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Discipline doesn't end many lawyers' careers

By SUSAN GALLAGHER
The Associated Press

HELENA — A year and a half after suspending Charles Graveley from the practice of law for ethical violations, the Montana Supreme Court gave the Townsend attorney his shingle back.

Despite the suspension and a less serious public censure in 1990, Graveley resumed practice last year. But first, he had to pay \$3,665 that the state spent to discipline him.

Then Graveley was arrested in mid-December and charged with trying to hire someone to kill his ex-girlfriend. The case is pending.

Graveley is one of several lawyers who has gone before the Supreme Court more than once in the past few years because of misconduct.

Before he was arrested, Graveley said that being disciplined didn't cause a shortage of clients. And he said other lawyers still talked to him.

Graveley said he wasn't bitter about the discipline, but the experience left "a little bit of a sour taste." He believes the state Commission on Practice, which handles lawyer discipline, didn't take a complete look at his 20-year law career.

"I had, I believe, five people complain," said Graveley, 49, who was the Lewis and Clark County attorney from 1977-82. "It doesn't make any difference that you represented 4,960 people with satisfaction."

The commission found Graveley delayed giving a file to a woman who wanted to drop him as her attorney in a lawsuit against a motor-home dealer and manufacturer. In another case, he didn't give a judge complete information about a client, the commission said. The third matter involved failure to request proceedings in a wage-claim case.

Graveley said he had solid defenses, but the commission ignored them.

"It makes no difference what the lawyer's position is," he said. "The lawyer is wrong as far as the commission is concerned."

Pearl Brown of Helena, Graveley's client in the motor-home case, was satisfied with the discipline.

"They did a very good review of the case and I think justice was done," said Brown, interviewed before Graveley was arrested on a charge of solicitation for murder. Brown also said lawyers who break their code of ethics "are entitled to look at their past lives, and make some decision to rectify their errors and go on."

Facts about commission

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Gary Ryder, Sidney
John Warren, Dillon

Non-lawyers
Gary Buchanan, manager of Dain Bosworth Inc., Billings
W.A. Groff, chairman of Farmers State Bank, Victor
Robyn Young, president of Development Corp. of Montana, Helena

Other lawyers punished more than once for their conduct include John "Lake" McKeon of Anaconda, one of the Legislature's most powerful leaders in the 1960s and early '70s.

McKeon was disbarred after he was convicted in 1974 of stealing from the Montana workers' compensation system. The state Supreme Court reinstated him as a lawyer in 1982. Then the court censured him last year, after he was convicted of shoplifting from a drug store in Anaconda. He remains eligible to practice. McKeon did not return telephone calls seeking comment.

In another example, the court in 1990 disbarred Missoula lawyer Jeffrey L. Shrom, twice suspended for writing bad checks and failing to comply with license regulations.

Roundup lawyer John Pratt was suspended for 30 days in 1991 and publicly censured after the Commission on Practice said he neglected clients and ignored commission correspondence.

After the punishment, Pratt paid nearly \$4,000 in disciplinary costs and resumed his practice. But last fall, the commission recommended the Supreme Court suspend Pratt for at least one year because of more alleged misconduct.

This includes the commission's finding that in 1991, Pratt called Musselshell County Justice of the Peace Robert Mihalovich "a lying son of a bitch," grabbed him and span him toward an office door after the men discussed an upcoming trial.

In papers filed with the commission last June, Pratt denied swearing and said he didn't spin Mihalovich around. He told The Associated Press that he would not discuss his case at length until it is over. The court has not acted on the recommendation to suspend him. Other findings against him include abusive and threatening behavior in 1990-91 toward people besides Mihalovich.

"What I see happening in the legal profession is a whole lot of back-sticking and maliciousness," Pratt told the AP.

Lawyers suspended for more than six months must petition to resume practice. How does the court decide these requests? It relies heavily on recommendations from the commission, Chief Justice Jean Turnage said. Sometimes, the court rejects the commission's advice.

In 1992, commissioners recommended against reinstating McKeon, but the court readmitted him anyway. The belief that people can change is "in the deepest welappings of our beings," wrote the court, a mostly different set of justices than then now.

In general, the commission looks at what led to a lawyer's discipline and whether there are indications the lawyer can resume practice responsibly, said Rockwood Brown, the commission chairman and a Billings lawyer.

"If a person was suspended for substance abuse, we would look at whether or not that problem had been corrected," Brown said.

He said he didn't know why some lawyers who are disciplined stray again.

The immediate past president of the State Bar, Sherry Scheel Matusec of Billings, said it's hard to generalize about reinstatement because each case is different.

"I can say that many lawyers are distressed that people who have been suspended or disbarred and come back to practice fail to perform their professional responsibilities," said Matusec, the new U.S. attorney for Montana. "If it was up to most lawyers, they wouldn't be back after the first suspension."

Brown Heads Commission on Law Practice

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