

OFFICE OF DISCIPLINARY COUNSEL
for the State of Montana

2025 ANNUAL REPORT

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THE LAWYER DISCIPLINARY SYSTEM

The Montana Supreme Court has exclusive jurisdiction over the admission of members to the Montana State Bar and the conduct of its members pursuant to the Montana Constitution, Article VII, Section 2(3). On July 1, 2002, the Montana Supreme Court established a comprehensive lawyer discipline and disability system, consisting of the Office of Disciplinary Counsel and the Commission on Practice. Both entities are under the direct supervision of the Court and are governed and set forth by the Montana Rules for Lawyer Disciplinary Enforcement (“MRLDE”). These Rules can be found at www.montanaodc.org.

The Office of Disciplinary Counsel (“ODC”) acts as central intake for the lawyer regulatory system and is responsible for the intake, investigation, and prosecution of ethical grievances against Montana lawyers. The office consists of **four (4)** full-time employees and **one (1)** temporary part-time employee.

The Commission on Practice (“COP”) is a volunteer panel of **nine (9)** lawyers and **five (5)** non-lawyers, appointed by the Court to serve a **four (4)** year term. Members are divided into Review and Adjudicatory Panels, which hear and make determinations on the merits of grievances and, in appropriate cases, impose discipline or make recommendations to the Court for discipline or other disposition. The COP meets quarterly but may also schedule special sessions throughout the year. The COP consists of the following members:

COP CHAIRMAN: Lawyer Ward E. "Mick" Taleff

COP VICE-CHAIR: Lawyer Kelly J.C. Gallinger

EXECUTIVE SECRETARY: Lois Menzies

OFFICE ADMINISTRATOR: Dia Lang

LAWYER MEMBERS: Brad L. Belke; Jason Holden; Patricia “Trish” Klanke; W. Carl Mendenhall; Dan O’Brien; Randy S. Ogle; and Sheryl Wambsgans

NON-LAWYER MEMBERS: Patt Leikam; Elinor Nault; Troy McGee; Lois Menzies; and Rich Ochsner

GRIEVANCE PROCEDURE

ODC refers to informal complaints against Montana lawyers as grievances. Anyone may file a written grievance with ODC, either in-person or by mail. In general, the steps for processing a grievance are as follows;

STEP ONE: OFFICE OF DISCIPLINARY COUNSEL

ODC receives a grievance and information regarding a lawyer’s alleged misconduct and conducts a preliminary review. During its preliminary review, ODC determines whether the grievance should be classified as **meritless** or **merit**. To make this determination, ODC considers whether more information is needed; the file can be summarily dismissed; or whether the file should be investigated further.

If more information is needed, or can be summarily dismissed, ODC creates a **meritless** file. When ODC requests additional information and it is not provided, ODC closes the matter without further action. However, if after a party submits additional information which provides the basis for an investigation, those matters may be transitioned to a **merit** file.

Where ODC opens a **merit** file, the grievance is provided to the subject lawyer; the lawyer’s response is requested; the response may be provided to the grievant for their review and reply; and additional investigation is conducted. Upon completion of this process, ODC may:

1. Dismiss the matter if disciplinary action is not warranted;
2. Dismiss the matter with a letter of caution to the lawyer, or take other corrective action;
3. Request leave from the Review Panel of the COP to pursue private discipline¹; or
4. Request leave from a Review Panel of the COP to file a formal complaint.

Where a merit file is dismissed, the grievant is provided an opportunity to request review of the dismissal by a COP Review Panel.

STEP TWO: COMMISSION ON PRACTICE REVIEW PANEL

Upon request by Disciplinary Counsel for private discipline or to file a formal complaint against a lawyer, a Review Panel will either: 1) approve or modify the request, 2) refer the matter back to ODC for further investigation; or 3) reject the request where disciplinary action does not appear to be appropriate.

Any action taken by ODC or COP prior to the filing of a formal complaint is **not public discipline**, pursuant to Rule 20 MRLDE.

STEP THREE: COMMISSION ON PRACTICE ADJUDICATORY PANEL

Upon the filing of a formal complaint by ODC, the matter is assigned to an Adjudicatory Panel of the COP. The Adjudicatory Panel's authority includes:

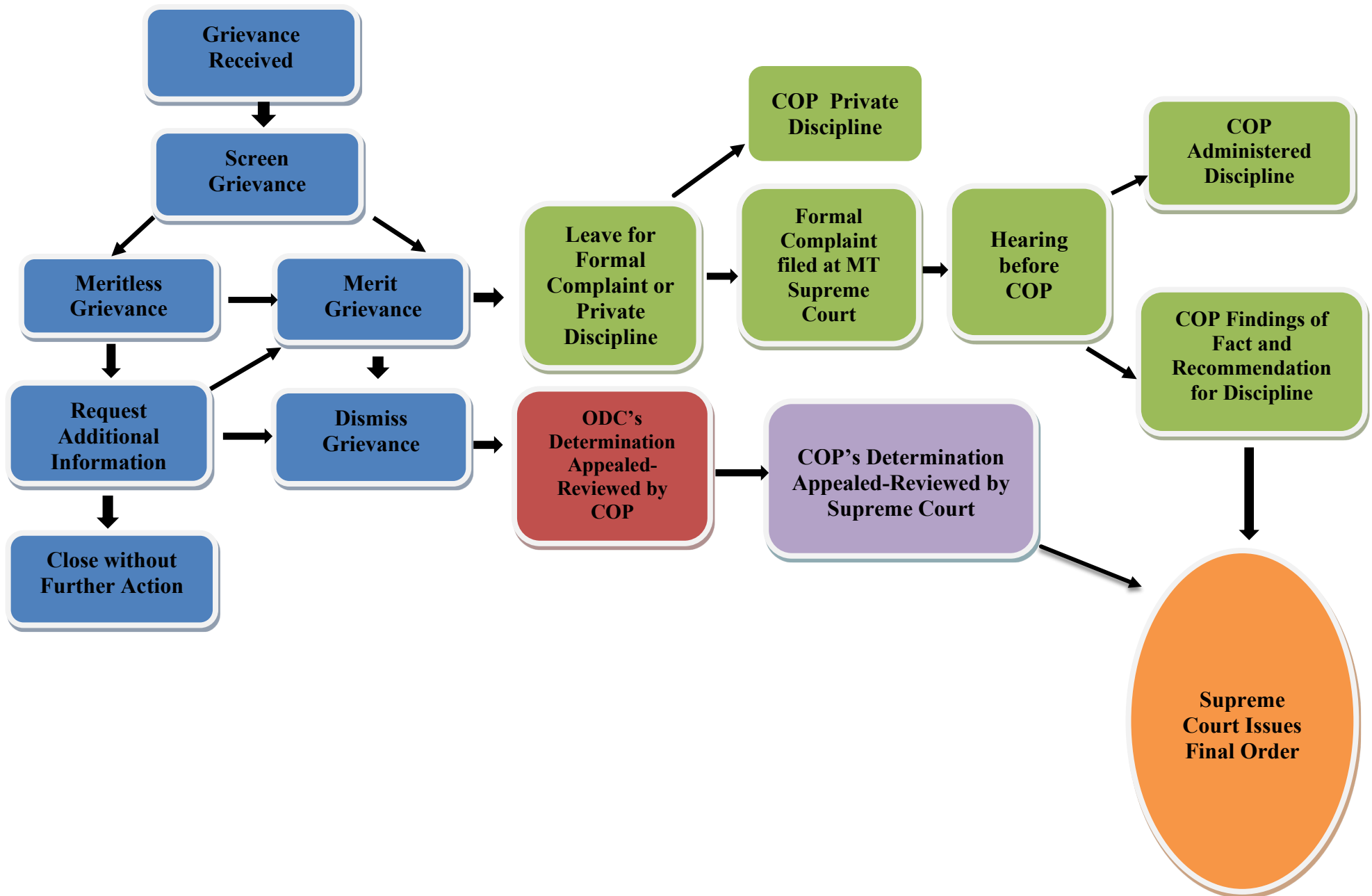
1. Conducting an evidentiary hearing and submitting its findings of fact, conclusions of law, and recommendation to the Montana Supreme Court;
2. Conducting a hearing to consider whether a conditional admission should be approved (a conditional admission admits certain misconduct in exchange for a stated form of discipline);
3. And after hearings, they may in some cases impose discipline, to include public admonitions, as well as probation, restitution, and costs.

STEP FOUR: THE MONTANA SUPREME COURT

Except for admonitions (and in some cases probation and imposition of costs), the Montana Supreme Court issues all final orders of discipline. Before the Court makes a final determination, a party may file objections to an Adjudicatory Panel's findings of fact, conclusions of law and recommendation.

The following flow chart displays a general overview of the ODC grievance and prosecution process. It is meant to be a general overview, rather than a depiction of every scenario possible.

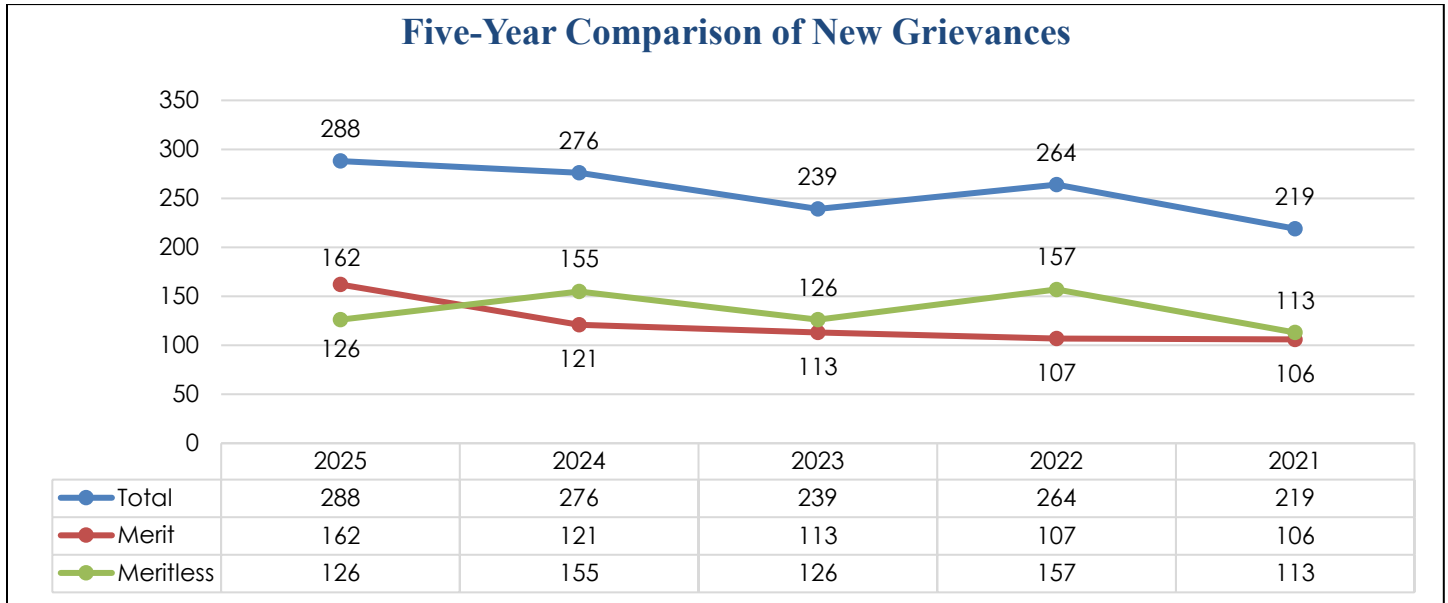
¹ In 2020, the MRLDE were revised, amended, and adopted, to include private admonition as a form of sanction, which became effective January 1, 2021.



NUMBER AND NATURE OF GRIEVANCES

NEW GRIEVANCES

In 2025, ODC received **288** new meritless and merit grievances. Of those, **126** were referred to as **meritless** files and **162** were opened as **merit** files. **Eleven (11)** meritless files were later opened as merit files after the grievant provided the requested additional information.



GRIEVANCES PER LICENSED LAWYERS

As of December 22, 2025, the total number of lawyers licensed to practice law in Montana was **5,326**. Of those, **4,319** were on active status. Based upon the number of active lawyers, informal grievances averaged about **one (1)** for every **15** lawyers over the twelve-month period; however, some lawyers were subject to multiple grievances.

FILES IN INVENTORY

In 2025, ODC had **466** informal files in inventory. This includes new and pending meritless and merit files carried over from previous years into 2025. The following is a four-year comparison of ODC's informal files in inventory.

MERITLESS	2022	2023	2024	2025
Meritless Files Carried Over from Previous Years	16	18	29	47
New Meritless Files	<u>157</u>	<u>126</u>	<u>155</u>	<u>126</u>
TOTAL MERITLESS FILES IN INVENTORY	173	144	184	173
MERIT				
Merit Files Carried Over from Previous Years	99	110	115	131
New Merit Files	<u>107</u>	<u>113</u>	<u>121</u>	<u>162</u>
TOTAL MERIT FILES IN INVENTORY	206	223	236	292
TOTAL INFORMAL FILES IN INVENTORY	379	367	420	466

LAWYER DISABILITY MATTERS

The Montana Supreme Court may transfer a lawyer to disability/inactive status for several reasons, which are detailed in Rule 28, MRLDE. Transfer to disability/inactive status, unless otherwise specified by order, shall be for an indefinite period. Pending disciplinary proceedings are deferred during the period a lawyer is on disability/inactive status. Such proceedings shall be heard and disposed of as provided in the MRLDE upon reinstatement of the lawyer to active status. In 2025, the Montana Supreme Court transferred **one (1)** lawyer to disability/inactive status; the first since 2022.

In 2025, there was **one (1)** attorney who was disabled, incapacitated, or missing. Under Rule 33 MRLDE, ODC petitioned for a singular trustee to assist in closing the attorney's practice and/or returning client property.

DISPOSITIONS OF MERITLESS FILES

The following is a four-year comparison of dispositions of new and carried over files where ODC determined the lawyer did not violate the MRPC.

MERITLESS FILES	2022	2023	2024	2025
Closed – No Further Action	100	61	65	68
Closed – No Jurisdiction	18	11	12	14
Dismissed by ODC	37	48	49	64
ODC Dismissal Appealed to COP	6	5	7	15
ODC Dismissal Appealed to Court	4	6	4	2

DISPOSITIONS AND STATISTICS OF MERIT FILES

MERIT FILES	2022	2023	2024	2025
Dismissed by ODC	74	92	74	139
Dismissed with Letter of Caution	9	16	13	21
ODC Dismissal Appealed to COP	10	14	9	30
ODC Dismissal Appealed to Court	2	2	4	10
Grievances Deferred	2	1	0	0

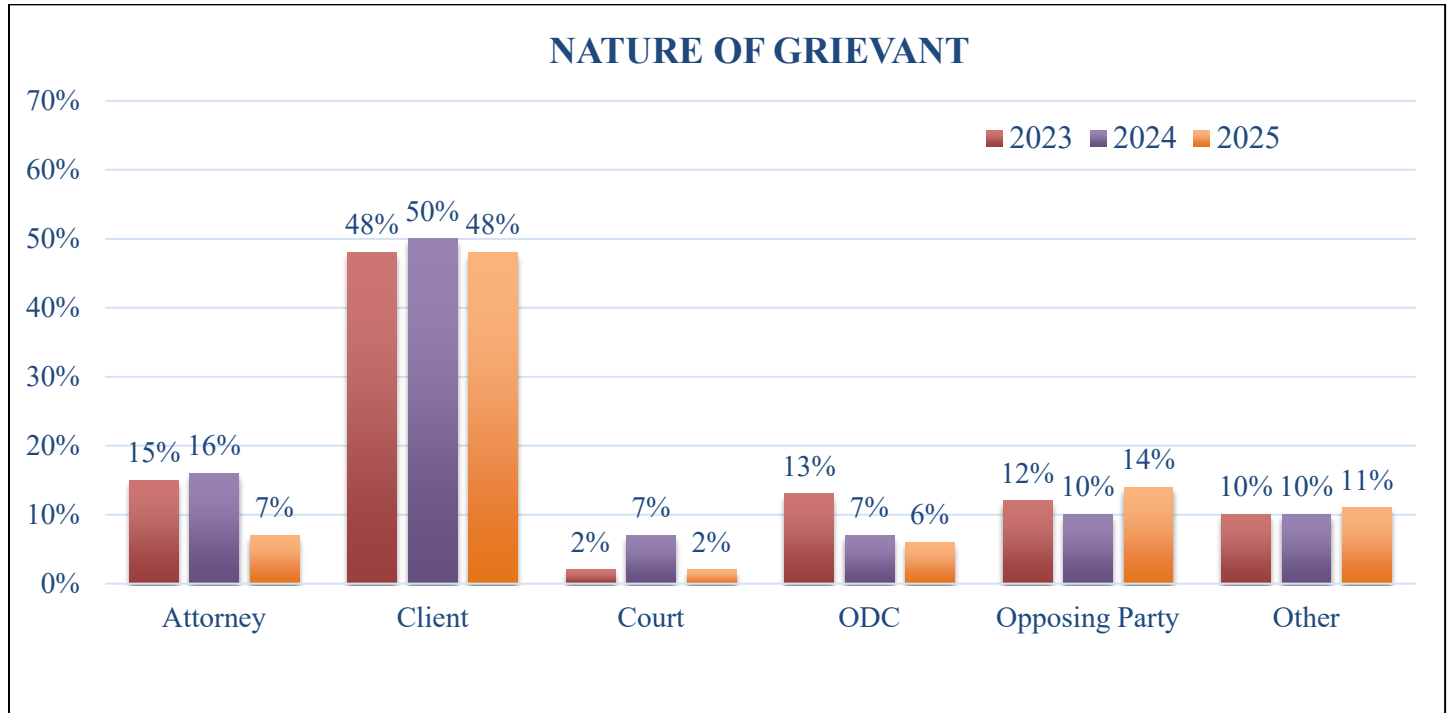
ODC dismissed **203** informal files in 2025, compared to **123** informal files in 2024 and **140** in 2023.

Of the **466** total informal files in inventory in 2025, ODC made **72** reports and recommendations to the COP over the course of **four (4)** COP meetings held during the year, an average of **seventeen (17)** reports per meeting. This is an increase from 2024, where ODC submitted **41** reports for an average of **ten (10)** reports a meeting and 2023, where **43** reports were made, an average of **11** reports per meeting. ODC's reports consisted of grievant requests for review of ODC's determination, ODC's requests for leave for private discipline, or leave to file a formal complaint.

In addition to general file tracking, ODC classifies the type of grievances, as well as the nature of the subject or respondent lawyer's practice. These classifications include whether the lawyers were retained by the complaining

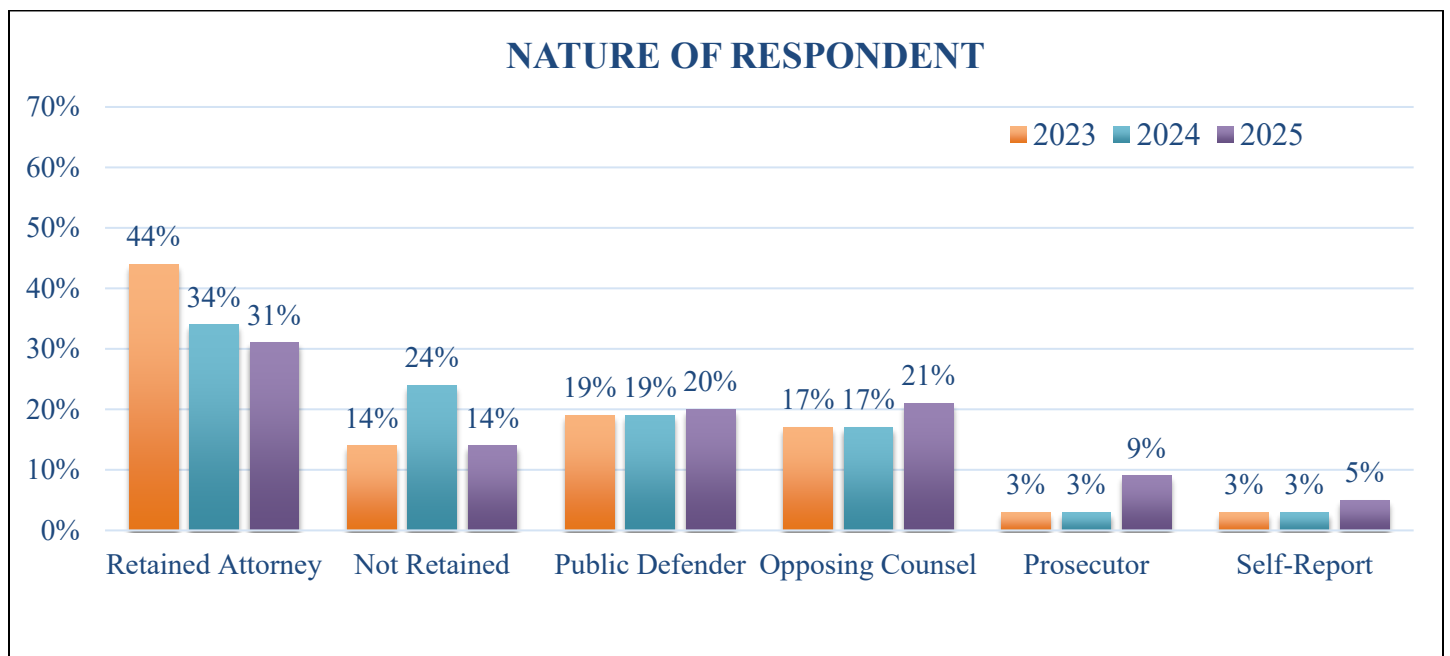
party, and the location and type of law the attorney practices. The following graphics depict the classifications and quantifications of the **188** new **merit** grievances ODC received in 2025, with a comparison to the previous **two (2)** years.

NATURE OF GRIEVANT

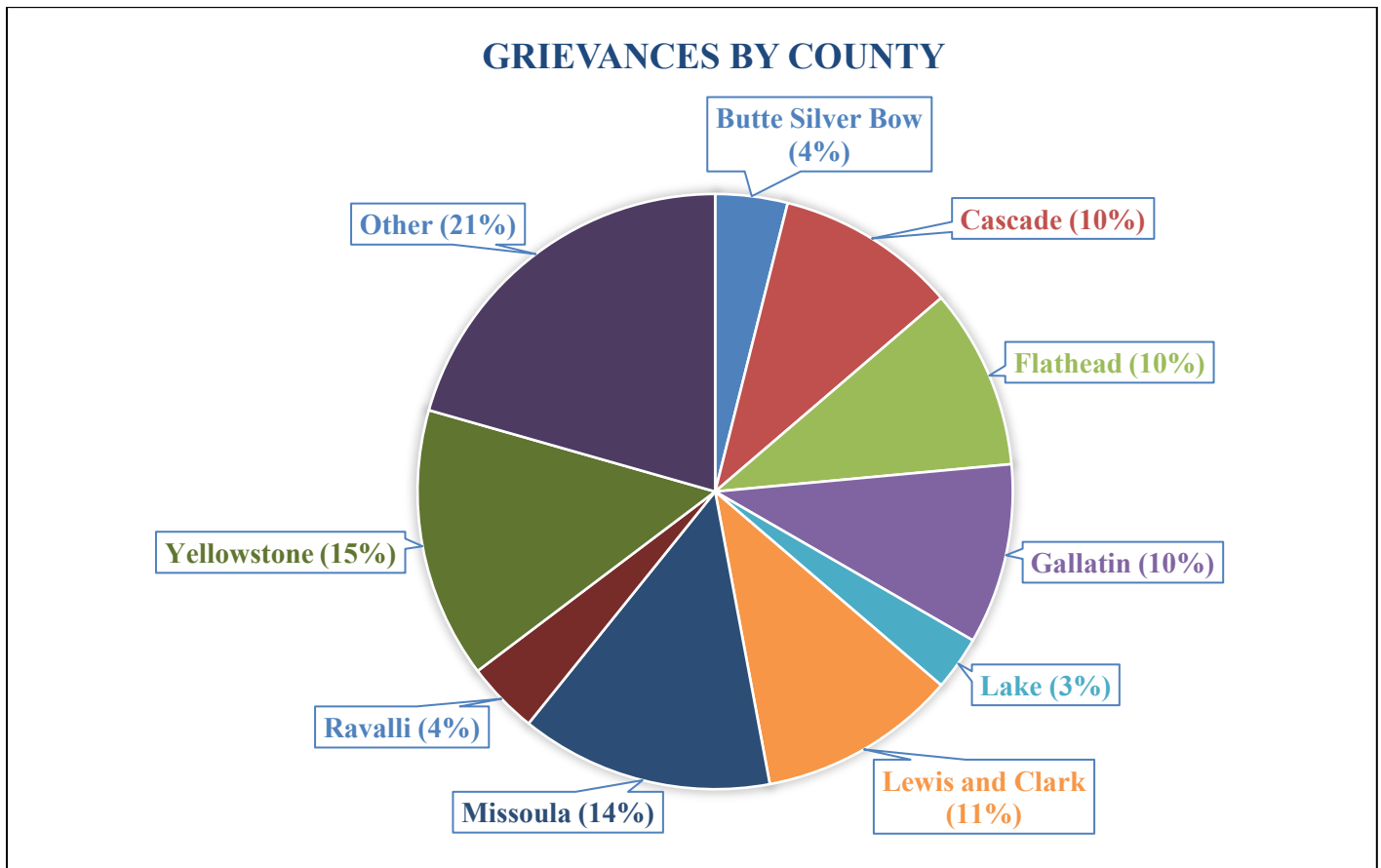


“ODC” includes merit files opened by ODC when ethical misconduct comes to ODC’s attention by means other than the submission of a written grievance (court orders, news articles, notices of criminal conviction, trust account overdraft notices, etc.), or upon a lawyer’s self-reported misconduct.

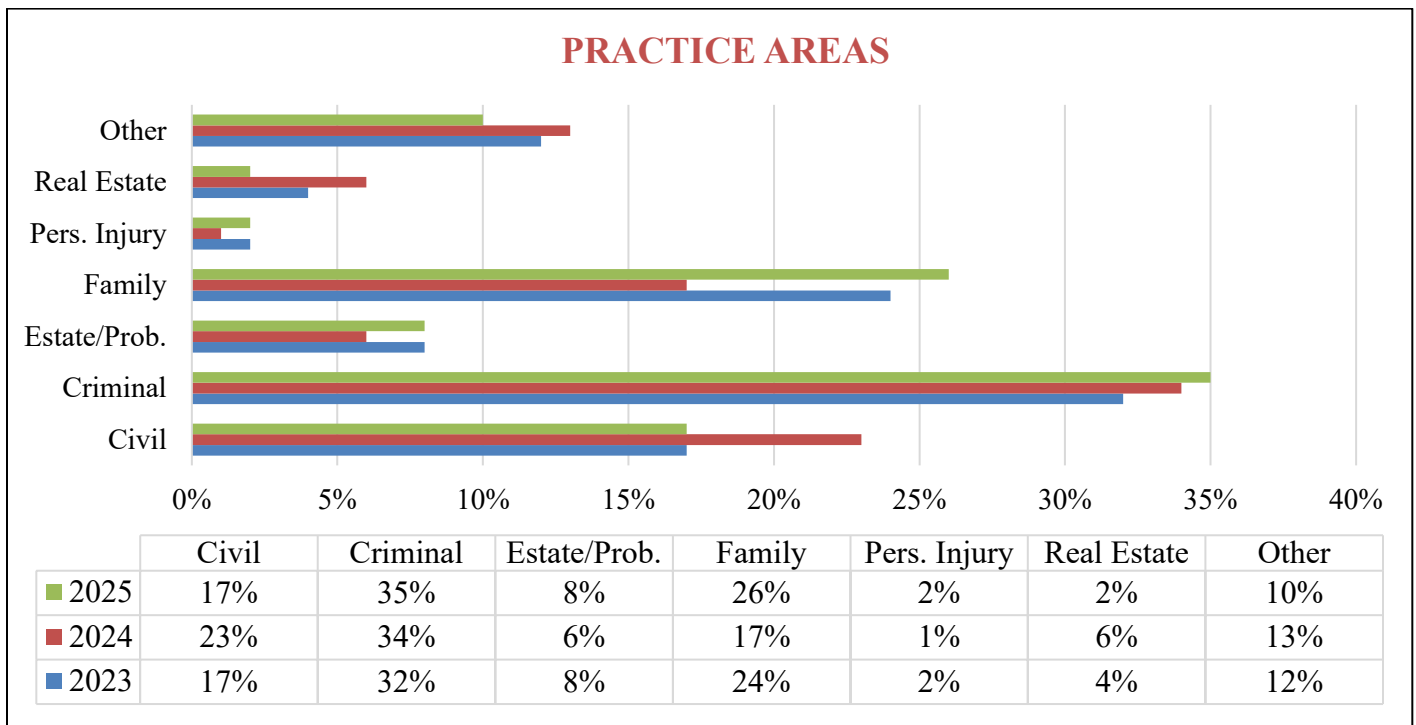
NATURE OF RESPONDENT



GRIEVANCES BY COUNTY

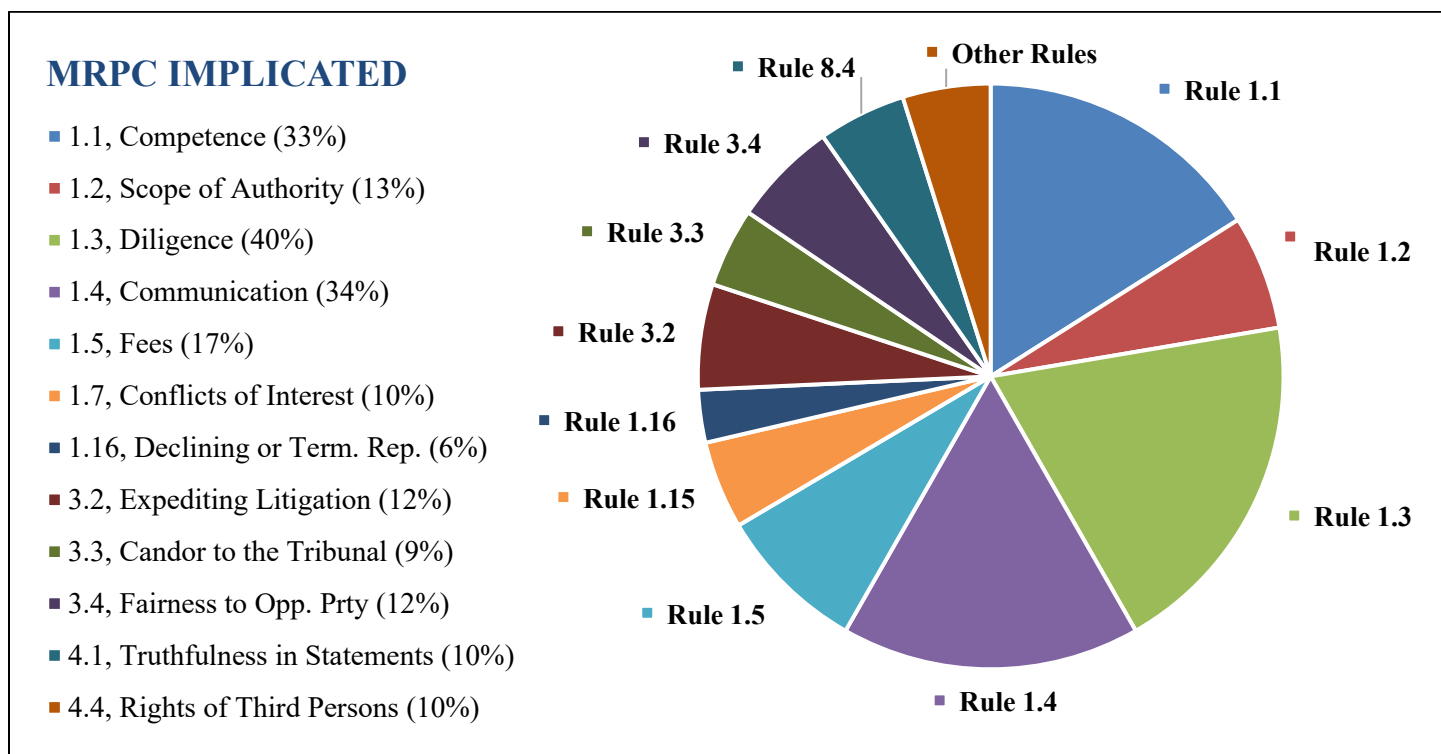


PRACTICE AREAS



RULE IMPLICATION BY GRIEVANCE

The following are the MRPC the grievant alleged the lawyer violated in ODC's 2025 **merit** files.



“Other” consists of the MRPC not implicated in any grievance, or a Rule which made up less than **four (4)** percent of the total rules alleged.

FORMAL COMPLAINTS AND LAWYER DISCIPLINE

CASE PROSECUTIONS

In 2025, ODC filed **six (6)** requests for private discipline with the COP concerning **eight (8)** merit files. ODC filed **14** formal complaints against **13** Montana lawyers concerning **17** merit files. At the end of 2025, there were **nine (9)** open formal cases in the litigation stage, and **one (1)** of the respondent lawyers transferred to disability/inactive status. Over 2025, ODC lodged a total of **nine (9)** Rule 26 conditional admissions with the COP and made no requests for Rule 24 show cause hearings. ODC did not file any Rule 23, MRLDE, petitions before the Montana Supreme Court.

	2023	2024	2025
Private Discipline	3	2	6
Formal Complaints	11	11	14
Rule 23 Petitions, Criminal Conviction	1	0	0
Rule 24 Requests, Show Cause	0	0	0
Rule 26 Agreements, Conditional Admissions	8	7	9
Rule 27 Petitions, Reciprocal Discipline	2	0	0
TOTAL	25	20	20

ODC appeared at **14** hearings over the course of **four (4)** COP meetings in 2025. The hearings involved **17** merit files and **14** Montana lawyers.

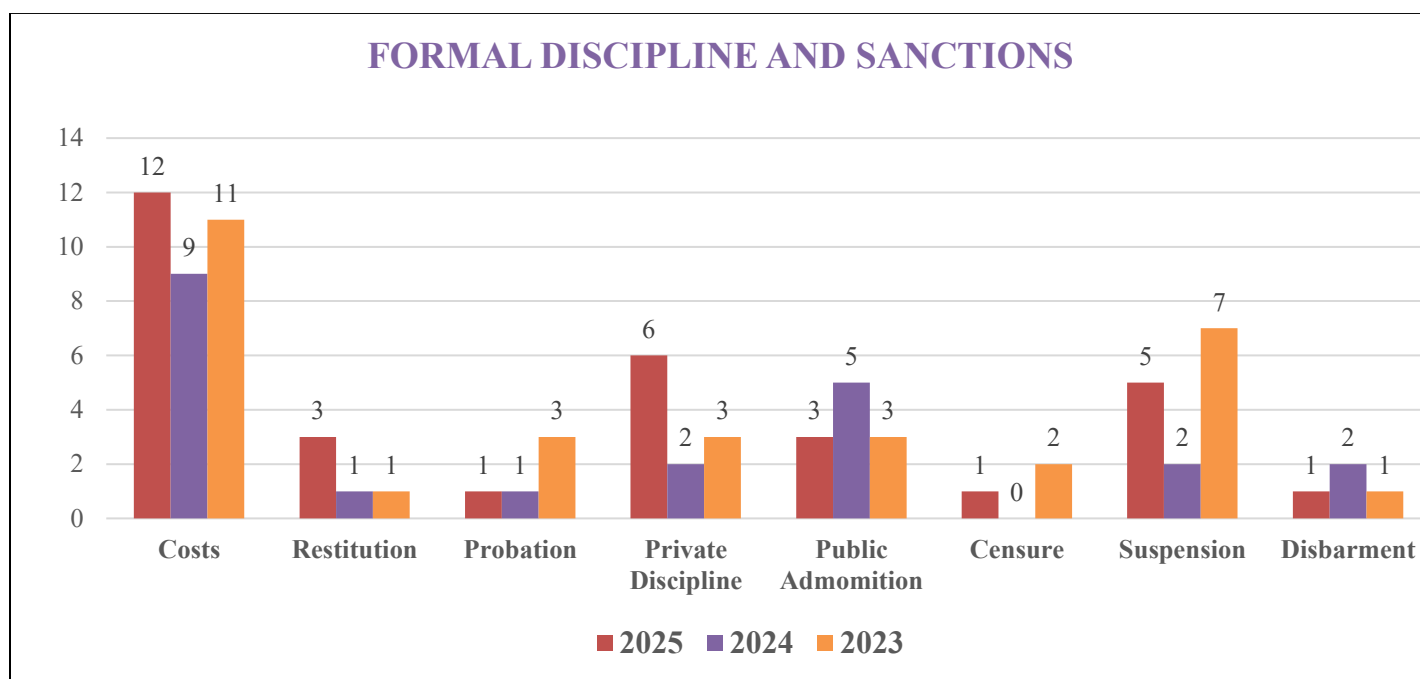
	2023	2024	2025
Private Discipline	1	1	1
Formal/Contested	2	2	2
Rule 23 Dispositional/Criminal Conviction	0	0	0
Rule 24 Show Cause	0	0	0
Rule 26 Conditional Admission	9	8	8
Rule 27 Petitions, Reciprocal Discipline	0	0	0
TOTAL HEARINGS	12	11	11

FORMAL DISCIPLINE AND SANCTIONS

Formal discipline and sanctions result in either a permanent **private** disciplinary record or a permanent **public** disciplinary record. **Discipline** includes one or more of the following: disbarment; indefinite or interim suspension; public censure; public admonition; and probation.

The following **sanctions** may be imposed in addition to a form of discipline: restitution; disgorgement of fees and costs; reimbursement to the Lawyers' Fund for Client Protection; and assessment of the cost of disciplinary proceedings.

In 2025, the Montana Supreme Court and COP imposed **31** forms of discipline and sanctions based upon **16** discipline orders for **15** lawyers.



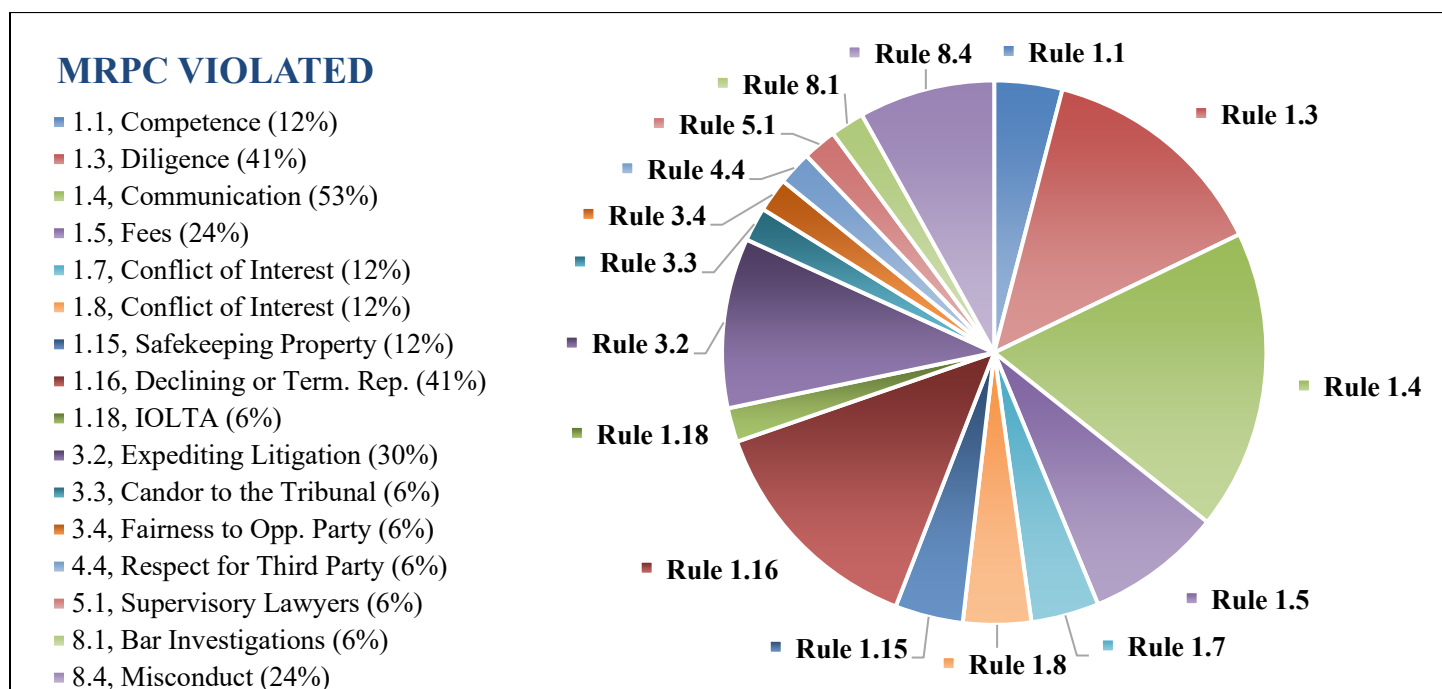
PUBLICLY DISCIPLINED LAWYERS

The following are the Montana lawyers who were **publicly** disciplined and sanctioned in 2025. The specifics of these matters may be found in the public records held at the Clerk of the Montana Supreme Court.

MT SUPREME COURT CAUSE NO.	LAWYER	DISPOSITION	DATE ORDERED
PR 24-0639	Tyler Dugger	Public Admonition; Costs	04/30/2025
PR 24-0641	Mark J. Hartwig	Public Admonition; Costs	05/13/2025
PR 24-0631	Craig R. Buehler	Suspension, 30 days; Restitution; Costs	07/01/2025
PR 24-0638	Jenifer Reece	Indefinite Suspension; Costs	07/09/2025
PR 25-0356	David Vicevich	Public Censure; Restitution; Costs	10/01/2025
PR 25-0358	Lawrence Henke	Public Admonition; Costs	12/09/2025
PR 24-0443	Amanda M. Gordon	Contempt (Order of Discipline); Costs	12/09/2025
PR 25-0360	Michael P. Sinks	Suspension, 60 days; Restitution; Costs	12/16/2025
PR 25-0150	Naomi Leisz	Suspension, 60 days; Costs	12/29/2025
PR 25-0553	Amanda M. Gordon	Disbarred; Costs	12/23/2025

RULE VIOLATIONS RESULTING IN DISCIPLINE AND SANCTIONS

The following depicts the MRPC encompassed in matters resulting in private and public discipline.



COSTS AWARDED AND COLLECTED

In every discipline and sanction order issued in 2025, the respondent lawyers were required to pay the costs of their disciplinary proceedings. ODC monitors each lawyer's compliance with their disciplinary orders, including whether they have paid costs. The following depicts the number of discipline and sanction orders requiring the repayment of costs, versus what is collected.

	2023	2024	2025
Number of Costs Order	11	5	10
Amount Ordered	\$3,181.31	\$1,729.19	\$5,504.60
Amount Collected	\$1,280.66	\$1,550.44	\$1,568.60

LAWYER COMPLIANCE AND MONITORING

As noted above, ODC monitors disciplined lawyers for their compliance with disciplinary orders. Additional requirements are determined on a case-by-case basis, given the nature of violation and any aggravating or mitigating factors.

At the close of 2025, ODC was monitoring a total of **14** lawyers for compliance with disciplinary orders. All the lawyers were on active status with the State Bar of Montana, and **six (6)** of those remain on probation.

OTHER DISCIPLINARY MATTERS

BAR TRAINING AND CONTINUED LEGAL EDUCATION

Chief Disciplinary Counsel engaged in continued education outreach, appearing as a speaker at approximately **four (4)** conferences and programs around the State. These events catered to lawyers, law students, court members, and members of the public, which discussed the lawyer regulatory systems, fee agreements, trust account practices and emerging disciplinary trends and its relation to lawyer wellness.

DIVERSION AND CORRECTIVE ACTION

ODC's diversion program was developed in 2019 as an informal, confidential, form of corrective action. Diversion seeks to both correct and guide lawyers, as well as contribute information which would "fill gaps" in training related to various practicalities within the practice of law.

Lawyers eligible for diversion are those who have committed a minor infraction of the MRPC, and have experienced a combination of **two (2)** or more of the following: 1) have been a member of the bar for the less than **five (5)** years, and are otherwise, newer to the practice of law; 2) previously had insufficient training or guidance in office or case administration (sole practitioner); 3) has sought assistance from the State Bar, Lawyer's Assistance Program, or other support group; and 4) has, or is currently, experiencing reoccurring mental health episodes and/or, was/is substance reliant.

CORRECTIVE ACTION

ODC continues to utilize corrective action plans as a last step before formal disciplinary action or in conjunction with private discipline. Respondent lawyers enter into an agreement with ODC whereby they agree to terms and conditions, understanding that a failure to adhere is likely to result in formal prosecution.

Throughout 2025 ODC monitored **seven (7)** participants for compliance with the conditions of their Corrective Action Agreements and discharged **two (2)** after their successful completion.

Both IDP and corrective action have shown the positive effects of mentorship and training of lawyers, and its ability to curtail future violations of the Rules. The precise conditions, training, and thoughtful consideration of circumstances, help to support the lawyer while improving their skill set and confidence, resulting in an improved quality of legal services, while simultaneously protecting the integrity of the profession.

MENTORSHIP

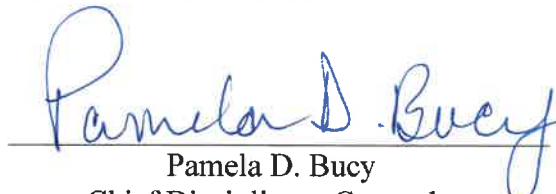
ODC continues to establish mentors in various regions throughout the state. ODC has created guidelines for its mentors which include various training and education topics, as well as required communication, and regular mentor-mentee meetings. The mentors are tasked with performing within those guidelines, while also assisting the mentee lawyers in achieving their specific individual goals and any training or education requirements.

ODC has divided mentors into two categories: primary and quarterly mentors. As a primary mentor, they are tasked with meeting their mentee approximately 90 minutes per month, reporting to ODC the subject attorney's compliance with corrective action plans, diversion conditions, or disciplinary order, and any concerns every three (3) months. As a quarterly mentor, they should strive to meet with their mentee 90 minutes per quarter, reporting to ODC compliance, concerns, and any other constructive feedback.

Mentors are voluntary and the amount of time a mentor must dedicate to their mentee lawyer and away from their own practice can be considerable. As a result, ODC wanted to both incentivize and provide some level of reparation for their work. As ODC mentors, they are permitted up to **five (5)** ethics CLE credits. ODC reports to the CLE commission their credits based upon the category of mentor and the number of mentees. The mentors' time, knowledge, and expertise has shown to be a valuable and integral part of improving the profession.

DATED this 9th day of July, 2026.

OFFICE OF DISCIPLINARY COUNSEL


Pamela D. Bucy
Chief Disciplinary Counsel