

1 Pamela D. Bucy
2 Chief Disciplinary Counsel
3 P.O. Box 1099
4 Helena, Montana 59624
5 Tel: (406) 442-1648
6 pbucy@montanaodc.org

7 Office of Disciplinary Counsel

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

11 * * * * *

<p>12 IN THE MATTER OF AMANDA M. 13 GORDON, 14 An Attorney at Law, 15 Respondent.</p>	}	<p>Supreme Court Cause No. ODC File No. 24-042 COMPLAINT Rules 1.1, 1.5, 1.8, 1.15, 1.18, and 3.6, MRPC</p>
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17 By leave of the Commission on Practice granted on July 16, 2024, the Office
18 of Disciplinary Counsel for the State of Montana (“ODC”), hereby charges Amanda
19 M. Gordon with professional misconduct as follows:

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21 **General Allegations**

22 1. Amanda M. Gordon, hereinafter referred to as Respondent, was
23 admitted to the practice of law in the State of Montana in 2010, at which time she
24 took the oath required for admission, wherein she agreed to abide by the Rules of
25

1 family's attempts to contact her had been unsuccessful. S.H. also indicated that he
2 had no written contract with Respondent.

3 12. The Court emailed Respondent asking her to confirm the status of her
4 representation of S.H. Respondent responded and disputed S.H.'s version of events
5 and that she intended to continue the representation. The Court then set a
6 representation hearing for February 22, 2024.
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8 13. On the date of the hearing, the Court learned that Respondent's law
9 license was suspended and placed on inactive status on February 9, 2024, for failing
10 to comply with Continuing Legal Education ("CLE") requirements. As a result, the
11 Court removed Respondent as counsel of record and ordered the appointment of
12 counsel for S.H.
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14 14. Respondent's failure to properly obtain and report her necessary CLE
15 credits impacted her representation of S.H. as she was unable to appear on February
16 22 to address her client and the Court's concerns regarding her representation.
17 Respondent was unable to appropriately withdraw due to her suspended/inactive
18 status.
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20 15. Respondent's conduct outlined above constitutes a violation of Rule
21 1.1, Competence, MRPC.
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Count Three

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2 16. ODC realleges and incorporates paragraphs 1 through 4 of the General
3 Allegations and paragraphs 5 through 15 as if fully restated in this Count Three.

4 17. Respondent charged S.H. a \$75,000 flat fee for her representation,
5 which S.H.'s mother paid in full. Respondent advised S.H.'s mother the case would
6 be taken on a flat fee basis and no hourly accounting would be provided.
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8 18. Respondent failed to obtain written informed consent from S.H. for
9 accepting compensation from his mother for her representation.
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11 19. While Respondent indicated to ODC that S.H. gave her permission to
12 discuss the case with his mother, Respondent failed to obtain a written waiver.

13 20. Respondent failed to reduce her agreement with S.H. and his mother
14 to writing explaining both her fees, the scope of representation, clearly defining who
15 the client is and with whom she could discuss confidential client information.
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17 21. Respondent's conduct outlined above constitutes a violation of Rule
18 1.5, Fee Agreement, and Rule 1.8, Conflict of Interest, MRPC.
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Count Four

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21 22. ODC realleges and incorporates paragraphs 1 through 4 of the General
22 Allegations and paragraphs 5 through 21 as if fully restated in this Count Four.

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1 23. Respondent failed to place any of the \$75,000 into her IOLTA/Trust
2 Account. Respondent deposited all of her clients' funds into her operating account
3 and treated the entirety of the monies as "earned upon receipt."

4 24. Respondent was unable to produce itemized invoices or timekeeping
5 records to show she had earned the entirety of S.H.'s fees at the time she collected
6 them. Respondent did not create or maintain a client ledger.

7 25. Respondent's conduct outlined above constitutes a violation of Rule
8 1.15, Safekeeping Property, and Rule 1.18, IOLTA Program, MRPC.
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10 WHEREFORE, the Office of Disciplinary Counsel prays:
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12 1. That a Citation be issued to the Respondent, to which shall be attached a
13 copy of the complaint, requiring Respondent, within twenty-one (21) days after
14 service thereof, to file a written answer to the complaint;
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16 2. That a formal hearing be had on the allegations of this complaint before an
17 Adjudicatory Panel of the Commission;

18 3. That the Adjudicatory Panel of the Commission make a report of its
19 findings and recommendations after a formal hearing to the Montana Supreme
20 Court, and, in the event the Adjudicatory Panel finds the facts warrant disciplinary
21 action and recommends discipline, that the Commission also recommend the nature
22 and extent of appropriate disciplinary action, including an award of costs and
23 expenses incurred in investigating and prosecuting this matter; and,
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1 4. For such other and further relief as deemed necessary and proper.

2 DATED this 24 day of July, 2024.

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4 OFFICE OF DISCIPLINARY COUNSEL

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6 By: Pamela D. Bucy
7 Pamela D. Bucy
8 Chief Disciplinary Counsel
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