

ORIGINAL

FILED

08/29/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: PR 22-0421

1 Linda L. Harris  
2 2815 Montana Avenue  
3 Billings, MT. 59101  
4 [lharrislaw@outlook.com](mailto:lharrislaw@outlook.com)  
5 Respondent

FILED

AUG 29 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

8 BEFORE THE COMMISSION ON PRACTICE OF THE  
9 SUPREME COURT OF THE STATE OF MONTANA

10 \* \* \* \* \*

11 IN THE MATTER OF LINDA HARRIS,  
12 An Attorney at Law,  
13 Respondent.

} Supreme Court Cause No. PR 22-0421  
} ODC File Nos. 20-091, 21-001, 21-044,  
} 21-047

} **ANSWER TO COMPLAINT**

16 Comes now Respondent and submits the following Answer to the Complaint  
17 in this action:

19 **General Allegations**

20 1. Linda Harris, hereinafter referred to as Respondent, was admitted to the  
21 practice of law in the State of Montana in 1978, at which time she took the oath  
22 required for admission, wherein she agreed to abide by the Rules of Professional  
23 Conduct, the Disciplinary Rules adopted by the Supreme Court, and the highest  
24  
25

standards of honesty, justice and morality, including but not limited to, those outlined in parts 3 and 4 of Chapter 61, Title 37, Montana Code Annotated.

Respondent admits.

2. The Montana Supreme Court has approved and adopted the Montana Rules of Professional Conduct (“MRPC”), governing the ethical conduct of attorneys licensed to practice in the State of Montana, which Rules were in effect at all times mentioned in this Complaint.

Respondent admits.

3. Respondent has been the subject of considerable informal and formal discipline since 1995. In 2005, three grievances were consolidated into one Complaint and Respondent entered a Conditional Admission admitting to violations of Rules 1.3, 1.4, 3.3, 3.4, and 1.16, in exchange for a Public Censure, probation and payment of costs. In 2019, ODC filed and charged Respondent with misconduct in two Complaints; Respondent again exchanged her tendered admission for a Public Censure, probation, mentorship, and payment of costs for her violations of Rules 1.3, 1.4, and 3.2.

Respondent admits.

4. Since her Order of Discipline in January 2020, Respondent remains on probation and has continued to work with her mentor. Despite repeated discipline, and even with specific conditions, ODC has continued to receive multiple

1 grievances, with nearly identical complaints to those for which she was formerly  
2 disciplined.

3  
4 Respondent admits.

5 **Count One**  
6 **ODC File No. 20-091.**

7 5. ODC realleges and incorporates paragraphs 1 through 4 of the General  
8 Allegations as if fully restated in this Count One.

9 6. C.H. retained Respondent to represent him in a relatively amicable  
10 dissolution matter in Musselshell County. Both parties indicated they wanted to  
11 settle, were still residing in the same home, though apart, and that the issue primarily  
12 was the amount of child support and maintenance to be determined.

13  
14 Respondent denies.

15  
16 7. Respondent failed to respond to a Motion for Maintenance.

17 Respondent admits.

18 C.H. discussed the Motion with Respondent and believed she was filing a response.

19  
20 Respondent admits.

21 Respondent failed to do so citing the Motion did not comport with local court Rules.

22 Respondent admits.

23 Rather than file a response which alerted the Court to the deficiencies, Respondent  
24 let the matter languish.  
25

Respondent denies.

As a result, C.H. was ordered to pay maintenance in an amount which was unreasonable to him.

Respondent denies.

8. Then, after the maintenance order had been entered, C.H. again spoke with Respondent and believed she would be moving to set aside the Order.

Respondent admits with the caveat that C.H. was to provide information critical to filing the motion and did not.

9. Respondent drafted a Motion, and delivered a copy to opposing counsel, though Respondent never filed the Motion.

Respondent admits with the caveat that Respondent still did not have information requested from C.H. to complete the motion and did not have a response from opposing counsel regarding whether his client did or did not object to the motion.

10. Opposing counsel responded to the unfiled Motion, but the Order was never set aside. In the end, C.H. continued to pay a high maintenance award, despite living in the same house with his spouse and paying the majority of household expenses.

Admitted in part and denied in part.

1 11. As a result of her client's dissatisfaction and her certainty that he  
2 should not be ordered to pay maintenance under the circumstances, Respondent paid  
3 C.H. \$4,000 to assist with his costs of living, due in large part to her failure to file a  
4 Response or Motion to Set Aside Maintenance Order.

5  
6 Respondent denies except to the extent that Respondent paid  
7 \$4,000.

8 12. Respondent failed to adequately communicate with C.H. about the  
9 status of his matter, leaving C.H. to contact Respondent, typically after finding out  
10 about motions being filed, or his wages being garnished.

11  
12 Admitted in part and denied in part.

13 13. Finally, Respondent last spoke to C.H. in February of 2021, and then  
14 moved to withdraw that May. There are no attempts to contact C.H. and no notice  
15 or warning she would withdraw without his cooperation. She filed a Motion to  
16 Withdraw without notifying him previously and then failed to notify him that his  
17 trial date had been moved, or promptly provide his file.

18  
19 Admitted in part and denied in part.

20  
21 14. By her conduct as outlined above, Respondent violated Rule 1.3,  
22 Diligence, 1.4, Communication, Rule 3.2, Expediting Litigation, and 1.16, Declining  
23 or Terminating Representation, MRPC.

24  
25 Respondent denies.

**Count Two**  
**ODC file No. 21-001.**

1  
2  
3 15. ODC realleges and incorporates paragraphs 1 through 4 of the General  
4 Allegations as if fully restated in this Count Two.

5 16. B.K. retained Respondent to pursue a contested parenting plan matter  
6 in Yellowstone County in 2020. B.K.'s case early on and throughout the duration of  
7 the matter, had several delays attributable to the Covid pandemic and court docket.  
8 As a result, his hearing date was moved several times.  
9

10 Respondent admits.

11 17. Finally, B.K.'s matter was set before the Court for October 5, 2020.  
12 Again, due to the pandemic, the matter was moved. Though B.K. was aware the  
13 hearing needed to be moved, Respondent did not notify him of the new hearing date,  
14 October 26, 2020.  
15

16 18. Thereafter, Respondent stopped communicating with B.K., despite his  
17 repeated calls, emails and texts. Respondent provided no explanation other than to  
18 say that there was "no hearing date"; which is untrue. The hearing, which was  
19 originally scheduled for October 5, had been rescheduled to October 26.  
20

21 Respondent denies.

22 Though Respondent had a copy of the Order, the same was not given to B.K.

23 Respondent denies.  
24  
25

1 Then on October 26, the hearing was moved, *yet again*, by Motion of opposing  
2 counsel, and Respondent did not notify B.K. or have a copy of the new Order. Again,  
3 she provided no explanation as to why, only claims that B.K. should have known it  
4 would be vacated.

5  
6 Respondent admits in part and denies in part.

7 19. After discovering the hearing had been moved on his own, B.K. notified  
8 Respondent of his termination of her services and requested an itemized invoice on  
9 November 6, 2020.

10  
11 Respondent does not recall the date on which her services were terminated by  
12 B.K. Respondent notes that a certified envelope from Respondent to B.K. was  
13 received by B.K. on March 1, 2021.

14  
15 Respondent did not respond, did not produce his client file, or an itemized invoice.

16 An itemized statement and flash drive with B.K.'s file would  
17 have included on the envelope referenced above to the best of Respondent's belief.  
18 Respondent did not respond or communicate with B.K. again; but withdrew from  
19 his matter, without prior notice to him, in February 2021, after B.K. filed his  
20 grievance with ODC.

21  
22 Respondent admits in part and denies in part.

1           20. By her conduct as outlined above, Respondent violated Rules 1.3,  
2 Diligence, 1.4, Communication, 3.2, Expediting Litigation, and 1.16, Declining or  
3 Terminating Representation.

4                               Respondent denies.

5   **Count Three**  
6   **ODC File No. 21-044.**

7           21. ODC realleges and incorporates paragraphs 1 through 4 of the General  
8 Allegations as if fully restated in this Count Three.

9           22. D.M. retained Respondent in May 2020, to represent him in a  
10 dissolution matter in Yellowstone County. In April 2021, D.M. filed a grievance  
11 with ODC alleging Respondent had not communicated with him, he was unaware of  
12 the status of his case, and did not know, what, if any, action Respondent had taken  
13 in the matter. D.M. requested a refund of his retainer and that Respondent withdraw  
14 from his matter.  
15

16                               Respondent admits.

17           23. Respondent provided an itemized invoice and a refund of unearned  
18 fees in the amount of \$1,142.50, as well as a copy of her Motion to Withdraw.  
19

20                               Respondent admits.

21           24. The invoice indicated after being retained in May, Respondent  
22 prepared the preliminary dissolution documents, and after arranging service, no  
23  
24  
25

1 other action was taken on D.M.'s matter. Respondent was unable to effectuate  
2 service and was notified of the same on June 17, 2020.

3 Respondent admits.

4 25. Though she believed she notified D.M. of this development, there are  
5 no other communications to D.M. after May 27, 2020.  
6

7  
8 Respondent admits with the caveat that she believes she  
9 requested an alternate address or means of personally serving D.M.'s wife.  
10

11 Respondent failed to take any further actions to bring D.M. closer to a dissolution,  
12 such as, service by Notice of Publication, and in fact, did not perform additional  
13 work for nearly a year up until drafting the Motion to Withdraw on April 21, 2021.  
14 This of course, was preempted by D.M.'s grievance to ODC.  
15

16 Respondent admits.

17 26. After Respondent's withdrawal, D.M. retained new counsel, who  
18 promptly filed the necessary documents to serve the opposing party by publication.  
19 Thereafter, the case proceeded through the normal course of litigation. Settlement  
20 was reached within nine months of D.M. retaining new counsel.  
21

22 Respondent does not have sufficient information to admit or  
23 deny this allegation.  
24  
25

1 27. ODC finds Respondent's conduct as outlined above constitutes a  
2 violation of Rules 1.3, Diligence, 1.4, Communication, and 3.2, Expediting  
3 Litigation.

4 Respondent denies.

5  
6 **Count Four**  
7 **ODC File No. 21-047.**

8 28. ODC realleges and incorporates paragraphs 1 through 4 of the General  
9 Allegations, as if fully restated in this Count Four.

10 29. K.E. initiated a dissolution and parenting plan matter in Yellowstone  
11 County in July 2018. K.E. sought to have assets divided and a parenting plan  
12 established for a minor child, M.T.H. In addition, she sought declaration that she and  
13 her partner/father of M.T.H., were common-law married. K.E. also had another  
14 parenting plan with another individual, for her other minor child, which involved the  
15 Department of Human Services/Child Protection Services ("DPHHS, CPS").  
16 Though M.T.H. was not involved in the CPS matter, temporary custody had been  
17 placed in the father's care. When Respondent took over representation of K.E. in  
18 November of 2018, an Interim Parenting Plan was already in place which provided  
19 K.E. had supervised visits with her son.

22 Respondent admits.

23  
24 30. Respondent filed a Notice of Appearance on November 1, 2018. No  
25 activity occurred for seven (7) months, from November 2018 through June 2019.

1 Little communication occurred between Respondent and K.E. Respondent offers no  
2 explanation as to the lack of development in the case, or communication with K.E.

3 Respondent denies.

4 31. A second period of inactivity follows the June scheduling conference;  
5 June 2019 through October 2019. Following the June conference, the Court entered  
6 multiple orders setting various deadlines and tasks to be completed. Specific to  
7 K.E.'s case, was the Court's Order to enroll and complete parenting education.  
8 Though Respondent provided some Orders to K.E., she failed to adequately  
9 communicate K.E.'s responsibility to complete classes. As a result, K.E. did not  
10 complete them until after the Court's deadline.  
11  
12

13 Respondent denies.

14 32. Despite opposing counsel emailing Respondent and notifying her K.E.  
15 must remove her belongings from a storage unit, Respondent failed to notify K.E.  
16 As a result, K.E. was evicted from the unit and belongings removed, without any  
17 notice to her beforehand.  
18

19 Respondent denies.

20 33. A final hearing was set in June 2020. The parties were to submit  
21 proposed findings; Respondent failed to do so.  
22

23 Respondent admits.

24 Thereafter, Respondent does not speak with K.E. again until September 2020.  
25

Respondent denies.

1  
2 K.E. initiated the call after discovering from the Court's Judicial Assistant, the  
3 matter was awaiting proposed findings.

4 Respondent does not have sufficient information to admit or  
5 deny this allegation.  
6

7 Respondent assured K.E. she would file the necessary documents and that she would  
8 provide a copy of them to K.E.

9 Respondent admits.

10  
11 However, Respondent did not file proposed findings, and did not have any other  
12 communication with K.E., other than to provide the Final Judgment, Findings and  
13 Conclusions to her on October 26, 2020.

14 Respondent admits.

15  
16 34. Based upon the conduct as outlined above, ODC finds this conduct  
17 constitutes a violation of Rules 1.3, Diligence, 1.4, Communication, and 3.2,  
18 Expediting Litigation.

19 Respondent denies.

20  
21 1. That a Citation be issued to the Respondent, to which shall be attached a  
22 copy of the complaint, requiring Respondent, within twenty-one (21) days after  
23 service thereof, to file a written answer to the complaint;  
24  
25

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

3           3. That the Adjudicatory Panel of the Commission make a report of its  
4 findings and recommendations after a formal hearing to the Montana Supreme  
5 Court, and, in the event the Adjudicatory Panel finds the facts warrant disciplinary  
6 action and recommends discipline, that the Commission also recommend the nature  
7 and extent of appropriate disciplinary action, including an award of costs and  
8 expenses incurred in investigating and prosecuting this matter; and,  
9  
10

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

12           DATED this 26<sup>th</sup> day of August, 2022.

13  
14  
15  
16  
17 

18           Linda Harris / Respondent  
19  
20  
21  
22  
23  
24  
25

