



ORIGINAL

FILED

11/29/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 22-0418

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 22-0418

FILED

NOV 29 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER OF
DISCIPLINE

IN THE MATTER OF COURTNEY LAWELLIN,

An Attorney at Law,

Respondent

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

Lawellin 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 virtual hearing on the Conditional Admission and Affidavit of Consent on October 15, 2022, at which hearing Lawellin was present, testified, and represented herself pro se. On November 11, 2022, the Commission submitted to this Court its Findings of Fact, Conclusions of Law and Recommendation for Discipline in which it recommended that this Court approve Lawellin's conditional admission and enter an order imposing the agreed-upon discipline.

We accept the Commission's recommendation. In her conditional admission, Lawellin has admitted failing to keep her client reasonably informed or pursue his case within his best interests in violation of Rules 1.1 Competence, 1.3 Diligence, 1.4 Communication, 1.5 Expediting Litigation, and 8.4 Misconduct of the Montana Rules of Professional Conduct. Lawellin further admitted her conduct necessitated she withdraw from the subject matter and her failure to do so violated Rule 1.16 Declining or Termination Representation of the Montana Rules of Professional Conduct.

Lawellin tendered her admission in exchange for:

- i. A 30-day suspension from the practice of law;

- ii. Payment of restitution to Cease in the amount of \$7,500.00 for a portion of damages assessed against him. Payment shall be made in full on or before January 31, 2023;
- iii. A term of probation imposed by the Court for a period of two (2) years commencing on the date of the Order of Discipline, with the following terms and conditions;
 - a. Prior to returning to the practice of law,
 - i. Undergo a psychological evaluation by a licensed clinical mental health provider; and
 - ii. Provide releases to allow ODC and my providers to discuss the reports and findings and my continued treatment progress; and
 - b. Follow all treatment recommendations from my mental health provider during probationary period; and
 - c. Obtain a quarterly report from my provider updating ODC on my progress and mental health status for duration of probationary period;
 - d. Comply with Rules 30 and 32, MRLDE;
 - e. Consult with Mike Larson, Lawyers' Assistance Program (LAP) Coordinator, and file with the ODC Mr. Larson's written recommendations for the means by which I can best address the emotional and mental health issues I have been facing in order to allow me to effectively and ethically practice law;
 - f. Meet with Mr. Larson monthly by phone or in person and/or attend LAP meetings in the nearest city to me weekly or as often as the meetings take place;
 - g. Obey all laws and Montana Rules of Professional Conduct; any violation of the MRPC or any federal or state law will constitute a violation of a Court Order and will result in further disciplinary action.
 - h. Not engage in the solo practice of law without written approval of my mental health care provider and ODC, and upon submitting written, adequate procedures relative to case and office management;
- iv. Payment of 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 Lawellin's Rule 26 tendered admission is ACCEPTED AND ADOPTED.

2. Courtney Lawellin is hereby suspended from the practice of law in Montana for a period of 30 days, effective thirty days from the date of this Order. Lawellin is directed to give notice of her suspension to all clients she represents in pending matters, any co-counsel in pending matters, all opposing counsel and self-represented opposing parties in pending matters, and all courts in which she appears as counsel of record in pending matters, as required by MRLDE 30.

3. Lawellin shall pay restitution to David Cease in the amount of \$7,500.00 for a portion of damages assessed against him. Payment shall be made in full on or before January 31, 2023.

4. Lawellin shall pay the costs of these proceedings, subject to the provisions of MRLDE 9A(8) allowing her to file objections to the statement of costs.

5. Lawellin shall comply with the agreed-upon conditions prior to reinstatement as set forth above.

6. Upon reinstatement, Lawellin shall comply with the agreed-upon conditions as set forth above.

7. Pursuant to MRLDE 26(D), the Clerk of this Court is directed to file copies of Lawellin's Conditional Admission and Affidavit of Consent, together with the Findings of Fact, Conclusions of Law and Recommendation for Discipline.

The Clerk of this Court is directed to serve a copy of this Order of Discipline upon Courtney Lawellin 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 29th day of November, 2022.



Chief Justice

Augustus

James

John

James

John

John

Justices