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08/15/2023

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 23-0081

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 23-0081

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AUG 15 2023

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE MATTER OF
GREGORY M. WORCESTER,

ORDER

An Attorney at Law,

Respondent

On February 1, 2023, the Office of Disciplinary Counsel (ODC) filed a formal disciplinary complaint with the Commission on Practice (Commission) against Montana attorney Gregory M. Worcester. The disciplinary complaint may be reviewed by any interested person in the office of the Clerk of this Court.

On July 17, 2023, Worcester tendered an admission and affidavit of consent pursuant to Rule 26(B)(3) of the Montana Rules for Lawyer Disciplinary Enforcement (MRLDE). Worcester acknowledged that the material facts of the complaint were true and that he had violated the Rules of Professional Conduct as alleged by ODC.

After ODC concurred with Worcester's tendered admission, the Commission converted the July 19, 2023 disciplinary hearing to a Rule 26 hearing. Worcester appeared and represented himself at the hearing.

On August 8, 2023, 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 Worcester's conditional admission and enter an order imposing the agreed-upon discipline.

We agree with the Commission's recommendation. In his conditional admission, Worcester admitted that, in at least seven matters in which he was counsel of record, he violated the Montana Rules of Professional Conduct (MRPC) in one or more ways,

including failing to respond to motions, appear at hearings, and communicate with opposing counsel. The Commission enumerated six violations of M. R. Pro. Cond. 1.3, Diligence; five violations of M. R. Pro. Cond. 1.1, Competence; four violations of M. R. Pro. Cond. 3.2, Expediting Litigation; two violations of M. R. Pro. Cond. 1.16(a)(1) and 1.16 (b)(5), Declining or Terminating Representation; two violations of M. R. Pro. Cond. 8.4 (d), Misconduct (prejudicial to the administration of justice); and one violation each of M. R. Pro. Cond. 1.4(4), Communication; and M. R. Pro. Cond. 3.4(d), Fairness to Opposing Party and Counsel. The Commission further found that Worcester “is simply not capable, despite a sincere desire, to effectively practice law as a sole practitioner” due to his admitted difficulty with executive function that Worcester explains stems from his diagnosis of Autism Spectrum Disorder. Noting that Worcester was unable to meet deadlines, appear in court, and effectively communicate with his clients even with the guidance of an “excellent” mentor, the Commission suggested that if, after this suspension, Worcester resumes the practice of law, he find a position with substantial support staff and close supervision to compensate for and address Worcester’s admitted executive functioning deficits.

Based upon the foregoing:

IT IS HEREBY ORDERED:

1. The Commission’s Recommendation that we accept Worcester’s Rule 26 tendered admission is ACCEPTED AND ADOPTED.
2. Worcester is indefinitely SUSPENDED from the practice of law for a minimum of one year from the date of this Order.¹
3. Worcester shall pay the costs incurred by ODC and the Commission in connection with this matter.

¹ At the hearing, Worcester requested that the time he has spent on interim suspension be counted toward his term of suspension. Given the quantity and severity of Worcester’s violations of the MRPC, we decline to do so.

4. Before or during the period of suspension, Worcester must comply with the following conditions:

- (a) submit a copy of a neuropsychological evaluation to ODC;
- (b) waive confidentiality to ODC and the Commission for purposes of discussing compliance with his Conditional Admission and Affidavit of Consent and evaluating reinstatement petitions; and
- (c) close his IOLTA account as soon as practicable, but no later than three months from the date of this Order.

5. Worcester must further comply with the following conditions during a five-year probationary period:

- (a) participate in the Lawyer Assistance Program;
- (b) comply with all recommended treatment plans of mental health care providers and physicians;
- (c) work with an ODC-appointed mentor with whom Worcester must meet quarterly, and with whom he will discuss his adherence to the MRPC and his mental health and physical ailments, and submit quarterly reports to ODC regarding the same;
- (d) not engage in the solo practice of law without the permission of ODC and his mentor;
- (e) obey all laws and comply with the MRPC, with any violation of the MRPC or any federal or state law constituting a violation of a court order that may result in further discipline; and
- (f) comply with all Notice requirements in MRLDE 29 and 30.

6. Pursuant to MRLDE 26(D), the Clerk of this Court is directed to file copies of Worcester's Conditional Admission and Affidavit of Consent, together with the

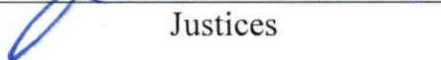
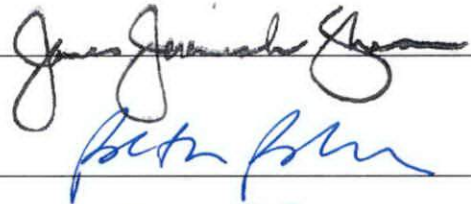
Commission's Findings of Fact, Conclusions of Law, and Recommendations for Discipline.

The Clerk of this Court is directed to serve a copy of this Order of Discipline upon counsel for Gregory M. Worcester, 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 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 15th day of August, 2023.



Chief Justice



Justices