

Who, What, How: Meet the ODA and a Year in Review

How the Office of Disciplinary Administrator (ODA) works with you to accomplish self-regulation – PARTNERSHIP AT ITS FINEST!

Presented by: Alice Walker, Deputy Disciplinary Administrator and Crystalyn Ellis, Director of Investigations

This presentation will cover:

1. Who is the ODA?
 - a. People and their roles.
2. What does the ODA do?
 - a. Day in the life of a deputy disciplinary administrator.
3. How does it work?
 - a. Course of an ethics complaint: What every lawyer needs to know.
4. Who can partner with the ODA?
 - a. Organizations
 - b. You
5. What can you do?
 - a. How to get plugged in, the real meaning of self-regulation!
6. Case Statistics and Review of Disciplinary Cases from 2024
 - a. A year in review

1. Who is the ODA?

- a. Gayle B. Larkin, Disciplinary Administrator
- b. Matthew J. Vogelsberg, Chief Deputy Disciplinary Administrator
- c. Crystalyn M. Ellis, Director of Investigations
- d. Jon Ruhlen, Counsel to the Kansas Board for Discipline of Attorneys
- e. Deputy Disciplinary Administrators
- f. Investigators
- g. You – don't be the missing link.
 - i. Rule 210 (2024 Kan. S. Ct. R. at 260) Duty to assist, respond, and report.

Rule 210

DUTY TO ASSIST; DUTY TO RESPOND; DUTY TO REPORT

(a) Duty to Assist. An attorney must assist the Supreme Court, the Board, and the disciplinary administrator in the investigation and prosecution of an initial complaint or a report, a docketed complaint, and a formal complaint and in other matters relating to the discipline of attorneys.

(b) Duty to Respond. An attorney must timely respond to a request from the disciplinary administrator for information during an

investigation and prosecution of an initial complaint or a report, a docketed complaint, and a formal complaint.

(c) Duty to Report. An attorney who has knowledge of any action or omission that in the attorney's opinion constitutes misconduct must report the action or omission to the disciplinary administrator.

[**History:** New rule adopted effective January 1, 2021.]

2. What does the ODA do?

- a. Day in the life of a deputy disciplinary administrator.
 - i. Rule 205(f) Disciplinary Administrator: Powers and Duties.

Rule 205(f) Powers and Duties. The disciplinary administrator has the following powers and duties:

- (1) investigating an initial complaint or a report that appears to have merit as set forth in Rule 208(c);
- (2) declining to investigate and dismissing an initial complaint or report as set forth in Rule 208(b);
- (3) presenting all docketed complaints to the review committee;
- (4) informing the Supreme Court when an attorney is convicted as defined in Rule 219(a)(1) of a felony crime or a crime mandating registration as an offender;
- (5) prosecuting a disciplinary board proceeding before a hearing panel and a case before the Supreme Court;
- (6) defending a reinstatement board proceeding before a hearing panel and a case before the Supreme Court with respect to a petition for reinstatement of a disabled, inactive, suspended, or disbarred attorney;
- (7) providing investigative and prosecutorial services for the Kansas Board of Law Examiners;
- (8) providing investigative services as needed for the Kansas Commission on Judicial Conduct;
- (9) employing and supervising staff to perform the disciplinary administrator's duties; and
- (10) performing other duties as directed by the Supreme Court.

- b. Calls and emails with attorneys to round table situations (disclaimer, cite to the rules, not to a call to the ODA).
- c. Screen complaints and provide copy of complaint to the attorney so the attorney knows if there is a complaint even if it is dismissed.
- d. Review completed investigations and present to Review Committee.
- e. Review Committee provides direction on resolution (dismiss, letter of concern, diversion, informal admonition, formal complaint).

3. How does it work?

a. Course of an ethics complaint: What every lawyer needs to know.

i. Rule 208: Initial Complaint or Report of Misconduct.

1. Complaints come from all sources – clients, judges, self-reports, opposing parties, opposing counsel, others.
2. ODA prefers a complaint be submitted in writing on the available form; other forms may be accepted.
3. Intake Review – three options: dismissal, informal inquiry, or docket for investigation.

ii. Rule 209: Investigation of Docketed Complaint.

1. Upon request, the ODA must provide a copy of the investigative report to the respondent.
2. The respondent has a duty to cooperate and provide a written response. (Rule 210) Additionally, failure to respond violates Rule 8.1(b) and Rule 210.
3. ODA has the discretion to provide a copy of the attorney's response to the complainant. Rule 237(b).
4. Diversion may be an option and must be requested by the respondent if they are interested. (Rule 212: Attorney Diversion Program.)

iii. Rule 210: Duty to Assist; Duty to Respond; and Duty to Report.

1. Failure to cooperate, provide a written response, or provide other information constitutes a separate violation.
2. Rule 8.1(b) provides that “a lawyer in connection with a disciplinary matter [] shall not: knowing fail to respond to a lawful demand for information from [a] disciplinary authority[.]”
3. *In the Matter of Cole*, 268 Kan. 828 (2000) (Court indefinitely suspended the respondent for failure to cooperate in the disciplinary investigation despite the fact the underlying complaint appeared to lack merit).
4. *In the Matter of Williams*, 302 Kan. 990 (2015) Submitting false information / documents to mislead the investigation and lying under oath provide grounds for disbarment.

iv. Rule 211: Review Committee (RC) Disposition and Rule 225: Types of Discipline. The RC determines whether probable cause exists for a violation and provides direction on resolution.

1. Dismiss (lack of probable cause),

2. Dismiss (lack of clear and convincing evidence with or without a Letter of Concern LOC),
 3. Diversion (Rule 212: Diversion),
 4. Informal Admonition Rule 225(a)(6) – public but not published,
 5. Institute Formal Complaint,
 - a. Set for formal hearing. The parties can stipulate to conduct, violations, or both.
 - b. Rule 223 Summary Submission if the parties agree to conduct, violations, and discipline.
 - v. Rule 212: Attorney Diversion Program.
 - a. Define eligibility, duties, considerations, fees, successful and unsuccessful consequences.
 - b. Generally, a diversion is NOT discipline.
 - c. Diversion CAN be used as aggravating circumstance if there is subsequent violations.
 - vi. Rule 213: Temporary Suspension.
 1. For good cause the Supreme Court can temporarily suspend an attorney. This is separate from an automatic temporary suspension based on a felony criminal conviction.
 2. Good cause includes failure to file an answer as required by Rule 215(b) or if the respondent poses a substantial threat of harm to clients, the public, or the administration of justice.
 - vii. Rule 214: Dismissal Not Justified.
 1. Unwillingness or neglect of the complaint to cooperate, settlement or restitution are not grounds to dismiss a complaint, investigation, or formal complaint.
 - viii. Rule 237: Confidentiality.
 1. Disciplinary proceedings are confidential until a probable cause finding is made by the Review Committee.
 2. Confidentiality does not prohibit the complainant or the respondent from disclosing the existence of a complaint or any document filed by, served on, or provided to that person.
 3. If the Review Committee directs a hearing on a formal complaint, the ODA may disclose documents such as: a formal complaint, answer, final hearing report, or other filed documents subject to any seal order.
- b. Complaint flow chart (see attached).

Rule 237

CONFIDENTIALITY AND DISCLOSURE

(a) Confidentiality. Except as otherwise provided in this rule or by order of the Supreme Court, the following documents are confidential and must not be divulged:

- (1) an initial complaint or a report, a docketed complaint, and an investigative report; and
- (2) notes, correspondence, and work product of the disciplinary administrator, an investigator, the review committee, a hearing panel, and the Board.

(b) Complaint and Response. The disciplinary administrator must provide the initial complaint or report to the respondent. If the respondent files a response to the initial complaint or report, the disciplinary administrator may provide the response to the complainant.

(c) Disclosure by Complainant or Respondent. This rule does not prohibit a complainant or respondent from disclosing the existence of an initial complaint or a report, a docketed complaint, or any document or correspondence filed by, served on, or provided to that person.

(d) Disclosure to Respondent. On request, the disciplinary administrator must disclose to the respondent the investigative report and all evidence in the disciplinary administrator's possession. Except as otherwise provided in Rule 218, no other discovery is permitted. The disciplinary administrator is not required to disclose any work product, including a summary and recommendation prepared under Rule 209(d).

(e) Disclosure to Third Person. The following provisions apply to disclosure by the disciplinary administrator to a third person.

(1) If the review committee directs the disciplinary administrator to impose an informal admonition, the disciplinary administrator may disclose, and must disclose upon request, the nature and disposition of the case.

(2) If the review committee directs a hearing on a formal complaint, the disciplinary administrator may disclose, and must disclose upon request, any formal complaint; answer; filing by the disciplinary administrator or respondent; order issued by the hearing panel; final hearing report; summary submission agreement; and exhibits admitted during the hearing on the formal complaint. The disclosure is subject to any seal order.

(3) If a respondent voluntarily surrenders the respondent's license to practice law, the disciplinary administrator may disclose the nature and disposition of the complaint; the disciplinary

administrator must disclose a copy of an order of disbarment upon request.

(4) The disciplinary administrator and anyone appointed to assist the disciplinary administrator in conducting an investigation may disclose information reasonably necessary to complete the investigation.

(5) The disciplinary administrator may disclose relevant information and submit all or part of a disciplinary file to the following:

(A) the Kansas Lawyers Assistance Program or other lawyer assistance program;

(B) a government official, commission, committee, or body for use in evaluating an applicant or prospective appointee or nominee for a judicial appointment;

(C) the Supreme Court for use in evaluating an applicant or prospective appointee or nominee for service on a commission, committee, or board; or

(D) a law enforcement agency, licensing authority, or other disciplinary authority.

(f) Disclosure to Complainant. On dismissal under Rules 208, 209, or 211 or on imposition of an informal admonition, the disciplinary administrator must notify the complainant of the action taken and may reveal to the complainant information necessary to adequately explain the basis for the decision and the action taken.

[History: New rule adopted effective January 1, 2021; Am. (e) effective November 29, 2021.]

4. Who can partner with the ODA?

- a. KALAP
- b. Local ethic and grievance committee investigators
- c. You (Rule 210)

5. What can you do?

- a. Know where to find KRPCs:
<https://kscourts.gov/KSCourts/media/KsCourts/Rules/2024-Rule-Book.pdf>
- b. Know how to contact ODA: Attydisc@kscourts.org and 785-435-8200
- c. Know how to contact KALAP: kalap@kscourts.org and 785-368-8275
- d. KALAP resources – for you and colleagues.
- e. Volunteer to be KALAP monitor or mentor or an ODA investigator.
- f. Connect with local ethic and grievance committees.

6. Case Statistics and Review of Disciplinary Cases

- a. Case Statistics FY2024 (July 2023-June 2024):
 - i. Non-Docketed Complaints: 906
 - ii. Docketed Complaints Opened: 107
 - iii. Petitions for Reinstatement: 7
- b. Cases concluded in 2024:
 - i. Dismissals by review committee after investigation: 104
 - ii. Diversions approved by review committee: 5
 - iii. Informal Admonitions Imposed: 28
 - iv. Cases authorized for Institution of Formal Charges: 27
- c. Discipline imposed by the Kansas Supreme Court in 2024:
 - i. 4 Voluntary Surrenders
 - ii. 2 Indefinite Suspensions
 - iii. 2 Definite Suspensions
 - iv. 2 Published Censures
 - v. 4 attorneys placed on probation
 - vi. 1 Disbarment
- d. Published Disciplinary Cases in 2024:
 - i. *In re Roy*, 318 Kan. 184 (2024)
 - 1. The respondent agreed to represent an individual in a step-parent adoption matter. The respondent had not previously practiced in this area of law and did not properly review relevant statutes or local court rules. After the respondent filed the petition, he took no further action in the case. A year after filing the petition, the court dismissed the matter for lack of prosecution. The respondent did not notify his client of the dismissal. The client had paid a \$2,000 flat fee at the commencement of representation. During the disciplinary process, the respondent refunded his client from his personal account and when requested by the disciplinary investigator, the respondent did not produce trust account records.
 - 2. The respondent violated KRPC 1.1 (competence); KRPC 1.3 (diligence); KRPC 1.5 (fees); KRPC 1.15 (safekeeping property); and KRPC 8.4 (g) (misconduct reflecting adversely on the lawyer's fitness to practice law).
 - 3. The respondent was suspended from the practice of law for 1 year, however that suspension was stayed for 1 year of probation.

ii. *In re Richard Davis*, 318 Kan. 199 (2024)

1. *Court Reporter Complaint*

- a. This complaint arose out of the respondent's failure to pay a court reporter fee. His client had provided him the cost for the deposition, however, the respondent placed the payment directly in his operating account, not his trust account, in violation of KRPC 1.15(a) (safekeeping property).
- b. The court found the respondent violated KRPC 3.1 (meritorious claims and contentions) by making a frivolous argument to the district court regarding whether he had to pay a portion of the appearance fee for that court reporter. The respondent argued he did not need to pay because he did not schedule the deposition. However, the respondent knew at the time he made the argument that he had requested the court reporter to stay late so that he could depose a witness. The court also found a violation of KRPC 4.1 (truthfulness in statements to others) by telling the court reporter the her check for payment was in the mail, when in fact he had not placed it in the mail.
- c. The respondent further violated KRPC 4.4 (respect for rights of third persons) when he asserted to the court reporter in an email that she would be committing perjury if she filed a small claims petition alleging he had failed to pay for contracted services.
- d. The respondent violated KRPC 8.1 (bar admission and disciplinary matters) when he told two separate members of the disciplinary administrator's office that he had sent a check for payment to the court reporter. The court further found his dishonest statements constituted a violation of KRPC 8.4(c) (misconduct involving dishonesty).

2. *Judge Complaint*

- a. A district court judge filed a complaint against the respondent regarding what he perceived as a conflict of interest. The judge further advised the disciplinary administrator's office of conduct he found degrading to the tribunal.

- b. In his response to the complaint, the respondent alleged the complaint was “completely frivolous” and was filed in retaliation for his comments to the court.
 - c. The Kansas Supreme Court found no conflict in the matter, however, it did find the respondent violated KRPC 3.5(d) (impartiality and decorum of the tribunal) when he accused the district court of railroading his client and deciding the matter in a shameful and unjust manner. The court further found the respondent violated KRPC 8.2(a) (judicial and legal officials) when he claimed in his response to the disciplinary administrator’s office that the judge filed the complaint in retaliation.
- 3. The respondent was disciplined by Published Censure.
- iii. *In re Johnson*, 318 Kan. 322 (2024)
 - 1. The cases included six disciplinary complaints. Each dealt with a lack of diligence (KRPC 1.3), as well as failure to communicate properly with clients (KRPC 1.4). In three of the matters, the respondent failed to comply with court orders in violation of KRPC 3.4. The court further found the respondent’s misconduct in failing to docket an appeal for one client, and failing to file a brief, extension of time, or voluntary dismissal on behalf of two other clients violated KRPC 8.4(d). The respondent failed to timely respond during the disciplinary investigation. The respondent did send a late response, in which she described personal problems that contributed to the misconduct. However, the respondent subsequently failed to participate in the investigation, formal hearing, and oral argument of the disciplinary matters. The court found that the respondent violated KRPC 1.16 as she had a duty to withdraw from her cases when her personal difficulties interfered with her representation of her clients. She was also found to have violated KRPC 8.1 and Rule 210 due to her lack of cooperation in the disciplinary process.
 - 2. The court indefinitely suspended the respondent’s license to practice law.
- iv. *In re Leon Davis*, 318 Kan. 450 (2024)
 - 1. The respondent was charged with felony DUI and failed to report the charge to the disciplinary administrator’s office as required by former Rule 203 (now Rule 219). The court found

the respondent violated KRPC 8.3 (duty to report) and KRPC 8.4(b) (misconduct-committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness)

2. The case proceeded under a Summary Submission Agreement and the court imposed a 2 year suspension, stayed after 6 months for a 2 year period of probation.

v. *In re Wiske*, 318 Kan. 584 (2024)

1. The respondent failed to timely file an appellate brief in a CINC cases where his client's parental rights had been terminated. The failure to file a brief resulted in a dismissal of the appeal. This matter was reported to the disciplinary administrator by staff with the Court of Appeals.
2. In his attorney response, the respondent self-reported two other appeals in which he lacked diligence in timely filing. In one matter, the respondent was ultimately able to get a brief on file. In the other, the respondent did not have the proper notarized docketing statement to docket the appeal. The respondent withdrew from representation and subsequent counsel attempted to file the appeal, however, the district court found the time for appeal had lapsed.
3. The respondent entered into a Summary Submission Agreement stipulating that his conduct violated KRPC 1.1 (competence); KRPC 1.3 (diligence); KRPC 3.2 (expediting litigation); and KRPC 8.4(d) (misconduct prejudicial to the administration of justice).
4. The respondent's license to practice law was suspended for a 90 day period, however, that suspension was stayed and the respondent was ordered to complete a 12 month probation.

vi. *In re Cure*, 318 Kan. 742 (2024)

1. As background, the respondent had previously been suspended from the practice of law and was reinstated in March 2021. The respondent suffers from an alcohol addiction and was required to enter into a one-year monitoring agreement with KALAP.
2. In May 2021, the respondent was hired to represent a criminal defendant. The defendant's brother offered payment for the respondent's representation as \$1000 cash and creating a website and billboard for the respondent. Shortly thereafter, the respondent began plea negotiations. In July, 2021 the respondent received a plea agreement but failed to promptly

provide that agreement to his client. In August the client inquired about signing the plea deal before going to treatment, but the respondent still failed to provide the plea agreement. In October, the respondent left the client a voicemail in which he sounded intoxicated and wanted the client to purchase yard signs in two local elections. The conduct was reported to the local Sheriff, who reported to the Office of the Disciplinary Administrator.

3. After receiving notification of the disciplinary complaint, the respondent sent his client unprofessional text messages, even after the client requested he stop contacting him.
4. During the disciplinary hearing, the respondent admitted that he withheld the plea agreement from his client as leverage for failure to pay attorney fees. He further testified that during his representation of this client he was experiencing stress related to his law practice resulting in the consumption of alcohol.
5. The respondent was found to have violated KRPC 1.2 (scope of representation); KRPC 1.3 (diligence); KRPC 1.4 (communication); KRPC 1.16 (declining or terminating representation); and KRPC 8.4(d) (misconduct that is prejudicial to the administration of justice).
6. In imposing an indefinite suspension upon the respondent's license to practice law, the court stated: "[o]ur primary concern must remain protection of the public interest and maintenance of the confidence of the public and the integrity of the Bar."

vii. *In re Maughan*, 318 Kan. 890 (2024)

1. This matter was reported to the disciplinary administrator following the Court of Appeals holding that the respondent had an actual conflict of interest in a criminal case, resulting in the reversal of the convictions and remand for a new trial.
2. In the underlying criminal case, the respondent was hired by a current client's [T.A.] husband to represent the criminal defendant [B.B.]. The respondent placed the \$30,000 flat fee directly into his operating account, not his trust account.
3. B.B. was charged with two counts of involuntary manslaughter, and several other felony counts following a crash that resulted in the death of two individuals and injury to several others. T.A. was the only other occupant in the

vehicle with B.B. at the time of the crash. She was injured in the crash and listed as a victim in the case.

4. At the preliminary hearing, T.A. testified that B.B. was driving the car at the time of the crash, the respondent argued at the conclusion of the hearing that the case should be dismissed because T.A. was driving, not B.B. Instead, the district court authorized the State to amend the involuntary manslaughter charges to second-degree reckless murder charges.
 5. Prior to trial, the respondent filed a motion to suppress T.A.'s testimony, during the hearing the respondent indicated to the court that he felt a residual need to protect T.A. He also indicated he had signed waivers from both B.B. and T.A. The court encouraged the respondent to file the waivers, however, the respondent never filed the waivers.
 6. During a *Van Cleave* hearing, and throughout the disciplinary investigation, the respondent asserted he had signed waivers from both parties. Although the respondent had draft waivers contained within his electronic file, he was unable to produce signed copies. The *Van Cleave* court found that B.B. waived the conflict after being adequately informed. However, the Court of Appeals found this ruling to not be supported by substantial competent evidence. It found that the interests of T.A. and B.B. were directly adverse, and that B.B. did not waive his right to conflict-free counsel.
 7. The Kansas Supreme Court concluded the respondents conduct violated KRPC 1.7 (conflict of interest: current clients); KRPC 1.8 (conflict of interest: current clients: specific rules); KRPC 1.15 (safekeeping property); and KRPC 8.4(d) (misconduct prejudicial to the administration of justice.
 8. The respondent failed to appear for oral argument in the disciplinary case and failed to file an affidavit regarding probation as required under Rule 227.
 9. The court suspended the respondent's license to practice law for 1 year and ordered the respondent to undergo a reinstatement hearing prior to returning to the practice of law.
- viii. *In re Samsel*, 318 Kan. 910 (2024)
1. *Criminal Conduct*
 - a. The respondent was charged with three counts of battery following an incident at a school where he was a substitute teacher. During the incident the respondent

indicated God was speaking through him, and he physically assaulted two students. Following the incident, the respondent took to social media stating the entire incident was staged and the students were in on it. Investigation revealed these statements were not true.

- b. Through the disciplinary investigation, the respondent shared that he had experienced a manic episode, and had been in a manic bipolar state for several months surrounding his misconduct.

2. *Substitute Teaching License*

- a. As a result of the criminal conduct, administrative proceedings regarding the respondent's substitute teaching license were initiated. These proceedings are conducted by the Kansas State Board of Education.
 - b. While the proceeding was pending, the respondent sent an email with an attached letter to the Commission of Education and the Director of the KSBE Teacher and Accreditation team. The email was signed utilizing the respondent's law firm logo, and the attached letter was on the respondent's House of Representative's letterhead. Throughout the letter, the respondent referenced his legislative work and the desire for the agency to work with him in the legislature and on the House Education Committee. The respondent made reference to his mental health and that one incident should not warrant a lifelong sanction and ban.
3. The respondent entered into a summary submission agreement with the disciplinary administrator. He stipulated that his conduct violated KRPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's fitness to practice law); KRPC 8.4(g) (misconduct that adversely reflects on the lawyer's fitness to practice law); and KRPC 8.4(e) (misconduct by stating or implying an ability to influence improperly a government agency or official).
4. The respondent developed and worked a probation plan, and had made significant progress in his diagnosis and treatment plan. Therefore, the Kansas Supreme Court ordered the respondent's license to practice law by suspended for a 2 year

period, however, the suspension was stayed for a 2 year probationary period.

ix. *In re Fulcher*, 319 Kan. ___, 552 P.3rd 1255 (2024)

1. This case was a reciprocal discipline matter from Missouri, due to the respondent not properly managing his trust account. An audit done through the Missouri Disciplinary process showed the respondent was not promptly and completely paying his clients or third parties. The respondent did make his clients and third parties financially complete following the audit. The audit further revealed a \$500 discrepancy in payment to one client. When asked about this, the respondent indicated he had advanced \$500 out of his operating account to the client before the settlement came through because the client was in a financial crisis.
2. The respondent stipulated that his conduct violated KRPC 1.8 (conflict of interest: current clients: specific rules); and KRPC 1.15(a) and (b) (safekeeping property).
3. The Kansas Supreme Court concluded the respondent's license to practice law should be suspended for a period of 2 years, but that the suspension be stayed pending successful completion of a 2 year probationary period.

x. *In re Crow-Johnson*, 319 Kan. ___, 553 P. 3rd 328 (2024)

1. *Trustee*

- a. The respondent agreed to act as trustee for a trust for J.C. Following the death of J.C., the respondent did not communicate with the beneficiary/financial advisor and did not administer the trust. The respondent would not respond to requests for information from the beneficiary and did not provide an inventory of the assets or an accounting. This resulted in the beneficiary filing a lawsuit against the respondent. The respondent did not respond to the lawsuit and failed to appear in court. Ultimately an accusation in contempt was filed and the respondent eventually appeared and testified in the lawsuit. She admitted she did not provide information as requested, and was unable to locate tax returns she asserted she had done for the trust in 2020 and 2021. It was later learned that the respondent did not file tax returns for the trust as required. The

respondent was eventually found in contempt and sanctioned by the district court.

2. *Topeka Bar Association*

- a. The respondent annually prepared and filed tax returns for the TBA starting in 2015. In 2020, the respondent left a law firm and started working for BOK financial. However, TBA was still under the impression the respondent would file the association's tax returns. In October 2021, TBA received notification that it had failed to file taxes for the 2020 year. In one phone conversation, the respondent assured another attorney she had mailed and filed the tax returns, that she would follow up with TBA, and return the tax documents. The respondent never did any of those tasks. Multiple attorneys reached out in an attempt to contact the respondent with no success. The bar association was penalized for failure to file the tax return and hired a CPA to assist them and seek an abatement of the penalty.

3. *Disciplinary Process*

- a. The respondent did not participate in the disciplinary process. She did not submit attorney responses, respond to any attempts to contact her, did not appear at the formal hearing, and did not appear at oral argument before the Kansas Supreme Court.
4. The respondent violated KRPC 1.3 (diligence); KRPC 1.4 (communication); KRPC 1.15(a) (safekeeping property); KRPC 1.16 (declining or terminating representation); KRPC 3.3 (candor toward the tribunal); KRPC 3.4(c) (fairness to opposing party and counsel); KRPC 8.1(b) (bar admission and disciplinary matters); KRPC 8.4(d) (misconduct prejudicial to the administration of justice); Rule 206(o) (attorney registration); and Rule 210 (duty to assist; duty to respond; duty to report).
5. The respondent was disbarred from the practice of law.