

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

PR 22-0420

FILED

Case Number: PR 22-0420

MAR 07 2023

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE MATTER OF PENELOPE OTERI,

An Attorney at Law,

PUBLIC  
CENSURE

Respondent.

CHIEF JUSTICE McGRATH: This is the time and date set for the public censure of Penelope Oteri, a member of the State Bar of Montana. Ms. Oteri, do you have counsel? Please step to the well of the Court and we will proceed with your public censure.

JUSTICE BAKER: Ms. Oteri, this public censure is being delivered today in accordance with our Order of February 22, 2023, of which you have been provided a copy. The disciplinary complaint against you is based upon your violation of Rule 3.3 of the Montana Rules of Professional Conduct, Candor Toward the Tribunal, when you failed to notify the trial court of your client J.F.'s misleading disclosure of the value of a piece of farming equipment on the asset disclosure in his marriage dissolution case, of which you had direct knowledge. The disciplinary complaint is based additionally upon your violation of Rule 1.7 of the Montana Rules of Professional Conduct, Conflict of Interest, when you coordinated partial payment on behalf of your corporate client Safer Medical for the purchase of that same piece of farming equipment from J.F. at a higher value than appraised and subsequently cross-examined Safer Medical's CEO in J.F.'s dissolution proceeding about the nature of that transaction. Finally, the disciplinary complaint alleged that this conduct violated Rule 8.4 of the Montana Rules of Professional Conduct because it involved deceit or misrepresentation or was prejudicial to the administration of justice.

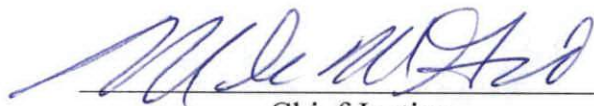
These proceedings are founded upon your acknowledgment of these violations in your tendered admission, which this Court approved upon the recommendation of the Commission on Practice.

Ms. Oteri, we hereby impose upon you the public censure of this Court.

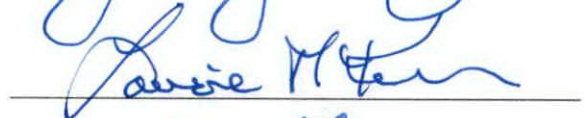
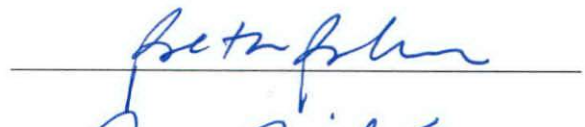
Do you have anything you want to say?

Copies of this Proceeding in Public Censure shall be delivered to you, Ms. Oteri, and to the Disciplinary Counsel, the Office Administrator for the Commission on Practice, the Clerks of all the District Courts of the State of Montana, each District Court 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 7th day of March, 2023.



Chief Justice



Justices