

ORIGINAL

FILED

01/29/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 19-0634

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 19-0634

FILED

JAN 28 2020

IN THE MATTER OF TARA ROSE-MILLER,

An Attorney at Law,

Respondent

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER OF
DISCIPLINE

A formal disciplinary complaint was filed against Montana attorney Tara Rose-Miller. The disciplinary complaint may be reviewed by any interested person in the office of the Clerk of this Court.

Rose-Miller subsequently tendered to the Commission on Practice her Conditional Admission and Affidavit of Consent, pursuant to Rule 26 of the Montana Rules for Lawyer Disciplinary Enforcement (MRLDE). The Commission held a hearing on the Conditional Admission and Affidavit of Consent on January 9, 2020, at which hearing Rose-Miller was present, testified, and represented herself pro se. On January 21, 2020, the Commission submitted to this Court its Findings of Fact, Conclusions of Law and Recommendations on Rule 26 Conditional Admission in which it recommended that this Court approve Rose-Miller's conditional admission and enter an order imposing the agreed-upon discipline.

We accept the recommendation of the Commission. In her conditional admission, Rose-Miller has admitted to misappropriating funds from her firm's IOLTA trust account, co-mingling her funds or her firm's funds with client IOLTA trust funds, and discontinuing use of her firm's IOLTA trust account to deposit client funds not yet earned, all in violation of Rules 1.15, 1.18, and 8.4(c) of the Montana Rules of Professional Conduct in relation to her representation of various clients. Rose-Miller tendered her admission in exchange for dismissal of Count Six of the Complaint and discipline of: 1) Disbarment; 2) Payment of restitution to Kay Pope in the amount of \$11,284.00, together with interest at the rate of 10% per annum; 3) Payment of restitution to Terri Thielen in the amount of \$54,218.00,

together with interest at the rate charged by her credit card company, Bank of America (11.74%); and 4) Payment of the costs incurred by the Office of Disciplinary Counsel and the Commission on Practice in connection with this matter.

Based upon the foregoing,

IT IS HEREBY ORDERED:

1. The Commission's Recommendation that we accept Rose-Miller's Rule 26 tendered admission is ACCEPTED AND ADOPTED.

2. Rose-Miller is disbarred from the practice of law.

3. Rose-Miller shall make payment of restitution to Kay Pope in the amount of \$11,284.00, together with interest at the rate of 10% per annum.

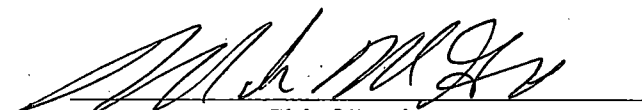
4. Rose-Miller shall make payment of restitution to Terri Thielen in the amount of \$54,218.00, together with interest at the rate charged by her credit card company, Bank of America (11.74%).

5. Rose-Miller shall make payment of the costs incurred by the Office of Disciplinary Counsel and the Commission on Practice in connection with this matter.

6. Pursuant to MRLDE 26(D), the Clerk of this Court is directed to file copies of Rose-Miller's Conditional Admission and Affidavit of Consent, together with the Findings of Fact, Conclusions of Law and Recommendations on Rule 26 Conditional Admission and Affidavit of Consent.

The Clerk of this Court is directed to serve a copy of this Order of Discipline upon Tara Rose-Miller 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 28 day of January, 2020.


Chief Justice

August Gustaf

John H. H.

James H.

John M. L.

James H. H.

John Rice

Justices