



“Oh No You Di-int!!”

Shocking Stories of Lawyer Misconduct

Presented by Lawyers Mutual of Kentucky



Courtney Risk, Esq.

Courtney joined the Lawyers Mutual team after beginning her career handling litigation—both criminal and civil—as well as transactional work. In addition to her role in relationship management, she is focused on providing relevant risk management resources and training. Courtney currently serves as the Communications Chair for the Fayette County Bar Association Women’s Law Association and is a member of the Professional Liability Defense Federation Diversity & Inclusivity Committee.





DISCLAIMER

*I am not your
attorney...but we
are here to help!*



2022 Disciplinary Rule Amendments

111

The horrible, no-good,
very bad day

Duty to Client, the Court, and Third Party



Very Bad Day

Duty to Client, the Court, and Third Party

- Alex Jones (pictured) is a radio show host who was sued by Sandy Hook victims and their families for statements he made about the shooting.
- Civil suits were filed in Texas and Connecticut. Included in the suits were counts of intentional infliction of emotional distress related to the death threats plaintiffs' received as a result of Jones' statements.
- This required disclosure of medical and mental health records to Jones.

Very Bad Day

Duty to Client, the Court, and Third Party

- The judge ordered all parties to keep the medical records confidential—lawyer-eyes only. The records were not to be shared with any lawyers not directly involved in the Connecticut lawsuit.
- The Connecticut plaintiffs received notice from the Texas plaintiffs' attorney that Jones had turned over the sealed records to them.



Potential Ethical
Violations?

Very Bad Day

Duty to Client, the Court, and Third Party

Based on the potential violations, what disciplinary action should be taken?

- A. No action
- B. Reprimand
- C. Suspension
- D. Disbarment

Very Bad Day

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What discipline was issued?

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Takeaway:

*Critical to have
good discovery
systems in place*



Cooking the Books

Duty of Honesty

Cooking the Books

Duty of Honesty

- Chicago-area lawyer admitted to practice in 2007
- In March 2016, he formed a law firm with three other lawyers.
- He agreed to contribute \$100,000 of capital for 32.5% ownership interest
 - Investment could be in the form of cash or paying firm related start-up expenses
- Over several months, he fabricated and submitted bills, receipts, or bank statements asking to be credited toward his investment commitment
 - He requested credit for \$81,859.39
 - He had only actually paid \$18,071.81



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Takeaway:

*We need systems
in place to care for
our colleagues*



Don't Become A Netflix Documentary

Duty of Honesty



Don't Become A Netflix Documentary

Duty of Honesty

- His underage son drove a boat drunk into a pier with several of his friends on board
- A passenger, a teenage girl, was killed
- Murdaugh showed up at the hospital and forced his way into several of the rooms to speak with the witnesses and advised them to not speak
- Murdaugh then told police another individual on the boat (and one of his now clients) was the driver, not his son

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October 6, 2020

67-160-532



DATE _____

One Hundred Eighteen Thousand Dollars and No /100-----

118,000.00

PAY _____

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TO
THE
ORDER
OF

FORGE

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Takeaway:

Don't Lie.



Ethically Bankrupt

Duty to Client and the Court

Ethically Bankrupt

Duty to Client and the Court

- Denver bankruptcy lawyer meets with clients in October of 2020. He advises them to delay filing until after they receive and spend their tax returns. He does not execute a written contract with clients.
- Lawyer files action in April 2021 after forging the clients' signatures—the clients apparently did not know he had filed until several days later.
- Lawyer was unhappy with the trustee assigned. Advises clients to not pay any additional filing fee installments in an attempt to have the case dismissed. Lawyer also advised clients to try to infect the trustee with “COVID or some highly infectious disease.”
- Lawyer proceeds to make false statements, file falsified documents, ignore discovery process, and more which led to his clients being sanctioned.

Ethically Bankrupt

Duty to Client and the Court

- Eventually, the clients obtain new counsel.
- An Adversary Proceeding to address the lawyer's misconduct was initiated.
- The lawyer's response was erratic, eventually withdrawing his answer and stating he could not participate due to medical issues that arose from the stress of this matter.
- In a 46 page opinion, the judge suspended the lawyer from practicing in U.S. Bankruptcy Court in the District of Colorado.
 - *How long do you think the suspension was for?*



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Takeaway:

Understand the requirements of the venue/jurisdiction.



Pattern of Misconduct

All of the Duties

Pattern of Misconduct

All of the Duties

Iowa lawyer is facing allegations stemming from several cases, including:

- After a client was convicted of bankruptcy fraud, the lawyer created a new business entity, with the lawyer as its sole employee, allowing the client to continue working without having his wages garnished to repay his debts.
- In a divorce case, the lawyer secretly inserted new language in an agreement without notifying the opposing party. He also lied to the court about his client's child support payments among other false statements.
- After representing one client to draft a contract, the lawyer then represented the other party to argue the contract was void. Even after the court found there was a conflict, but he continued representing the new clients, having them sign court filings he filed for them.

Pattern of Misconduct

All of the Duties

- In an inheritance dispute involving a client judged not competent to manage her affairs, the lawyer continued meeting with the client. He also filed a lawsuit purportedly on her behalf against her guardian.
- The lawyer had multiple negative balances in his client trust account, failed to deposit client funds in the account, and lied to state officials about his accounting practices.
- Additionally, the lawyer failed to participate in the disciplinary process.



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Takeaway:

*Don't wait until
the issues pile up.*

111

F***ing Bull***t

Duty to the Court

F***ing Bull***t

Duty to the Court

THE COURT: And I ruled on the – and that was your objection, and I ruled on it. I'm not saying you have to like my rulings. I'm saying you have to respond professionally. You shake your head, you pout, you make auditory comments. It's not appropriate, and I will tell you right now the jury doesn't like that kind of behavior.

RESPONDENT: Well, it's unhelpful when the judge –

THE COURT: Please. Ms. Motta, you are crossing a line right now. I don't think you want to cross that line. So let's be professional. I give you the opportunity to be heard. The government doesn't like some of my rulings. You don't like some of my rulings. Welcome to litigation. But let's be professional in the courtroom

F***ing Bull***t

Duty to the Court

RESPONDENT: Objection, your Honor. Relevance. [ARGUES]

THE COURT: What is your response?

AUSA: It is relevant to some of the cross-examination that the jury heard yesterday.

THE COURT: Overruled. The answer may stand.

RESPONDENT: Fucking bullshit.

F***ing Bull***t

Duty to the Court

- In a separate criminal matter, her client was charged with a double homicide.
- A third homicide was linked by DNA and method/manner of the crime. However, a different suspect was arrested for the third murder.
- A protective order was entered preventing discussion of evidence related to the third murder. She filed a notice of intent to introduce the evidence at trial but the matter had not yet been heard.
- The lawyer made statements to local TV and print media that the DNA conclusively exonerates her client and she expects a call from the county attorney dismissing the case at any time.
- The lawyer had been admitted *pro hac vice* for this matter in Nebraska. The prosecutor filed a motion to remove her from the case and local counsel filed a motion to withdraw because they believed she had violated ethical rules.



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Takeaway:

*Learn techniques
for appropriately
handling stress.*

111

“Once you pop, you
can’t stop!”



OR



TO THIRD PARTIES

Once You Pop...

Duties to Third Parties

- Ohio lawyer representing client charged with murder.
- The victim advocate on the case worked at a victim advocacy center near the courthouse.
- Lawyer defecates into a Pringles can and drives 15-20 miles to the victim advocacy center.
- He drives slowly through the ally twice before throwing the can at the advocates car.
- Charged with and pled guilty to Disorderly Conduct and Littering

“Respondent has engaged in similar conduct on approximately ten previous occasions, indiscriminately choosing the location where he throws the chip cans containing his feces.”



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Takeaway:

*Learn techniques
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handling stress.*

May you always be the audience, and
never the subject, of an ethics CLE.

Thank you.



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