

**IN THE SUPREME COURT
STATE OF MISSOURI**

IN RE:

MARY L. LEMP

1717 Park Ave.

St. Louis, Missouri 63104

Missouri Bar No. 63027

Respondent.

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Supreme Court No. SC97285

INFORMANT'S BRIEF

ALAN D. PRATZEL #29141
Chief Disciplinary Counsel

CHERYL WALKER #38140
OCDC Special Representative
P.O. Box 11623
Clayton, MO 63105
(314) 616-3238 - Telephone
Email: cwalker@rshc-law.com

**ATTORNEYS FOR
CHIEF DISCIPLINARY COUNSEL**

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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 is Mary Lemp, licensed on September 15, 2010, with MO Bar No. 63027. **App. 6; App. 344**¹ Respondent has no disciplinary history. **App. 6.**

The Southern District of Missouri Court of Appeals and Tyce Smith Reports

On or about May 4, 2016, the Office of Chief Disciplinary Counsel received a report from the Missouri Court of Appeals, Southern District (the “Southern District Report”) regarding Respondent’s conduct in a case captioned Abston v. Bramer, Case Number SD34162. **App. 7; App. 344.** Thereafter, on May 5, 2016, the Office of Chief Disciplinary Counsel received a second report regarding the same conduct from Tyce Smith, opposing counsel in Abston v. Bramer (the “Smith Report,” together with the Southern District Report, the “Reports”). **App. 7; App. 344.**

The Smith Report revealed that on or about October 5, 2015, Respondent filed a Notice of Appeal with the Missouri Court of Appeals, Southern District (“Court of Appeals”) on behalf of appellant, Rani Abston, in Abston v. Bramer and when no further

¹ The facts contained herein are drawn from the testimony elicited and the exhibits admitted into evidence at the Disciplinary Hearing Panel hearing in this matter held on April 24, 2018. Citations to the trial testimony before the Disciplinary Hearing Panel are denoted by the appropriate Appendix page reference followed by the specific transcript page reference in parentheses, for example “**App. ____ (Tr. ____)**”. Citations to the pleadings and trial exhibits are denoted by the appropriate Appendix page reference.

action was taken, the appeal was dismissed on February 2, 2016, and the mandate issued on February 18, 2016. **App. 7; App. 344.** Respondent filed a Motion to Recall Mandate on behalf of her client Rani Abston on March 1, 2016, which was granted on March 1, 2016. **App. 7; App. 344.** Respondent thereafter failed to take any further action on the matter. The Court of Appeals ordered Respondent to show good cause by April 21, 2016 as to why the appeal should not be dismissed for failure to perfect the appeal (the “Show Cause Order”). **App. 7; App. 344.**

Respondent filed a motion in the Court of Appeals for an extension of time to respond to the Show Cause Order on April 21, 2016 (the “First Motion for Extension”). **App. 7-8; App. 345.** The First Motion for Extension purported to be notarized by A. Gilbers and had a notarial attestation date of July 2015, even though the filing of the First Motion for Extension did not occur until April 2016, nine months later. **App. 8; App. 345.** A. Gilbers was a legal assistant for another attorney in the same building where Respondent’s office was located. **App. 168 (Tr. 43).** On occasion Ms. Gilbers would notarize documents for Respondent. **App. 168 (Tr. 43).** A. Gilbers did not work in the building where Respondent’s office was located at the time the First Motion for Extension was filed in April 2016. **App. 169 (Tr. 44); App. 371 (Tr. 20).** Following the filing of the First Motion for Extension, a second motion for extension of time was filed later on the same day (the “Second Motion for Extension”). **App. 8; App. 345.** The Second Notice for Extension also purported to be notarized by A. Gilbers. **App. 8; App. 345; App. 369 (Tr. 18).** When filed, the attestation date in the notary block of the Second Motion for Extension

had been altered by pen to read April, 2016. **App. 8; App. 345; App. 368-369 (Tr. 17-18).** Prior to being altered, the notarial block indicated a date of July 2015.

Attorney Smith, counsel to John Bramer, filed a Notice of Irregular Documents with the Court of Appeals on April 20, 2016 and the Court of Appeals ordered Respondent to respond to such notice on or before April 25, 2016. **App. 8; App. 345.** Respondent filed her response on or about April 25, 2016 (the “Response”). **App. 8; App. 345.** In the Response, Respondent continued to allege that the First Motion for Extension and the Second Motion for Extension were notarized by A. Gilbers and purported to attach a statement of Ms. Gilbers to the Response wherein she acknowledged notarizing both documents. **App. 8; App. 345; App. 367-372 (Tr. 16-21).** No such statement was ever made by A. Gilbers. **App. 369-372 (Tr. 18-21).**

In fact, Attorney Smith presented the affidavit of A. Gilbers to the Court of Appeals on or about April 28, 2017 which stated that upon learning of the forgery from JoAnna Exendine, Attorney Smith’s legal assistant, Ms. Gilbers spoke with Respondent and that Respondent admitted falsifying the notarial attestations by cutting and pasting the notary block from another document A. Gilbers had notarized for Respondent when she and Ms. Gilbers worked in the same building. **App. 8-9.** The affidavit of A. Gilbers further provides that, despite the allegation in the Respondent’s Response that she signed a statement acknowledging notarizing the motions for extensions of time, she never signed any such statement and she never notarized the documents in question. **App. 8-9; App. 346.** In her deposition testimony, Ms. Gilbers confirmed the statements included in her

affidavit; she reiterated that she did not notarize the First Motion for Extension or the Second Motion for Extension as Respondent claimed. **App. 166-177 (Tr. 41-52).**

Respondent, not a third party, cut and pasted a notarial attestation of A. Gilbers from a previously notarized document into the First Motion for Extension and the Second Motion for Extension. **App. 366-369 (Tr. 15-18).** In addition, Respondent, not a third party, filed both motions for extension and the Response with the Court of Appeals. **App. 7-8; App 345.**

OCDC Requests for Information

The Office for Chief Disciplinary Counsel (“OCDC” or “Informant”) sent letters to Respondent on May 18, 2016 and June 7, 2016 enclosing the Southern District Report and on May 23, 2016 and June 16, 2016 enclosing the Smith Report. **App. 9; App. 346; App. 372 (Tr. 21).** Respondent failed to respond to either of the Reports despite being given two opportunities. **App. 9; App. 346; App. 372 (Tr. 21).**

Respondent’s Explanations

In Respondent’s Answer to the Information, Respondent stated that she was “suffering from an episode of major depressive order and experiencing side effects from medication taken after suffering nerve damage to and the loss of use of her right (dominant) arm in an automobile accident on Christmas 2014” at the time the conduct giving rise to the Reports occurred. **App. 39-40.** Respondent did not have an independent medical examination performed to support her claim of mental disorder. **App. 372-373 (Tr. 21-22).**

Disciplinary Proceeding and Decision

This attorney disciplinary matter is before this Court following an evidentiary hearing conducted by the Disciplinary Hearing Panel (the “Panel”) on April 24, 2018 (the “DHP Hearing”). **App. 125-341; App. 366-442.** Respondent filed her Answer and Affirmative Defenses to Information on February 15, 2018. **App. 32-41.** Respondent was present for, and participated in, the DHP Hearing. **App. 125-341.** On May 8, 2018, the Panel issued the Disciplinary Hearing Panel Decision (the “DHP Decision”). **App. 343-348.** The Panel found that Respondent violated (a) Rule 4-3.3(a)(1) by making a false statement of material fact to the Court of Appeals by stating in her Response that A. Gilbers notarized the First Motion for Extension and the Second Motion for Extension; (b) Rule 4-8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation when she forged the signature of A. Gilbers on the First Motion for Extension and the Second Motion for Extension and when she filed the same with the Court of Appeals, (c) Rule 4-8.4(d) by engaging in conduct prejudicial to the administration of justice by forging the notary blocks in the First Motion for Extension and the Second Motion for Extension, and by filing the same with the Court of Appeals, and (d) Rule 4-8.1(c) by knowingly failing to respond to disciplinary inquiries concerning her conduct. **App. 347-348.**

The Panel did not make any findings as to aggravating or mitigating factors. **App. 343-348.** However, Respondent attempted to introduce her medical records and

testimony of other witnesses, including that of her father-in-law, John McCallister, a physician, to support her claim of mental disorder as a mitigating factor under Rule 5.285. **App. 391-417 (Tr. 59-85)**. The Panel sustained Informant's objection to the admission of Respondent's medical records and testimony that she sought to use as evidence of her claimed mental disorder. **App. 347-348**.

The Panel recommended that Respondent be suspended indefinitely with no leave to apply for reinstatement for six months. **App. 348**. Informant accepted the DHP Decision. **App. 349**. Respondent rejected the DHP Decision. **App. 350**. By order dated July 17, 2018, this Court ordered the record in this matter to be filed on or before August 16, 2018 and the matter briefed pursuant to Rule 84.24(h).

POINT RELIED ON

I.

**RESPONDENT IS SUBJECT TO DISCIPLINE BECAUSE SHE
ENGAGED IN PROFESSIONAL MISCONDUCT IN VIOLATION OF
RULES 4-3.3(a), 4-8.4(c), 4-8.4(d), AND 4-8.1(c).**

In re Caranchini, 956 S.W.2d 910 (Mo. banc 1997)

Rule 4-3.3(a)(1)

Rule 4-8.1(c)

Rule 4-8.4(c)

Rule 4-8.4(d)

POINT RELIED ON

II.

AN INDEFINITE SUSPENSION WITH NO LEAVE TO APPLY FOR REINSTATEMENT FOR SIX MONTHS IS AN APPROPRIATE SANCTION FOR RESPONDENT’S MISCONDUCT BECAUSE:

A. MISSOURI CASE LAW AND ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS SUPPORT SUCH A SANCTION; AND

B. THE PANEL APPROPRIATELY DISREGARDED THE ALLEGED MENTAL DISORDER AS A MITIGATING FACTOR.

In re Caranchini, 956 S.W.2d 910 (Mo. banc 1997)

In re Krigel, 480 S.W.3d 294 (Mo. banc 2016)

In re McMillin, 521 S.W.3d 604 (Mo. banc 2017)

In re Oberhellmann, 873 S.W.2d 851 (Mo. banc 1994)

Rule 4-3.3(a)(1)

Rule 4-8.1(c)

Rule 4-8.4(c)

Rule 4-8.4(d)

Rule 5.285

ABA Standards for Imposing Lawyer Sanctions (1991 ed.)

ARGUMENT

I.

**RESPONDENT IS SUBJECT TO DISCIPLINE BECAUSE SHE
ENGAGED IN PROFESSIONAL MISCONDUCT IN VIOLATION OF
RULES 4-3.3(a), 4-8.4(c), 4-8.4(d), AND 4-8.1(c).**

The Panel found that Respondent violated the following Rules of Professional Conduct:

- (a) Rule 4-3.3(a)(1) by making a false statement of material fact to the Court of Appeals by stating her Response that A. Gilbers notarized the First Motion for Extension and the Second Motion for Extension;
- (b) Rule 4-8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by forging the signature of A. Gilbers on the First Motion for Extension and the Second Motion for Extension and filing the same with the Court of Appeals,
- (c) Rule 4-8.4(d) by engaging in conduct prejudicial to the administration of justice by forging the notary blocks in the First Motion for Extension and the Second Motion for Extension, and by filing the same with the Court of Appeals, and
- (d) Rule 4-8.1(c) by knowingly failing to respond to the Reports concerning her conduct.

App. 347-348.

Rule 4-3.3(a) provides that a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer. A misrepresentation to a court is “an affront to the fundamental and indispensable principle that a lawyer must proceed with absolute candor towards the tribunal. *In re Caranchini*, 956 S.W.2d 910, 919-20 (Mo. banc 1997). In the absence of that candor, the legal system cannot properly function.” *Id.* There is no need for the recipient of the falsehood to be deceived in order to find a violation of Rule 4-3.3(a). *See*, ABA/BNA Lawyers’ Manual on Professional Conduct, *Candor Toward Tribunal*, 61:308 (2017). *See also*, ABA/BNA Lawyers’ Manual on Professional Conduct, *supra* at 61:308. Rule 4-3.3 “sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process”. Cmt. 2 to Rule 4-3.3. *See also*, *In re Oberhellmann*, 873 S.W.2d 851 (Mo. banc 1994).

Respondent violated Rule 4-3.3(a) when she filed the First and the Second Motion for Extension which were both purported to be notarized by A. Gilbers. **App. 8; App. 345; App. 367-372 (Tr. 16-21)**. Her misconduct continued when she filed her Response four days later and falsely stated that the First Motion of Extension and the Second Motion for Extension had been notarized by A. Gilbers. **App. 8; App. 345; App. 369-372 (Tr. 18-21)**.

Likewise, Respondent violated Rule 4-8.4(c) and Rule 4-8.4(d) by (a) cutting and pasting the notarial attestation containing the signature of A. Gilbers onto the First Motion for Extension and the Second Motion for Extension and filing the same with the Court of Appeals, and (b) falsely denying her actions in her Response. **App.**

8; App. 345; App. 367-372 (Tr. 16-21). Respondent's conduct in this regard was dishonest, fraudulent, and deceptive. In addition, as a consequence of Respondent's actions, opposing counsel was forced to expend time to draft and file a Notice of Irregular Documents and the Court of Appeals likewise expended its time and effort to review the Response. In fact, Respondent's actions extended the underlying court proceedings which had been dismissed due to Respondent's failure to prosecute the appeal in Abston v. Bramer. All of the referenced consequences of Respondent's conduct negatively impacted the fair administration of justice.

Finally, Respondent's knowing failure to respond to the Informant's investigative letters regarding the Reports concerning her conduct after she was given two opportunities to do so demonstrates her violation of Rule 4-8.1(c). **App. 9; App. 346; App. 372 (Tr. 21).**

ARGUMENT

II.

AN INDEFINITE SUSPENSION WITH NO LEAVE TO APPLY FOR REINSTATEMENT FOR SIX MONTHS IS AN APPROPRIATE SANCTION FOR RESPONDENT’S MISCONDUCT BECAUSE:

A. MISSOURI CASE LAW AND ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS SUPPORT SUCH A SANCTION; AND

B. THE PANEL APPROPRIATELY DISREGARDED THE ALLEGED MENTAL DISORDER AS A MITIGATING FACTOR.

When determining the appropriate sanction for attorney misconduct, this Court relies on several sources, including its own decisions, disciplinary rules and the American Bar Association Standards for Imposing Lawyer Sanctions (“*ABA Standards*”). *In re Krigel*, 480 S.W.3d 294, 301 (Mo. banc 2016). In addition, this Court considers aggravating and mitigating factors relevant to the Respondent’s actions. *Id.*

The Panel found that Respondent violated Rules 4-3.3(a)(1), 4-8.4(c), 4-8.4(d) and 4-8.1(c). The Panel did not make any findings as to aggravating or mitigating factors other than to sustain Informant’s objection to the admission of Respondent’s medical records and testimony that Respondent sought to use as evidence of her claimed mental disorder. **App. 343-348.** However, there is evidence of both factors. With

respect to aggravating factors, Respondent committed multiple offenses and failed to cooperate with the investigation by not responding to the Reports. In mitigation, Respondent has no disciplinary history prior to this misconduct.

Where, like here, there are multiple violations, “the ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among the violations.” Theoretical Framework of *ABA Standards*. See also, *In re Krigel*, 480 S.W.3d at 301 (Mo. banc 2016).

The most serious violation in this case concerned Respondent making false statements to the Court of Appeals in her Response. Per the *ABA Standards*, this type of rule violation falls under Section 6.0 - Violation of Duties Owed to the Legal System.

ABA Standard 6.11 provides that disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceedings. *ABA Standard* 6.12 provides that suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding. *ABA Standard* 6.13, in turn, provides that reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury

to a party to the legal proceeding, or causes and adverse or potentially adverse effect on the legal proceeding.

This is not a case where Respondent was negligent in determining whether the statements filed with the Court were false. Rather, Respondent personally drafted the false documents and then filed them with the Court of Appeals three times. **App. 8; App. 345; App. 367-372 (Tr. 16-21)**. Therefore, Respondent cannot claim negligence. Consequently, a reprimand is not the appropriate sanction in this case.

Respondent's conduct fits into the parameters of ABA Standard 6.11. This Court has found that "when an attorney, with an intent to deceive the court, submits a false document, makes a false statement, or withholds material information, disbarment is the appropriate sanction." *In re Krigel* 480 S.W.3d at 301 (citing *In re Caranchini*, 956 S.W.2d at 919)); See also, *ABA Standard* 6.11.

Just as was the case in *In re Caranchini*, Respondent intentionally submitted false documents to a court. *In re Caranchini*, 956 S.W.2d at 919 (Mo. banc 1997). Specifically, Respondent filed the First Motion for Extension, the Second Motion for Extension and the Response with the Court of Appeals, the first two of which contained false notary attestations, and the last of which contained intentional false statements that A. Gilbers notarized both documents. **App. 8; App. 345; App. 367-372 (Tr. 16-21)**. As summarized above, Respondent was aware that the First Motion for Extension, the Second Motion for Extension and her Response contained false statements because she, not a third party, cut and pasted a notary block of A. Gilbers from an old document into both motions

for extension, and she, not a third party, filed both motions for extension and the Response with the Court of Appeals. **App. 8; App. 345; App. 367-372 (Tr. 16-21).**

Respondent's "misconduct is an affront to the fundamental and indispensable principle that a lawyer must proceed with absolute candor towards the tribunal." *In re Caranchini*, 956 S.W.2d at 920. This Court appropriately stated in *In re Caranchini* that "[i]n the absence of that candor, the legal system cannot properly function". *Id.*

While it can be posited under *ABA Standard 6.11* and *Caranchini* that disbarment is the appropriate sanction in this case, this Court has cautioned that disbarment is "reserved for clear cases of gross misconduct, those in which the attorney is demonstrably unfit to continue in the profession." *In re Krigel*, 480 S.W.3d at 301 (citations omitted). As discussed below, Informant is not of the view that Respondent is unfit to continue in the profession. Rather, an indefinite suspension with leave to apply for reinstatement in six months is the appropriate sanction in this case. Therefore, the suspension guidelines included within the *ABA Standards* are instructive.

ABA Standard 6.12 provides that suspension is generally appropriate when a lawyer knows that "false statements or documents are being submitted to the court ... and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding". *ABA Standard 6.12*. Suspension is appropriate where "a lawyer knows that a false statement is being submitted to a court and takes no remedial action". *In re Oberhellmann*, 873 S.W.2d at 856.

Respondent's actions were purposeful. This is not a case where she made an inadvertent filing. Rather, Respondent knowingly filed the First Motion for Extension. **App. 367-368 (Tr. 16-17)**. After realizing the date in the notary block was not the same as the date of the motion, Respondent filed the Second Motion for Extension. **App. 368-369 (Tr. 17-18)**. Four days later Respondent filed the Response to the Notice of Irregular Documents. **App. 369-372 (Tr. 18-21)**. Such repeated actions are indicative of knowing and intentional acts.

Respondent failed to take any remedial action in this case. In fact, Respondent's filing of the Response which continued to deny the existence of the forgery explicitly demonstrates that Respondent attempted to persuade the Court of Appeals to accept her deception. Again, based on those actions alone, one could argue that disbarment is appropriate since that sanction "is appropriate when a lawyer, with the intent to deceive a court, makes a false statement or submits a false document to a court". *Id.* But for the fact that, as stated above, this Court cautions that disbarment is "reserved for clear cases of gross misconduct, those in which the attorney is demonstrably unfit to continue in the profession," Informant would seek Respondent's disbarment. *In re Krigel*, 480 S.W.3d at 301.

An analysis of the *Krigel* case is instructive to determine the appropriate sanction for Respondent's conduct. In *Krigel* this Court imposed a six-month stayed suspension

with a two-year probation.² Respondent's conduct is similar to Mr. Krigel's conduct. In *Krigel*, the attorney presented testimony which was technically truthful, but he omitted critical information while examining his client in an adoption hearing, which, among other things, left the court with a false impression of the birth father's interest in the child. *Id.* at 299. This Court, in a split opinion, noted that ABA Standard 6.11 suggested disbarment was the appropriate discipline. This Court noted the Mr. Krigel's lack of prior discipline and numerous years of practice as justification for the lesser discipline.

In the instant case, Respondent likewise has no disciplinary history. However, a stayed suspension with probation is not the appropriate sanction because Respondent filed false documents with the Court of Appeals on three separate occasions over a period of four days. **App. 368-372 (Tr. 17-21)**. Her actions were affirmative and not by omission. There was no technical accuracy like there was in *Krigel*; rather neither motion for extension was notarized by Ms. Gilbers and the Response continued to perpetuate the falsehood to the Court of Appeals that both documents had been notarized by Ms. Gilbers. As a result, Informant recommends an indefinite suspension with no leave to apply for reinstatement for six months. The basic facts in this case are undisputed. *See App. 347*. Respondent's misconduct is serious and no lesser sanction would be appropriate under the facts. Probation is not appropriate.

² Three Justices, in a dissenting opinion, determined that disbarment was the appropriate sanction for Mr. Krigel's misconduct.

The Panel Appropriately Disregarded
the Alleged Mental Disorder as a Mitigating Factor

As the Panel noted, Respondent attempted to rely upon Rule 5.285 at the hearing “to allow Respondent's mental disorder as a result of her accident and medications to serve as a mitigating factor in determining appropriate discipline”. **App. 347.** The procedural and substantive requirements of Rule 5.285(c) are mandatory and explicit:

A mental disorder is not a mitigating factor in a disciplinary proceeding unless an independent, licensed mental health professional provides evidence that the mental disorder caused or had a direct and substantial relationship to the professional misconduct. Respondent shall bear the burden of proof that the mental disorder is a mitigating factor.

Rule 5.285(c).

In order to allege a mental disorder as a mitigating factor, Rule 5.285(c) sets forth clear requirements. Respondent did not follow Rule 5.285(c). As the Panel noted, while several people testified on Respondent’s behalf at the DHP Hearing, none was “an independent, licensed mental health professional” as required by Rule 5.285(c). **App. 347.** Even had one been so licensed or independent, the result would not have been different because Respondent did not otherwise comply with Rule 5.285. For example, Respondent did not provide Informant with “the name of every

healthcare provider by whom and at which the person has been examined or treated related to any and all mental disorders, including, but not limited to, every psychiatrist, psychologist, professional counselor, social worker, physician, treatment center, and hospital”. Rule 5.285(h). Consequently, mitigation for a claimed mental disorder is not available under applicable law. Furthermore, even if Respondent had complied with Rule 5.285, her conduct is so egregious that a severe sanction would nonetheless be appropriate. See, In re McMillin, 521 S.W.3d 604 (Mo. banc 2017).

Based on the foregoing, the Panel appropriately disregarded the claim mental disorder as a possible mitigating factor, and properly sustained Informant’s objection to the admission of Respondent’s medical records and testimony that Respondent sought to use as evidence of her claimed mental disorder as a mitigating factor. **App. 347-348.**

CONCLUSION

Respondent committed professional misconduct in violation of Rules 4-3.3(a), 4-8.4(c), 4-8.4(d), and 4-8.1(c). Specifically, Respondent violated (a) Rule 4.3.3(a)(1) by making a false statement of material fact to the Court of Appeals when she stated in her Response that A. Gilbers notarized the First Motion for Extension and the Second Motion for Extension, (b) Rule 4-8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by forging the signature of A. Gilbers on the First Motion for Extension and the Second Motion for Extension and filing the same with the Court of Appeals, (c) Rule 4-8.4(d) by engaging in conduct prejudicial to the administration of justice by forging the notary blocks in the First Motion for Extension and the Second Motion for Extension, and by filing the same with the Court of Appeals, and (d) Rule 4-8.1(c) by knowingly failing to respond to the Reports concerning her conduct. Therefore, Informant respectfully requests that this Court indefinitely suspend Respondent from the practice of law with leave to apply for reinstatement after six months. Informant further submits that any requests for probation be denied.

Respectfully submitted,

ALAN D. PRATZEL #29141
Chief Disciplinary Counsel



By:

CHERYL WALKER, #38140
OCDC Special Representative
P.O. Box 11623
Clayton, MO 63105
(314) 616-3238 - Telephone
Email: cwalker@rshc-law.com

**ATTORNEYS FOR INFORMANT
CHIEF DISCIPLINARY COUNSEL**

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2018, the Informant's Brief was sent to Respondent's counsel via the Missouri Supreme Court e-filing system:

Michael P. Downey
Downey Law Group
49 North Gore Avenue, Suite 2
St. Louis, MO 63119

Paige A.M. Tungate
Downey Law Group
49 North Gore Avenue, Suite 2
St. Louis, MO 63119

ATTORNEYS FOR RESPONDENT



Cheryl DS Walker

CERTIFICATION OF COMPLIANCE: 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. The brief was served on Respondent's counsel through the Missouri electronic filing system pursuant to Rule 103.08;
3. Complies with the limitations contained in Rule 84.06(b); and
4. Contains 4,702 words, according to Microsoft Word, which is the word processing system used to prepare this brief.

A handwritten signature in black ink, reading "Cheryl DS Walker". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Cheryl DS Walker