IN THE SUPREME COURT
STATE OF MISSOURI

IN RE:	)	
	)	
JOHN ROGER IRVIN	)	**Supreme Court #SC94448**
	)	
Respondent.	)	

INFORMANT'S BRIEF

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ATTORNEYS FOR INFORMANT

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STATEMENT OF JURISDICTION

Jurisdiction over attorney discipline matters is established by Article 5, Section 5 of the Missouri Constitution, Supreme Court Rule 5, this Court's common law, and Section 484.040 RSMo 2000.

STATEMENT OF FACTS

Background and Disciplinary History

Respondent was admitted to the Bar in 1968. He has a solo practice in Butler, Missouri. **App. 6.**

Respondent accepted an admonition in 1986. The admonition letter states Respondent was admonished because he advised a client she could get remarried when he knew no divorce decree had yet been entered in her previous marriage. **App. 95-96.**

On December 21, 2004, the Supreme Court reprimanded Respondent for violation of Rule 4-1.8(a) (conflict of interest – prohibited transactions) and 4-1.3 (diligence). The stipulated facts underlying the reprimand established that Respondent entered into at least two business transactions with a client without satisfactorily setting forth in writing the terms of the conflicts in the transactions and advising the client to seek independent counsel. The diligence violation arose from the stipulated fact that Respondent failed to file a client's bankruptcy case for seventeen months after he had been paid the fees and had been provided the documentation necessary to do so. **App. 97-102.**

Respondent's license was suspended by Supreme Court order on February 2, 2009, for failure to file a tax return or pay tax, pursuant to Rule 5.245. He was reinstated by order dated March 17, 2009. **App. 103-108.**

Background Facts Underlying Current Disciplinary Case

Respondent admitted the facts alleged in the Information, from which most of the facts stated here are drawn. He testified to additional facts at the disciplinary hearing.

In the fall of 2004, Gregory Means was killed in a vehicular collision in Indiana. **App. 7.** His survivors were his parents, John and Sylvia Reynolds, and a baby daughter named Kayla Marie Melton. **App. 7-9.** Sylvia Reynolds and Kelly Melton, Kayla's mother, retained Respondent Irvin to represent them in an effort to obtain a settlement for Gregory Means's wrongful death. Mr. Irvin agreed to do so for a fee of 33-1/3% of the recovery after expenses. **App. 9-10, 13.**

Count I

In the spring of 2005, Respondent Irvin filed a petition for appointment of conservator in Cass County Probate Case No. 17PO20500067, seeking the appointment of co-conservators for Kayla Marie Melton, a minor. Respondent represented the petitioners; Kelly Melton, the natural mother of Kayla, and Sylvia Reynolds, the paternal grandmother of Kayla. The petition alleged that Kayla was in need of a conservator because she would be receiving funds from a wrongful death claim resulting from the death of her natural father. On April 18, 2005, the court appointed Kelly Melton and Sylvia Reynolds as co-conservators of the estate of minor Kayla Melton. **App. 110, 120.**

On December 22, 2006, a petition for approval of a wrongful death settlement in *Reynolds v. Lowe*, 06-BS-CC00089, was filed in the 27th Judicial Circuit (Bates County). Respondent Irvin represented the petitioners in the case. **App. 110, 120.**

On January 22, 2007, the court approved the settlement in *Reynolds v. Lowe*. The order stated that Kayla Marie Means (also referred to as Kayla Marie Melton and hereinafter as Kayla Melton), the minor, was entitled to half of a $100,000 insurance

policy payable on her father's death. Her father's parents, Sylvia and John Reynolds, were entitled to the other half. Distribution from the policy was subject to a subrogation lien in the amount of $3,291.28, and a 33-1/3% attorney fee plus costs to be paid to Respondent Irvin. The court further ordered that "funds for the benefit of the minor, Kayla Marie Means [Melton], shall be put in a restrictive account, and Kelly Melton, as mother and next friend must petition the court for permission to spend any of the funds prior to the minor's age of majority." **App. 110-111, 120.**

On January 22, 2007, Respondent deposited the $96,708.72 settlement check into his client trust account. **App. 111, 120.**

Before the January 22, 2007, deposit of the settlement check, no funds belonging to Sylvia Reynolds were held in Respondent's client trust account or his operating account. Starting March 14, 2006, Respondent began writing checks out of his client trust account and his operating account to Sylvia Reynolds. Between March 14, 2006, and January 17, 2007, Respondent wrote Sylvia Reynolds checks from his client trust account totaling approximately $4,800.00. The funds paid to Mrs. Reynolds out of the trust account may have belonged to Respondent Irvin, his daughter, or Respondent's other clients. At the time, Respondent maintained no trust account journal or ledger or other records that would reflect who owned the funds in his trust account. Between July 21, 2006, and January 17, 2007, Respondent wrote checks to Sylvia Reynolds out of his operating account. The operating account checks totaled approximately $5,913.00. **App. 111, 120.**

Before the wrongful death settlement check was deposited on January 22, 2007, Respondent Irvin wrote Sylvia Reynolds checks out of his trust and operating accounts totaling over $10,000.00. The checks were written on an *ad hoc* basis as Mrs. Reynolds appeared in Respondent's office and requested specific sums of money. Respondent never advised Mrs. Reynolds that he could not advance her money prior to settlement of the wrongful death case. **App. 112, 120.**

Count II

The settlement check deposited in Respondent's trust account on January 22, 2007, was in the amount of $96,708.72, which was the amount left after payment of the subrogation lien. Sylvia Reynolds, John Reynolds, Kelly Melton, and Respondent Irvin all endorsed the settlement check. All of the check's endorsers were present for the court hearing on January 22, 2007, when the settlement was approved. Shortly after the hearing, Respondent Irvin reiterated to Mr. and Mrs. Reynolds and Ms. Melton that a restrictive bank account would have to be established in accordance with the court's order for the deposit of Kayla's share of the settlement. **App. 112-113, 120.**

Respondent Irvin did not remove all of his attorney fee, which was approximately $32,204.00, from the client trust account on January 22, 2007, or within a reasonable and prompt amount of time thereafter. **App. 113, 120.**

No restrictive bank account was ever established or set up for receipt of Kayla Melton's share of the settlement in *Reynolds v. Lowe*. **App. 113, 120.**

Respondent Irvin did not promptly pay over the funds from the wrongful death settlement to Mr. and Mrs. Reynolds and Kelly Melton. **App. 113, 120.**

Instead, after the January 22, 2007, deposit, Respondent continued writing checks to Sylvia Reynolds on an *ad hoc* basis out of the trust account. From January 22, 2007, through December 21, 2007, Respondent wrote Mrs. Reynolds checks totaling nearly $42,000.00. In total, Mr. Irvin wrote Mrs. Reynolds checks from his trust and operating accounts in excess of $52,000.00. Mr. and Mrs. Reynolds share of the wrongful death settlement, at the time of the settlement, was approximately $32,200.00. **App. 113, 120.**

Respondent Irvin wrote Ms. Melton three checks, in March, April, and June of 2007, totaling $7,950.00. **App. 113, 120.**

Respondent never petitioned the court for approval of any of the payments from funds belonging to Kayla Melton, as was required by the court's January 22, 2007, order. **App. 114, 120.**

Respondent did not communicate with Kelly Melton about giving Mrs. Reynolds a significant portion of Kayla Melton's share of the settlement. **App. 114, 120.**

Although Respondent and his clients knew that the court order required deposit of Kayla Melton's share of the settlement into a restrictive bank account, Respondent did not comply with the court order and instead paid the money directly to his clients, the co-conservators, because they asked him to do so. **App. 114, 120.**

On March 12, 2013, and April 16, 2013, the Circuit Court of Cass County conducted hearings in *Kayla Marie Melton*, Case No. 17PO20500067. Respondent Irvin,

Sylvia Reynolds, and Kelly Melton testified under oath at the hearings. Based on the testimony offered at those hearings, all of the funds approved for payment to the minor Kayla Melton, in *Reynolds v. Lowe*, 06BS-CC00089, have been spent and none of those funds are being held in trust for her. **App. 114, 120.**

Count III

In May of 2004, Edwin E. Nelson employed Respondent to settle the estate of his mother, Bernice Nelson. The will was filed in the 27th Circuit (Bates County). *In re Estate of Bernice Nelson*, 04T1-PR00044. The only significant asset in the estate was a house located in Adrian, Missouri. In August of 2004, Missouri Health Net filed a claim against the estate for services that had been provided to Bernice and James Nelson. In July of 2006, the court ordered the estate to pay the state's claim. In July of 2007, the court was petitioned to allow the sale of the real property. The court ordered the property sold in August of 2007. **App. 115-116, 121.**

Edwin Nelson desired to purchase the real estate. Mr. Nelson sought a bank loan to purchase the realty and requested several times that the Respondent fax information to the bank that was needed to secure the loan. Respondent failed to provide the bank with the requested information in a timely manner, prompting Mr. Nelson to withdraw funds from his IRA to purchase the realty. The fact that Mr. Nelson had to liquidate his IRA caused him to incur negative tax consequences. **App. 116, 121.**

The court approved the sale of the realty to Mr. Nelson in September of 2007. Respondent did not thereafter petition the court to approve final settlement of the estate

until September of 2011, although there was little action in the probate matter between the sale of the real estate in September of 2007 and September of 2011. The state filed a satisfaction of its claim against the estate in June of 2012. The court approved the settlement and distribution of estate assets on July 6, 2012. The court issued a final order of discharge in *In re Estate of Nelson*, 04T1-PR00044, on November 13, 2012. **App. 116-117, 121.**

Between May of 2004 and 2012, Mr. Nelson requested that Respondent provide him information regarding his mother's estate on multiple occasions and requested that Respondent meet with him in Respondent's office on numerous occasions. Respondent repeatedly failed to communicate and meet with Mr. Nelson as requested. **App. 117, 121.**

Additional Facts

Respondent acknowledged at the disciplinary hearing that he "screwed up" in not requiring that his clients set up a restrictive bank account and in not depositing Kayla's share of the settlement in such an account. **App. 15-16.** He understood at the time of the wrongful death settlement hearing that that was what the judge wanted him to do, but he did not do it. **App. 16-17, 27.** He told Mrs. Reynolds and Ms. Means that they needed to set up a restrictive account, and that the check would clear in about a week. He did not follow-up on it, however, and it never got done. **App. 15-17.**

POINT RELIED ON

I.

THE SUPREME COURT SHOULD SANCTION RESPONDENT BECAUSE HE HAS VIOLATED MULTIPLE RULES OF PROFESSIONAL CONDUCT IN THAT HE PROVIDED FINANCIAL ASSISTANCE TO A CLIENT (RULE 4-1.8(e)), HE HELD HIS OWN PROPERTY IN HIS TRUST ACCOUNT (RULE 4-1.15(a)), HE PROVIDED INCOMPETENT REPRESENTATION BY PAYING A MINOR'S MONIES TO BE HELD IN TRUST TO THE MINOR'S MOTHER AND GRANDMOTHER BECAUSE THEY ASKED FOR IT (RULE 4-1.1), HE FAILED TO COMMUNICATE WITH THE MINOR'S MOTHER REGARDING DISSIPATION OF THE MINOR'S FUNDS TO THE GRANDMOTHER AND CONTINUED REPRESENTING CLIENTS AFTER THEIR INTERESTS BECAME ADVERSE (RULES 4-1.4 AND 4-1.7(a)), HE FAILED TO COMPLY WITH THE COURT ORDER REQUIRING ESTABLISHMENT OF A RESTRICTIVE BANK ACCOUNT (RULE 4-3.4(c)), HE ASSISTED THE MOTHER AND GRANDMOTHER IN VIOLATING THE COURT ORDER (4-8.4(d)), HE FAILED TO PROVIDE DILIGENT REPRESENTATION IN THE NELSON ESTATE MATTER (RULE 4-1.3), AND FAILED TO

COMMUNICATE ADEQUATELY WITH HIS CLIENT REGARDING THE CLIENT'S MOTHER'S ESTATE ADMINISTRATION (RULE 4-1.4(a)).

Supreme Court Rule 4-1.15(a) (1996)

Supreme Court Rule 4-3.4(c)

Supreme Court Rule 4-1.7(a)

POINT RELIED ON

II.

THE SUPREME COURT SHOULD SUSPEND RESPONDENT'S LICENSE WITH NO LEAVE TO APPLY FOR REINSTATEMENT FOR TWO YEARS BECAUSE HE HAS ADMITTED VIOLATING NUMEROUS RULES OF PROFESSIONAL CONDUCT, THE MOST SERIOUS OF WHICH IS HIS KNOWING VIOLATION OF A COURT ORDER IN THAT HE PAID OUT THE MINOR'S SHARE OF A WRONGFUL DEATH SETTLEMENT AT HIS CLIENTS' REQUESTS IN VIOLATION OF THE COURT ORDER REQUIRING THAT THE MONEY BE DEPOSITED IN A RESTRICTIVE BANK ACCOUNT.

ABA Standards for Imposing Lawyer Sanctions (1991 ed.), Standard Rule 6.22

Supreme Court Rule 4-3.4(c)

ARGUMENT

I.

THE SUPREME COURT SHOULD SANCTION RESPONDENT BECAUSE HE HAS VIOLATED MULTIPLE RULES OF PROFESSIONAL CONDUCT IN THAT HE PROVIDED FINANCIAL ASSISTANCE TO A CLIENT (RULE 4-1.8(e)), HE HELD HIS OWN PROPERTY IN HIS TRUST ACCOUNT (RULE 4-1.15(a)), HE PROVIDED INCOMPETENT REPRESENTATION BY PAYING A MINOR'S MONIES TO BE HELD IN TRUST TO THE MINOR'S MOTHER AND GRANDMOTHER BECAUSE THEY ASKED FOR IT (RULE 4-1.1), HE FAILED TO COMMUNICATE WITH THE MINOR'S MOTHER REGARDING DISSIPATION OF THE MINOR'S FUNDS TO THE GRANDMOTHER AND CONTINUED REPRESENTING CLIENTS AFTER THEIR INTERESTS BECAME ADVERSE (RULES 4-1.4 AND 4-1.7(a)), HE FAILED TO COMPLY WITH THE COURT ORDER REQUIRING ESTABLISHMENT OF A RESTRICTIVE BANK ACCOUNT (RULE 4-3.4(c)), HE ASSISTED THE MOTHER AND GRANDMOTHER IN VIOLATING THE COURT ORDER (4-8.4(d)), HE FAILED TO PROVIDE DILIGENT REPRESENTATION IN THE NELSON ESTATE MATTER (RULE 4-1.3), AND FAILED TO

COMMUNICATE ADEQUATELY WITH HIS CLIENT REGARDING THE CLIENT'S MOTHER'S ESTATE ADMINISTRATION (RULE 4-1.4(a)).

Respondent has acknowledged violating all of the rules charged in the Information. The facts underlying the rule violations are not in dispute. In this posture, only a cursory discussion will be provided regarding each rule violation.

Rule 4-1.8(e) provides that "A lawyer shall not provide financial assistance to a client." Mr. Irvin violated the rule by giving Mrs. Reynolds money, eventually totaling more than $10,000.00, before the settlement was approved by the court and the proceeds were paid. On an irregular basis, Mrs. Reynolds would come to Respondent's office and ask for money, which he gave her by writing checks out of his operating and trust accounts. The rule prohibits financial assistance to clients "because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation." Comment, Supreme Court Rule 4-1.8.

Respondent violated the safekeeping property rule, 4-1.15(a) (2006), by leaving his own funds in his client trust account. He acknowledged that he had some of his own money in his trust account in 2006 when he started writing checks to Sylvia Reynolds on the account. He violated the rule a second time when he failed, in January of 2007, to promptly remove his fee from the trust account after depositing the settlement check.

The competence violation, Rule 4-1.1, is based on the evidence that Respondent paid money to clients in violation of the court order and ethics rules for no better reason than that they asked for it.

Respondent has admitted two separate communication rule violations. First, he never advised Kelly Melton, the minor's mother, when he started paying money belonging to Kayla to Sylvia Reynolds. He also violated the rule in the course of his representation of Mr. Nelson and the administration of Nelson's mother's estate.

Respondent's continuing representation of the co-conservators was a concurrent conflict of interest in violation of 4-1.7 when it became apparent that their interests had diverged.

Rule 4-3.4(c) was violated when Respondent failed to insist that his clients open a bank account into which the minor's share of the proceeds would be deposited and which could be accessed only with court approval. *Cf. In re Charron*, 918 S.W.2d 257, 261 (Mo. banc 1996) (attorney's failure to file annual settlement in probate case violated Rule 4-3.4(c)). Instead, he deposited the settlement check in his trust account and proceeded to write checks to the co-conservators without benefit of court oversight.

Respondent violated Rule 4-8.4(d) when, in violation of a court order and his professional ethical obligations, he assisted the co-conservators in depleting the minor's assets.

Finally, Respondent violated the diligence rule, 4-1.3, by taking eight years to settle a small estate for a client.

ARGUMENT

II.

THE SUPREME COURT SHOULD SUSPEND RESPONDENT'S LICENSE WITH NO LEAVE TO APPLY FOR REINSTATEMENT FOR TWO YEARS BECAUSE HE HAS ADMITTED VIOLATING NUMEROUS RULES OF PROFESSIONAL CONDUCT, THE MOST SERIOUS OF WHICH IS HIS KNOWING VIOLATION OF A COURT ORDER IN THAT HE PAID OUT THE MINOR'S SHARE OF A WRONGFUL DEATH SETTLEMENT AT HIS CLIENTS' REQUESTS IN VIOLATION OF THE COURT ORDER REQUIRING THAT THE MONEY BE DEPOSITED IN A RESTRICTIVE BANK ACCOUNT.

Respondent Irvin admitted the facts alleged in the disciplinary Information and admitted that the facts supported the charged rule violations. He did not dispute any of the facts at the hearing before the panel. Prior to the disciplinary hearing, he informally advised OCDC staff counsel that he concurred in disciplinary counsel's recommendation to the panel that his license be suspended without leave to apply for reinstatement for two years. Respondent offered no evidence and made no argument to the panel for a sanction different than disciplinary counsel's recommended sanction. The panel issued a decision finding the facts and making the conclusions of law, all as previously admitted by

Respondent. The panel recommended a license suspension with no leave to apply for reinstatement for two years.

Notwithstanding his knowledge and concurrence in the underlying facts of the case, rule violations, and recommended sanction, Respondent rejected the decision of the panel, stating in his August 13, 2014, letter only that "Informant [sic] does not accept the written decision of the Disciplinary Hearing Panel in the John R. Irvin matter." **App. 217.**

Informant did accept the recommendation of the panel, as it was the recommendation made by Informant to the panel and one in which Respondent had, up to the time of his August 13, 2014, letter, concurred. The legal analysis underlying that recommendation follows.

Respondent Irvin has admitted violating ten Rules of Professional Conduct. The framework for sanction analysis set forth in the ABA Standards for Imposing Lawyer Sanctions (1991 ed.), p. 6, does "not account for multiple charges of misconduct. The ultimate sanction imposed should be at least consistent with the sanction for the most serious instance of misconduct among a number of violations; it might well be and generally should be greater than the sanction for the most serious misconduct." The most serious instance of misconduct here, it is believed, is the violation of Rule 4-3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal. Had Respondent Irvin insisted that his clients comply with the order, the minor's share of the settlement money would likely be intact. The failure to segregate the minor's funds

in an account to which access could only be had with court approval was the instance of misconduct most directly related to the child's financial loss.

The facts underlying the Rule 4-3.4(c) violation are not complicated. Respondent represented the co-conservators (the minor's mother and paternal grandmother) of a minor (Kayla Melton) in a claim for the wrongful death of the minor's father. The only other claimants for the $100,000.00 insurance policy proceeds available were the parents of the decedent, who were the minor's paternal grandparents. The proposed terms for settlement of the claim provided for payment of a lien for funeral expenses, with the minor and the decedent's parents to split evenly what was left after payment of Respondent Irvin's one-third attorney fee.

At a hearing conducted on January 22, 2007, a Bates County judge approved the settlement in an order that required that Kayla's share of the proceeds (a little more than $32,000.00) be placed in a restrictive account, and that Kelly Melton (the minor's mother) petition the court for permission to spend any of the money before Kayla reached the age of majority.

Respondent Irvin violated the order, and thereby the rule of professional conduct, because he deposited the settlement check in his trust account, then, without requiring the co-conservators to set up the restrictive account or petition the court for approval of payments, wrote checks out of his trust account primarily to the paternal grandmother but also the minor's mother. Within a few months, Respondent had dispersed all of the minor's funds in checks written to her mother or grandmother.

Mr. Irvin's noncompliance with the court's January 22, 2007, order resulted in the dissipation of Kayla Melton's share of the proceeds from her father's wrongful death. The fact that a vulnerable child is the financial victim of Respondent's misconduct is the compelling element of this case.

In knowingly paying out the minor's share of the proceeds to the minor's co-conservators, Respondent violated a duty he owed the legal system. It is difficult to conceive of a clearer example of the importance and necessity of a legal system and courts than is posed by the facts of this case. A baby's father is killed when she is only a few months old. Money is available to be distributed because his death was wrongful under state statutes. The legal system provides for conservators to petition for the infant's share of the money, and provides a procedure whereby the funds will be safely held for the child until she reaches her majority. The system is dependent on lawyers to make the procedures work. Respondent violated his duty to the legal system to make sure that it worked in this case.

Respondent's mental state was knowing. He admitted he was well aware of what the court order required be done, and that after the court hearing approving the wrongful death settlement he told his clients that they needed to open a restrictive bank account. For whatever reason, Respondent nevertheless continued to write checks on an *ad hoc* basis out of his trust account (where the settlement check had been deposited), primarily to the minor's grandmother, until all of the money was gone. His testimony is simply that he "screwed up."

Many of the aggravating factors listed in ABA Standard 9.22 are present here. Respondent has considerable disciplinary history – he has a 2004 reprimand for violating the conflict of interest and diligence rules, as well as a 1986 admonition. It is particularly troubling that the instant case includes a conflict of interest violation, in that Respondent has already received a reprimand for a conflicts violation. He is guilty of multiple rule violations (ten). As previously noted, the most compelling aggravator is the vulnerability of the victim (now a 10 year old child). Respondent has over forty years experience practicing law. Finally, to disciplinary counsel's knowledge, Respondent has not, personally, paid any restitution.

There are also mitigating factors, listed in Standard Rule 9.32, that should be considered. First and foremost, and the reason disciplinary counsel has not recommended disbarment, is that Respondent appears to have had no dishonest or selfish motive for his misconduct. There is no evidence that Respondent profited from his misconduct. The explanation he gave at his sworn statement for how the payments would happen is that Mrs. Reynolds would physically appear at his office, remind Respondent that the case had settled, and state that she needed money. So Respondent would write her a check. She did not threaten Respondent. Respondent owed her no money. She would come by and ask for money, and Respondent would pay it. **App. 165.**

Additional mitigating factors include that Respondent has cooperated and been forthcoming with the investigation and hearing of the case. He has expressed remorse. The disciplinary hearing panel held the record open at the conclusion of the hearing

because the panel wanted Respondent to withdraw from his representation of the co-conservators. In accordance with concerns raised in the hearing, Respondent wrote The Bar Plan, in a letter dated April 1, 2014, that a legal malpractice case might be filed against him. He also advised The Bar Plan that disciplinary proceedings were underway. **App. 193.** In an order dated April 1, 2014, Respondent was granted leave to withdraw as counsel for the co-conservators Sylvia Reynolds and Kelly Melton in *In re Kayla Melton*, Estate No. 17PO20500067. **App. 191-192.** The judge also revoked the letters of co-conservatorship held by Mrs. Reynolds and Ms. Melton and appointed the Cass County Public Administrator as conservator. On June 30, 2014, a petition to determine liability was filed by the newly appointed conservator against Respondent Irvin in Cass County Circuit Court. *Folsom v. Irvin*, 14CA-CC00149.

ABA Standard Rule 6.2 encompasses disciplinary sanctions for misconduct that involves abusing legal process. Standard Rule 6.22 states, in relevant part, that "Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or party." Respondent's misconduct falls well within the suspension guidelines of the ABA Standards.

Disciplinary counsel's recommendation of suspension with no leave to apply for reinstatement for two years, as opposed to a different time period, is not drawn from court precedent, as no cases with similar facts or a similar constellation of rule violations were discovered. Disciplinary counsel believes the case clearly calls for actual suspension, given the breadth of the misconduct over the course of many years, and the

harm to a vulnerable victim. Disbarment has not been recommended because of the absence of a selfish or profit motive. A suspension without leave to apply for reinstatement for a minimum of two years is recommended.

CONCLUSION

This case, unfortunately, reads like a law school examination scenario. Respondent violated multiple rules of professional conduct over many years in his representation of the co-conservators and Mr. Nelson, all for reasons not readily apparent, but without a profit motive. For the protection of the public and for the sake of the profession's integrity, Respondent's license should be suspended with no leave to apply for reinstatement for, at a minimum, two years.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2014, the Informant's Brief was sent via the Missouri Supreme Court e-filing system to:

John Roger Irvin
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Butler, MO 64730

Respondent

Sharon K. Weedin

_____
Sharon K. Weedin

CERTIFICATION: RULE 84.06(c)

I certify to the best of my knowledge, information and belief, that this brief:

1. Includes the information required by Rule 55.03;
2. Complies with the limitations contained in Rule 84.06(b);
3. Contains 4,661 words, according to Microsoft Word, which is the word processing system used to prepare this brief.

Sharon K. Weedin

_____
Sharon K. Weedin