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4 Office of Disciplinary Counsel

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6 BEFORE THE COMMISSION ON PRACTICE OF THE
7 SUPREME COURT OF THE STATE OF MONTANA

8 * * * * *

9 IN THE MATTER OF BRANDON C. HARTFORD, } Supreme Court No. PR
10 An Attorney at Law, } ODC File No. 18-136
11 Respondent. } **COMPLAINT**
12 } Rules 1.3, 1.4, 1.5, 1.15, 1.18, 8.1,
13 } MRPC, and 8a(6), MRLDE

14 Upon leave of the Commission on Practice granted on April 18, 2019, the
15 Office of Disciplinary Counsel for the State of Montana (“ODC”) hereby charges
16 Brandon C. Hartford with professional misconduct as follows:

17 **General Allegations and Background**

18 1. Brandon C. Hartford (“Hartford”) was admitted to the practice of law
19 in the State of Montana in 2004, at which time he took the oath required for
20 admission agreeing to abide by the Rules of Professional Conduct, the Disciplinary
21 Rules adopted by the Supreme Court, and the highest standards of honesty, justice
22 and morality, including those outlined in parts 3 and 4 of Chapter 61, Title 37,
23 Montana Code Annotated.

24 2. The Montana Supreme Court has approved and adopted the Montana
25 Rules of Professional Conduct (“MRPC”), governing the ethical conduct of

1 attorneys licensed to practice in the State of Montana, which Rules were in effect at
2 all times mentioned in this Complaint.

3 3. In March 2018, Heather Byerly (“Heather”) hired Hartford to assume
4 her representation in a criminal proceeding (Yellowstone County District Court
5 Cause DC 18-0092, Judge Michael Moses presiding). Heather paid Hartford \$5,000
6 which he deposited into his firm’s operating account on February 26, 2018.

7 4. Hartford did not provide Heather with a written communication setting
8 forth the scope of his representation or the basis or rate of his fee and expenses.

9 5. During the representation, Hartford failed to communicate with
10 Heather concerning the status of her case.

11 6. During the representation, Hartford failed to act diligently and promptly
12 in reviewing discovery, meeting with the prosecutor, or preparing Heather for
13 arraignment.

14 7. Heather terminated Hartford's representation by letter dated June 14,
15 2018 and requested a refund of her \$5,000 payment. Hartford did not respond or
16 refund any amount.

17 8. Heather submitted an ethics grievance to ODC on or about September
18 5, 2018. Hartford provided ODC with a general denial of her allegations but has
19 refused to specifically answer the grievance or provide requested documentation
20 such as bank records and file materials as directed.

Count One

22 ODC realleges and incorporates paragraphs 1 through 8 of the General
23 Allegations as if fully restated in this Count One.

24 9. By failing to act diligently or promptly or keep Heather reasonably
25 informed about the status of her matter, Hartford violated Rules 1.3 and 1.4, MRPC.

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Count Two

2 ODC realleges and incorporates paragraphs 1 through 8 of the General
3 Allegations as if fully restated in this Count Two.

4 10. By failing to provide Heather a written communication concerning the
5 scope of his representation or the basis or rate of his fees and expenses, Hartford
6 violated Rule 1.5, MRPC.

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Count Three

8 ODC realleges and incorporates paragraphs 1 through 8 of the General
9 Allegations as if fully restated in this Count Three.

10 11. By depositing Heather's \$5,000 directly into his firm's operating
11 account prior to being earned, and by failing to refund any unearned portion upon
12 termination, Hartford violated Rules 1.15 and 1.18, MRPC.

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Count Four

14 ODC realleges and incorporates paragraphs 1 through 8 of the General
15 Allegations as if fully restated in this Count Four.

16 12. By failing to specifically respond to Heather's grievance as directed or
17 ODC's subsequent demand for production of banking and file records, Hartford
18 violated Rule 8.1, MRPC. Such conduct is further grounds for discipline pursuant
19 to Rule 8A(6), MRLDE.

20 WHEREFORE, the Office of Disciplinary Counsel prays:

21 1. That a Citation be issued to the Respondent, to which shall be attached
22 a copy of the complaint, requiring Respondent, within twenty (20) days after service
23 thereof, to file a written answer to the complaint;

24 2. That a formal hearing be had on the allegations of this complaint before
25 an Adjudicatory Panel of the Commission;

3. That the Adjudicatory Panel of the Commission make a report of its findings and recommendations after a formal hearing to the Montana Supreme Court, and, in the event the Adjudicatory Panel finds the facts warrant disciplinary action and recommends discipline, that the Commission also recommend the nature and extent of appropriate disciplinary action; and,

4. For such other and further relief as deemed necessary and proper.

DATED this 22 day of April, 2019.

OFFICE OF DISCIPLINARY COUNSEL

By: Jon G. Moog
Jon G. Moog
Deputy Disciplinary Counsel