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01/25/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 21-0359

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 21-0359

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JAN 25 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE MATTER OF MARGARET READER,

An Attorney at Law,

ORDER

Respondent.

On July 23, 2021, a formal disciplinary complaint was filed against Montana attorney Margaret Reader. The Complaint may be reviewed by any interested person in the office of the Clerk of this Court.

This matter arose after the Office of Disciplinary Counsel (ODC) received a grievance from a District Court Judge under M. R. Pro. Cond. 8.3 that alleged Reader had engaged in unethical conduct while representing numerous clients.

ODC investigated and learned that Reader had not been seen in her office for a significant period of time and that she was in the process of being evicted. While ODC typically forwards grievances and a request for response to respondents, in this instance Reader was not located at the address she had on file with the Montana State Bar. ODC attempted to reach Reader on her cellphone, but she did not answer and the voicemail was full. ODC also determined that Reader was residing with her boyfriend; ODC made contact with Reader's boyfriend, who confirmed that she resided at that address. ODC then mailed the grievance and a request for response to Reader at that address on December 22, 2020.

Reader did not respond and ODC sent a second request for response, via both regular and certified mail, to Reader at that address on February 4, 2021. Reader again did not respond. The regular letter was not returned, but the certified letter was returned to ODC as "Unclaimed, Unable to Forward."

ODC next set a show cause hearing due to Reader's failure to respond to its requests. Reader did not appear at the hearing.¹ ODC then filed this Complaint.

The Complaint alleges that Reader violated M. R. Pro. Cond. 8.1(b) by failing to respond to ODC, and that the Commission should impose discipline under Rule 8(A)(6) of the Montana Rules for Lawyer Disciplinary Enforcement (MRLDE). ODC served the Complaint upon Reader, along with a citation to appear and file an answer to the Complaint within 21 days, on August 16, 2021.

Reader did not file an answer within 21 days, thereby subjecting her to default under MRLDE 12(A)(4) and (C)(2). Pursuant to MRLDE 12(C)(2), after Reader failed to answer the Complaint, an Adjudicatory Panel of the Commission on Practice (Commission) conducted a hearing on October 28, 2021, to make findings of fact, conclusions of law, and either impose discipline or recommend that this Court impose discipline.

At the disciplinary hearing, ODC Investigator Sheena Broadwater testified that ODC's involvement began after ODC received a grievance from a District Court Judge, along with supporting documentation including a letter from a Standing Master, that indicated Reader had failed to appear at hearings, she had been sanctioned for failing to appear, and the Judge and Standing Master had attempted to address the pattern of behavior with Reader to no avail. Broadwater further asserted that ODC received several informal telephone calls reporting that Reader had stopped appearing at her law firm, and ODC learned that Reader's law office was subject to eviction proceedings.

Broadwater attempted to contact Reader by phone, but Reader did not answer the calls and Broadwater was unable to leave a message because Reader's voicemail was full. Broadwater also sent a text message to Reader's cellphone number, but Reader did not respond. Through her investigation, Broadwater learned that Reader resided with her boyfriend. Broadwater succeeded in contacting him, ascertaining his residential address, and confirming that he and Reader resided together at that address. He also confirmed that the cellphone number Broadwater had called and texted was Reader's current number.

¹ Reader was not served with notice of this hearing until five days prior to hearing, rather than 20 days' notice as required, apparently due to difficulty locating Reader.

On November 8, 2021, the Commission submitted to this Court its Findings of Fact, Conclusions of Law, and Recommendation. The Commission concluded that Reader was in default pursuant to MRLDE 12(2) for failing to respond. The Commission deemed the allegations in the Complaint admitted under MRLDE 12(C)(1) since Reader had failed to file an Answer to the Complaint. Based upon the record, the pleadings, and the testimony and exhibits admitted at hearing, the Commission concluded that Reader had violated M. R. Pro. Cond. 8.1(b). For this violation, the Commission recommends that this Court impose discipline of suspension from the practice of law for a period of not less than seven months and imposition of the costs and expenses of ODC's investigation and the Commission's proceedings. The Commission reasoned that Reader's actions indicate her lack of interest in complying with the Montana Rules of Professional Responsibility and her refusal to participate in the process poses a threat to her clients, opposing parties and counsel, and the profession.

Reader did not file an objection to the Commission's filing. To date, the record indicates that Reader has never responded in any manner to ODC, the Commission, or this Court regarding this disciplinary matter.

This Court reviews de novo the Commission's findings of fact, conclusions of law, and recommendations. *In re Neuhardt*, 2014 MT 88, ¶ 16, 374 Mont. 379, 321 P.3d 833 (citation omitted). We have thoroughly reviewed the record in this matter and we find no material errors in the Commission's findings. We further determine its conclusions of law are correct.

We therefore adopt the Commission's Findings of Fact and Conclusions of Law made by the Commission and hold that Reader violated M. R. Pro. Cond. 8.1(b) by failing to respond to a lawful demand for information from a disciplinary authority. We agree with the Commission that MRLDE 8(A)(6) provides additional grounds for discipline as Reader has failed to promptly and fully respond to inquiries from disciplinary counsel, from ODC's investigator, and from the Commission.

As to the recommended discipline, we agree with the Commission's recommendation that Reader's conduct warrants suspension. We share the Commission's concerns regarding Reader's conduct, both for her failure to respond in this matter and for

the seriousness of the accusations made against her by the grievant. Reader's conduct is inconsistent with the competent and effective practice of law.

Based upon the foregoing,

IT IS HEREBY ORDERED:

1. The Commission's Findings of Fact, Conclusions of Law and Recommendation are ACCEPTED and ADOPTED.

2. Margaret Reader is hereby suspended from the practice of law in Montana for an indefinite period of not less than seven months, effective thirty days from the date of this Order. Reader is directed to give notice of her suspension to all clients she represents in pending matters, any co-counsel in pending matters, all opposing counsel and self-represented opposing parties in pending matters, and all courts in which she appears as counsel of record in pending matters, as required by Rule 30 of the Montana Rules for Lawyer Disciplinary Enforcement.

3. Margaret Reader shall pay the costs of these proceedings, subject to the provisions of Rule 9(C)(4)(a) of the Montana Rules for Lawyer Disciplinary Enforcement allowing her to file objections to the statement of costs.

The Clerk of this Court is directed to serve a copy of this Order of Discipline upon Margaret Reader, and to provide copies to Disciplinary Counsel; the Office Administrator for the Commission on Practice; the Clerks of all the District Courts of the State of Montana; each District Judge in the State of Montana; the Clerk of the Federal District Court for the District of Montana; the Clerk of the Circuit Court of Appeals of the Ninth Circuit; and the Executive Director of the State Bar of Montana.

DATED this 25th day of January, 2022.



Chief Justice



Janie Johnson
Peter Johnson
Janice McElroy
Jim Rice
Justices