

 ORIGINAL

FILED

04/16/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 21-0080

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 21-0080

IN THE MATTER OF:

TIMOTHY McKEON,

An Attorney at Law.

ORDER

FILED

APR 16 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

On February 19, 2021, a formal disciplinary complaint was filed against Montana attorney Timothy McKeon. On July 6, 2021, McKeon gave notice, under Rule 28(B) of the Rules for Lawyer Disciplinary Enforcement (MRLDE), that he was unable to assist in his defense. On August 10, 2021, we ordered McKeon transferred to disability/inactive status with the State Bar and these proceedings deferred while he remained on disability/inactive status. On August 11, 2021, the Commission on Practice ordered the proceedings deferred so long as McKeon remained unable to assist in his defense.

The disciplinary matter has remained stayed since August 11, 2021. On April 11, 2024, McKeon petitioned this Court to be removed from disability/inactive status. McKeon asserts he does not intend to return to active status but wants to be transferred to inactive status because he wishes to resolve this disciplinary matter. He further alleges he was never unable to assist in his defense but signed the request to transfer his status to disability/inactive under duress. McKeon further moves this Court to waive hearing before an Adjudicatory Panel of the Commission as set forth in MRLDE 28(F) when an attorney petitions to transfer from disability/inactive status to active status.

The Office of Disciplinary Counsel has responded to McKeon's petition. It takes no position on whether he meets reinstatement requirements but objects to waiving the hearing under MRLDE 28(F).

McKeon has provided no legal authority in support of his argument that this Court should waive hearing under MRLDE 28(F). Moreover, he has indicated in his petition that, in addition to these disciplinary proceedings, since being transferred to disability/inactive status he has been charged with criminal offenses and has incurred delinquent debt. We conclude the Adjudicatory Panel is in the best position to hear this matter and provide recommendations to this Court accordingly.

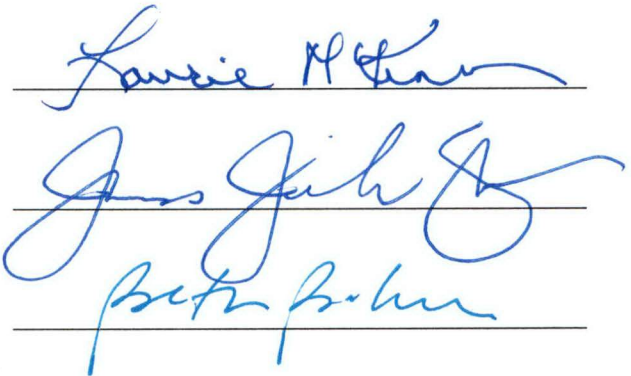
IT IS THEREFORE ORDERED that Timothy McKeon's petition for transfer to inactive status is REFERRED to the Commission on Practice for further proceedings.

The Clerk of this Court is directed to provide copies of this Order to Petitioner Timothy McKeon, Disciplinary Counsel, the Office Administrator for the Commission on Practice, and the Executive Director of the State Bar of Montana.

DATED this 16th day of April, 2024.



Chief Justice



Justices

Justice Jim Rice did not participate in the decision of this matter.