case retained the respondent to represent her on two separate legal matters unrelated to the personal injury lawsuit. Thus, becoming Client 2 in this situation.</p>

CASE	NOTES / SUMMARY:
	<p>Later, Client 2 retained the respondent to advise her in a third legal matter unrelated to the personal injury lawsuit; however, the personal injury lawsuit was still pending.</p> <p>The respondent failed to obtain consent from Client 1 for the respondent to represent Client 2.</p> <p>The respondent engaged in sexual relations with Client 2 while he was representing Client 2 and while he was representing Client 1 in the lawsuit against Client 2.</p> <p>Respondent's conduct violated rules prohibiting sexual relations with clients, conduct prejudicial to the administration of justice, conflict of a personal interest, failure to obtain consent from a client, and failed to withdraw from representation when the representation would result in a violation of the rules of professional conduct. The respondent was suspended for five years.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.8 (k) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.</p> <p>KRPC 1.7(b)(1) - (4) "Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if..." the lawyer complies with requirements set out in (1) - (4).</p> <p>KRPC 1.16(a)(1) and (2): "[A] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the rules of professional conduct or other law; (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;"</p> <p>KRPC 1.18 Duties to Prospective Client</p>
<p>Forgotten Boundaries</p> <p>Brian Matthew Love</p> <p>22 M 1373</p> <p>Consent Order of Disbarment</p>	<p>NC case. The respondent created various online accounts and aliases, posing as his then-wife (Victim 1), ex-wife (Victim 2), and other known and unknown women and men. Using these personas, the respondent expressed interest in sexual activity with numerous men (identified as "Individuals 1 through 18). The respondent used images, some nude, of Victim 1 and Victim 2 and others. The respondent intended to persuade Individuals 1 through 18 to engage in online communications of a sexual nature. The respondent devised a scheme to defraud Individuals 1 through 18 to obtain property including images and videos. The respondent was indicted in federal court on charges of wire fraud, aggravated identity theft, stalking, and transmitting interstate communications with intent to extort. The respondent plead guilty to multiple felonies. The respondent surrendered his license to practice law.</p>

CASE	NOTES / SUMMARY:
	<p>The respondent's conduct violated Rule 8.4(b) (engaging in criminal acts), Rule 8.4(c) (engaged in conduct involving dishonesty, fraud, deceit or misrepresentation).</p> <p>So What? Now What? KRPC implicated include: KRPC 8.4(b) prohibits engaging in criminal conduct. KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>Forgotten Boundaries</p> <p>Tara Lenich 157 A.D.3d 201 (2017) 2018 WL 722831 (unreported)</p>	<p>NY case. In the criminal case, the respondent plead guilty to two counts of Illegal Interception of Communications and was sentenced to twelve months and one day incarceration.</p> <p>The respondent worked in the district attorney's office from 2005 until 2016 as a prosecutor. The respondent's work included the authority to apply to judges for orders and warrants in order to search electronic media stored on telecommunications or to intercept electronic communications. In her role as a prosecutor, the respondent played an integral role in numerous successful prosecutions.</p> <p>A romantic relationship between the respondent and a married police detective came to a volatile end. The detective subjected the respondent to harassment, including sending threatening text messages. Over the course of a year, the respondent forged by physically cutting copies of signatures of various justices and taping them onto documents - twenty-five purportedly judicially approved orders authorizing law enforcement to intercept and record oral and electronic communications to and from the detective's cell phone.</p> <p>The disciplinary case noted the respondent was convicted of two felonies and she failed to self-report those convictions to the disciplinary authority. The respondent was disbarred.</p> <p>So What? Now What? KRPC implicated include: KRPC 8.4(b) prohibits engaging in criminal conduct. KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>Forgotten Boundaries</p>	<p>WI case. The respondent represented a client serving a life sentence. The respondent met with his incarcerated client and carried with him a bag containing pens, transcripts, and papers. It also contained a white pastry bag containing two crème-filled donuts and hard boiled eggs. The</p>

CASE	NOTES / SUMMARY:
<p>Matter of Disciplinary Proc. V. Steven Cohen, 2017 WI 96, 379 Wis.2d 370, 903 N.W.2d 296 (2017)</p>	<p>respondent told correctional officers that he had brought his lunch with him. At some point, the respondent and his incarcerated client were moved to a different room. When leaving the room, the client threw a white pastry bag into the trash. An officer searched the discarded bag and found a leftover donut and a toothbrush package with the toothbrushes removed. A subsequent search of the incarcerated client’s belongings revealed two toothbrushes and a 1.5-ounce container of McCormick brand red pepper. The toothbrushes and pepper had been secreted by the respondent into the prison in a legal folder. After an investigation, the respondent was arrested and charged with delivering contraband into the correctional facility. The respondent plead guilty to felony delivery of illegal articles to an inmate, misdemeanor obstructing an officer, and misdemeanor disorderly conduct.</p> <p>The disciplinary hearing referee said, “ Attorney Cohen took no responsibility for his actions. He demonstrated no remorse for his actions and demonstrated contempt for the proceedings. Attorney Cohen did not even bring a file to the hearing to assist him in his representation.” The referee found the respondent violated Rule 8.4(b) (criminal acts), Rule 1.5(b)(1) (charging fees over \$1,000 without providing a written fee agreement), Rule 1.5(b)(2) (receiving a \$2,500 advanced fee without written fee agreement), and Rule 1.4(a)(4) (communication violation). The respondent was suspended for a period of four months.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.7(a)(2) A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer’s personal interest.</p> <p>KRPC 1.16(a)(1) and (2): “[A] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the rules of professional conduct or other law; (2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client;”</p> <p>KRPC 8.4(b) prohibits engaging in criminal conduct. KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p> <ul style="list-style-type: none"> • Dishonest or false statements to law enforcement is a violation of professional rules of conduct; see Ahrens and Mintz. <p><i>In re Ahrens</i>, 312 Kan. 689 (2021) (false statement to LEOs) <i>In re Mintz</i>, 298 Kan. 897 (2014) (dishonest conduct warrants discipline)</p>
<p>MONEY OF OTHERS</p>	

CASE	NOTES / SUMMARY:
<p>\$ of others</p> <p>Matter of Todd Edward Macaluso 15-C-11767</p> <p>Recommendation of Summary Disbarment</p>	<p>CA case. In April 2010, the respondent filed a motion to withdraw in a high profile Florida case where his client was charged in the death of her child. The respondent was ordered to inactive status on April 26, 2010, in 2015 he was placed on interim suspension as a result of a felony conviction, and disbarred in 2016.</p> <p>The respondent plead guilty to defrauding clients and investors in a federal case. The respondent funded his personal injury law practice by entering into “funding agreements” with various investors. Under these agreements, investors advanced the respondent money in exchange for the right to collect a portion of his clients’ recoveries in the future. The respondent concealed these arrangements from many clients and forged their signatures on the financing documents. To conceal his scheme, the respondent also forged the signatures and stamps of notary publics.</p> <p>Months after he was released from prison and placed on supervised release, he began communicating with members of a drug trafficking organization who where in search of a pilot and plane to transport drugs. The respondent was a trained pilot who owned a plane and was recruited for this purpose. Misrepresenting his intended destination to his probation officer, he flew to Haiti and met with his would-be co-conspirators. The respondent agreed to fly his plane and drugs for eventual arrival in the United States. Unbeknownst to the respondent, one of the co-conspirators was a confidential source. After a four-day jury trial, the respondent was convicted of serious drug crimes.</p> <p>So What? Now What? KRPC implicated include:</p> <p>KRPC 1.7(a)(2) A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer’s personal interest.</p> <p>KRPC 1.16(a)(1) and (2): “[A] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the rules of professional conduct or other law; (2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client;”</p> <p>KRPC 8.4(b) prohibits engaging in criminal conduct.</p> <p>KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>\$ of others</p> <p>Fla. V. Brett Hartley, No. SC18-2069, 2020</p>	<p>FL case. A bar audit found the respondent used his attorney trust account as a business operating account for an adult entertainment business called “Flash Dancers”. (a strip club). The respondent testified that funds for the business were deposited into his trust account because he was unable to find a bank that would allow him to operate a business checking account</p>

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<p>WL 398549, at 1 (Fla. Jan. 23, 2020) Order Disbar</p> <p>Fla v. Brett Hartley, SC18- 2069, 2018 WL 6804145 at 1 (Fla. Dec. 27, 2018) Order Grant Emergency Suspension</p> <p>SC18-2069 Report of Referee</p>	<p>for an adult nightclub. Client funds were also used to support the respondent's drug addiction and pay his expenses. The respondent was suspended in 2018 for failure to comply with a bar subpoena for trust account records. The respondent's father-in-law was one of the clients who lost funds entrusted to the respondent. The bar auditor found numerous other client trust account violations.</p> <p>So What? Now What? KRPC implicated include:</p> <p>Rule 210 (Duty to Assist, Duty to Respond, Duty to Report)</p> <p>KRPC 1.15 Safekeeping Property</p> <p>KRPC 8.1(a) prohibits making a false statement of material fact in connection with a disciplinary matter.</p> <p>KRPC 8.1(b) a lawyer shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from a disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p> <p>KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>\$ of others</p> <p>In re Petition for Disciplinary Revocation of Aaron Patrick Honaker, No. SC21-116, 2021 WL 1422690, at *1 (Fla. Apr. 15, 2021)</p>	<p>Former Miami lawyer sentenced to 40 months of imprisonment for committing a string of five bank robberies.</p> <p>KRPC 8.4(b) prohibits engaging in criminal conduct.</p> <p>KRPC 8.4(c) prohibits conduct involving dishonesty, fraud, deceit or misrepresentation.</p>
<p>\$ of others</p> <p>Shon Hopwood</p>	<p>In 1998, he pleaded guilty to five counts of bank robbery and sentenced to 87 months imprisonment. While incarcerated, Mr. Hopwood became known as the "Jailhouse lawyer" and wrote petitions for certiorari for fellow inmates. After his release from prison, went to law school and was eventually licensed to practice law.</p> <p>Second Looks & Second Changes, 41 Cardozo L. Rev. 83 (October 2019) by Shon Hopwood.</p>

