

**Summary of SC89654, In Re: James T. Madison**  
Original disciplinary proceeding

**Attorneys:** The chief disciplinary counsel was represented by Alan D. Pratzel and Sharon K. Weedin of the chief disciplinary counsel's office in Jefferson City, (573) 635-7400. Madison represented himself; he is with The Madison Law Firm LLC in Kansas City, (816) 523-3303.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** The chief disciplinary counsel seeks to suspend the license of an attorney whose conduct disrupted a tribunal and was prejudicial to the administration of justice and who made statements impugning the qualifications and integrity of two judges, when he knew the statements were false or made them with a reckless disregard as to their truth or falsity. In a unanimous per curiam decision that cannot be attributed to any particular judge, the Supreme Court of Missouri suspends the attorney's license indefinitely, with no leave to apply for reinstatement for six months and with conditions imposed should reinstatement be permitted. In a concurring opinion, Judge Michael A. Wolff emphasizes that he agrees with the discipline because this case involves conduct in addition to speech and that he would not sanction speech alone.

**Facts:** Kansas City attorney James T. Madison represented a plaintiff in a personal injury action that had been pending for three years. On the day the trial was to begin, the judge assigned was unable to be present and no other judge was available, so the trial was continued. Madison wrote a letter to the judge demanding to know why she was unable to proceed, accusing her of racism and asking her to recuse (remove) herself from the case. The judge recused herself. Nonetheless, Madison wrote her two more letters in which he again accused her of racism and corruption, said there was a "stain upon her robe," said she was arbitrary and not fit to be a judge, and said he believed she was part of an "evil" network and would retaliate against him for challenging her. After learning the attorney had a previous assault conviction, the judge became worried about the safety of herself and her family and changed her courthouse procedure to provide greater protection. Despite the allegations he made in his letters, Madison never filed a formal complaint against the judge.

In another case, Madison appeared in court to represent a landlord seeking to collect overdue rent and to regain possession of the property. The court granted possession of the property to Madison's client and awarded part of the past due rent. After the judgment was announced, Madison verbally argued with the judge for not awarding all past due rent. Madison did not appeal the judgment or file a complaint against the judge but instead sent a letter to the judge again arguing that there was no basis in the law for his

decision and accusing the judge of unethical conduct and abuse of power in ruling against the landlord.

The chief disciplinary counsel seeks to have Madison's law license suspended with no leave to apply for reinstatement for one year.

## **SUSPENDED.**

**The Court en banc holds:** (1) Madison's conduct at the court hearing and his statements impugning the qualifications and integrity of the judges were intended to, and did, disrupt the legal process and were prejudicial to the administration of justice, in violation of Rules 4-3.5(d) and 4-8.4(d). Madison's statements were not supported factually and were made with reckless disregard as to their truth or falsity in violation of Rule 4-8.2(a).

(2) Aggravating circumstances support an increase in the level of discipline. Madison has a prior disciplinary history and refuses to acknowledge the wrongfulness of his conduct. He acted with a dishonest or selfish motive and displayed a pattern of misconduct. He has had substantial experience in the practice of law and should know what type of conduct is expected of a lawyer. Madison also engaged in conduct during the disciplinary process that disrupted the disciplinary process.

(3) Madison's license is suspended indefinitely with no leave to reapply for reinstatement for six months. Any petition for reinstatement must demonstrate that Madison has met the requirements for reinstatement set forth in the Court's rules, must show that Madison has undergone a psychological evaluation and completed anger management or other programs or therapies recommended as part of that evaluation, and must establish that he has attended the ethics school conducted by the chief disciplinary counsel's office.

**Concurring opinion by Judge Wolff:** The author writes separately to emphasize that he agrees with the discipline because this case involves conduct in addition to speech and that he would not sanction speech alone.