IN THE SUPREME COURT
STATE OF MISSOURI

IN RE:	)	
	)	
Allan H. Bell	)	**Supreme Court #SC97784**
2022 Swift Street, Suite 202	)	
North Kansas City, MO 64116	)	
	)	
Missouri Bar No. 19459	)	
	)	
Respondent.	)	

INFORMANT'S BRIEF

ALAN D. PRATZEL #29141
Chief Disciplinary Counsel

By:

Sam S. Phillips #30458
Deputy Chief Counsel
3327 American Avenue
Jefferson City, MO 65109
(573) 635-7400 – Phone
(573) 635-2240 – Fax
Sam. Phillips@courts.mo.gov

ATTORNEY 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. Respondent is alleged to be in contempt of this court's order issued in this case. Jurisdiction remains in this court.

CASE SYNOPSIS

This case started as an interim suspension matter processed under Rule 5.24. On April 1, 2019, the court suspended Respondent Allan Bell's license and ordered that he immediately stop practicing law. The matter is now an indirect criminal contempt case brought by Informant/Movant, Chief Disciplinary Counsel (CDC) against Respondent/Defendant, Allan Bell (Bell). The CDC alleges that after he learned that this court ordered him to stop practicing, Bell willfully continued to accept new clients, take fees, and present himself to lawyers and potential and existing clients as if he was still authorized to practice – as if the court had not suspended his license. Movant also alleges Bell took several deceptive steps to hide his continued practice from the CDC and this court. Bell argues that he lacked the *mens rea* to have willfully violated the court order. The CDC asks the Court to find Bell in contempt and to sentence him to pay a $21,000 fine and serve thirty days in jail.

STATEMENT OF FACTS

PROCEDURAL HISTORY

This Case #SC97784

March 29, 2019	CDC files Information for Show Cause under Rule 5.24.
April 1, 2019	Court order: Bell immediately suspended under Rule 5.24 and further ordered to comply in all respects with Rule 5.27 – Procedure Following a Disbarment or Suspension Order.
June 12, 2019	Movant (CDC) files Motion for Criminal Contempt Finding and Sanctions against Respondent, Allan H. Bell, and Memorandum in Support Thereof.
June 12, 2019	Court Order to Show Cause as to why Bell should not be held in criminal contempt for willful disobedience of the April 1, 2019 suspension order.
June 26, 2019	Respondent files Response to Informant's Motion for Criminal Contempt.
July 8, 2019	Per Rule 68.03, this Court appoints the Honorable Mary Weir, Circuit Judge of Jackson County, to serve as Master and "to take evidence on the issues raised in the pleadings filed herein, with full power and authority to issue subpoenas, compel production of books, papers, and documents and the attendance of witnesses; to hear and to determine all objections to testimony in the same manner and to the same extent as this

Court might in a trial before it; to arrange for the reporting and transcribing of the testimony; and to report the evidence taken, together with findings of fact and conclusions of law on said issues."

July 2019	Master opens Jackson County Case #1916CV-18267 to process her assignment.
August 16, 2019	Case called for hearing in Jackson County. Bell and all counsel are present. Bell's neuropsychologist testifies.
October 18, 2019	Case continues. Bell appears not, except by counsel. After inquiry, Master finds that Bell's absence is voluntary. **App. A79-A85; A112; A289.** Several witnesses testify for Movant/Informant (CDC). Master offers Bell another opportunity to testify on October 25, 2019.
October 22, 2019	Bell, through Counsel, files a Waiver and Election of Fifth Amendment Rights.
December 19, 2019	Master completes initial Report.
January 17, 2020	Bell files Objections and Exceptions to Master's Report.
January 27, 2020	CDC files Suggestions in Support of Master's Report.
February 11, 2020	Master enters Order as to Respondent's Objections.
February 13, 2020	Master submits Amended and Final Report, Findings of Fact and Conclusions of Law.
February 14, 2020	Bell files a Motion to Strike and a Motion for Allocution.

March 11, 2020	Court denies Bell's Motion to Strike; Court sustains Bell's Motion for Allocution; Court orders briefing; Court orders Bell to "personally appear on May 26, 2020, and be prepared to respond to questions from this court regarding whether there is any just reason or cause why punishment for contempt should not be pronounced on May 26, 2020, if the court, after due consideration of the record, briefs and oral argument, agrees with the report of the Master."

Informant asks the court to take judicial notice of the entire file in the instant case.

KEY RELATED MATTERS

<u>SC97784 (Underlying Suspension Case)</u>

In this underlying interim suspension case, Informant alleged that seven of Bell's clients reported he had not completed the legal work they had paid him to complete. Informant further alleged that an investigation of Bell's records, provided by Bell and his bank, revealed:

1. Bell did not maintain a trust account;

2. For three years, Bell had deposited client funds, including settlement funds from over thirty clients' cases, into his operating account;

3. Bell routinely used that operating account for personal expenses and payments to third parties;

4. Bell's operating account was frequently overdrawn, indicating "widespread misappropriation;"

5. Bell often partially rectified the overdrafts by obtaining high interest loans; those loans exceeded $800,000 in that three-year period; and

6. In response to an OCDC request for records relating to the thirty clients' cases, Bell provided only eight settlement sheets and no other information indicating disbursements.

SC97925 (Surrender and Disbarment)

On June 9, 2019, Bell filed a *pro se* petition to surrender his license under Rule 5.25. In his petition, he admitted ethical misconduct, including trust accounting violations. He admitted knowledge of nine complaints and allegations of seventeen trust accounting violations. He added that he had a permanent disability, and provided the names of two health care providers, including Dr. William T. Blessing, who became a witness in this contempt case.

In his Third Amended Petition to Surrender, Bell (with counsel) admitted much more. He admitted failing to maintain a trust account, failing to keep accurate accounting, and paying fifteen clients less than the amounts he should have paid them - following his settlement of their cases.

The Court accepted Bell's surrender and disbarred him on September 12, 2019.

19CY-CV06305 (Clay County Appointment of Trustee for Bell's Practice)

On June 18, 2019, the Clay County Circuit Court appointed four Missouri lawyers to serve as co-trustees to take control of Bell's practice and his files. Rule 5.26 provided authority for those appointments; the order permitted the lawyers to assist Bell's former clients.

1916CV-18267 (Jackson County Case Opened by Master)

The Jackson County case became the essential substantive record in this contempt proceeding. It includes testimony, exhibits, party announcements and trial briefs, as well as the Amended and Final Master's Report.

Informant asks the Court to take judicial notice of each of the related case files.

Bell's Previous Discipline

In Case No. **SC90178**, this court accepted a Disciplinary Hearing Panel decision to reprimand Bell for violating Rule 4-1.5(a) by improperly charging overhead office expenses against his client's cost and fee deposit. The parties accepted the DHP decision. The court's final order was issued on June 30, 2009.

In Case No. **SC95154**, this court accepted a Disciplinary Hearing Panel decision to suspend Bell's license, but to place him on probation for eighteen months. In that case, Bell admitted violating Rule 4-8.4(d) (interference with the administration of justice). The parties accepted the DHP decision. The court's final order was issued on September 22, 2015. Bell successfully completed probation on July 19, 2017.

Bell has accepted **seven admonitions** from disciplinary authorities. By accepting those admonitions, Bell admitted these rule violations:

- Rule 4-1.8 conflict (1994)
- Rule 4-1.3 diligence, Rule 4-1.4 communication, and Rule 4-1.7 conflict (1998)
- Rule 4-8.4(c) (misrepresentation or deceit) (2003)
- Rule 4-1.8(e) conflicts – financial assistance (2004)
- Rule 4-1.8(e) conflicts – financial assistance (2006)

- Rule 4-1.1 competence (2007)
- Rule 4-5.5 unauthorized practice in Kansas (2011)

FACTS PERTAINING DIRECTLY TO CONTEMPT ALLEGATIONS

The Court Suspended Bell's License and Ordered Him to Stop Practicing

In early 2019, the OCDC received evidence that Bell was regularly taking client funds but not completing legal work. Upon investigation, the OCDC learned that, for at least three years, Bell had routinely retained a much larger share of settlement funds than he was owed. During the investigation, Bell failed to provide many of the records requested by the OCDC.

Believing that it was necessary to protect the public and warranted under Rule 5.24, the CDC filed an Information for Interim Suspension against Bell on March 29, 2019. Three days later, on April 1, 2019, this Court entered an order "immediately" suspending Bell's license to practice - pursuant to the CDC's Information and Rule 5.24. The court found that "probable cause exists that Respondent is guilty of multiple instances of professional misconduct, and Respondent poses a substantial threat of irreparable harm to the public and to the integrity of the profession." Finally, the court "… further ordered that Respondent, Allan H. Bell, comply in all respects with Rule 5.27 – Procedure Following a Disbarment or Suspension Order."

Although the order explicitly provided for an *immediate* suspension, CDC does not contest Bell's position that he understood some requirements to be effective fifteen days later, per Rule 5.27(b). The court order required Bell to take two immediate steps in compliance with Rule 5.27(a):

- Refrain from accepting any new retainer or case;
- Withdraw from pending matters.

Those two steps were effective as of the date of the court's order, April 1, 2019.

The order and Rule 5.27(b) required Bell to take the following steps within the next fifteen days (by April 16, 2019):

- Deliver the lawyer's license to practice law to the clerk of this Court;
- Notify all clients;
- Notify all clients to make arrangements for other representation;
- Deliver pending files to clients;
- Refund unearned fees;
- Notify opposing counsel in pending litigation, and file proof in court;
- Keep and maintain a record of the steps taken; and
- File proof of complete performance of the foregoing.

Bell Learned of His Suspension on April 1, 2019 and was Frequently Reminded

On April 1, 2019, the day it was issued, Bell's legal assistant received the court's suspension via e-filing. That assistant, Kandace Denney, immediately printed it and gave it to Bell. **App. A119.** Ms. Denney, who held a Bachelor's Degree in Criminal Justice and a Master's Degree in Social Work, discussed the order with Bell on April 1, and on several other occasions. She also printed and handed Bell an emailed copy of the order, which arrived April 1, or the following day. **App. A119.** And, she watched Bell's wife give him a copy of the order received through regular mail. **App. A119-A120.**

Bell instantly acknowledged the order. On April 1, the day he received it, he told Ms. Denney he understood that he had "fourteen days to do things and get everything in order." **App. A120.** He continued to practice, without changing anything. **App. A120.**

Later, after the fourteen days passed, Ms. Denney noticed paperwork for new clients. She reminded Bell that he said they were not taking new clients. Bell replied, "Well, I'm just helping them out right now. We're just going to do this for them. It's just going to be real quick, real easy." After the fourteen days, he continued practicing without changing. **App. A119-A120; A126-A127.**

During February and through at least June 2019, the OCDC had been conducting an investigation into Bell's practice. (Both the court's interim suspension and Rule 5.24 anticipated that the underlying charges in the Information for Interim Suspension, as well as other possible misconduct, should be investigated. Also, Rule 5.24 permitted Bell to "request an accelerated disposition of the allegations forming the basis of the interim suspension.") Bell was represented during part of that period. During a period he wasn't represented, he often called to talk with Kelly Dillon, an OCDC staff member investigating his conduct. In May 2019, when Bell was not represented, Ms. Dillon frequently talked to Bell about "his need to stop practicing law." **App. A264-A265.** Ms. Dillon knew Bell still had a functioning office and discussed with him "his need to shut it down." She told Bell he "was not allowed to take funds for new clients." **App. A265-A266.** In May, when Dillon frequently told Bell that he must stop practicing, he did not disagree. **App. A266.** He did not argue that he believed he was entitled to keep seeing clients. **App. A266.**

<u>Bell Took Fees from New Clients after Suspension and after Effective Date</u>

As noted, the court ordered Bell to stop taking clients on April 1, 2019. Although he may argue that he could take fourteen or fifteen days to wind down his *existing* clients' cases, the order and Rule 5.27 explicitly prohibited taking *new* clients after April 1. But, Bell opened a new immigration case for client Roberto Molina in late April. He opened a file and took a $1,500 fee on Molina's behalf on April 27, almost a month after the court ordered him to stop. **App. A135; A309-A311.** The client's check for $1,500 was written on April 27. **App. A311.** The fee agreement acknowledged receipt of $1,500 of the total fee of $2,250 as of "today." **App. A309.** The fee agreement Bell provided to the CDC was dated March 29. In Roberto Molina's case, and many others opened after April 16, Bell backdated the client fee agreement to March 29, 2019, two days before his suspension. On some occasions, he directed his assistant (Ms. Denney) to backdate the fee agreements, and expressly told her to use March 29 as the revised date. **App. A135-A136.** Ms. Denney took photographs of Molina's check and Bell's handwritten note to create the file. **App. A310.** She created that note in late April, when Bell asked her to create the new file for the new client. **App. A134-A140; A142-A144).**

Bell opened a new immigration file for another new client, Cesar Gutierrez, in late April. **App. A145-A147.** In that case, Bell also backdated the fee agreement to March 29. **App. A145-A147.** Bell noted on the Gutierrez fee agreement that he would transfer the file to an associate. But, he had no associates. **App. A146; A179; A183).** And, he never told his assistant that anyone else would be working with him. **App. 146.**

In mid-May, Bell corresponded with prospective clients Yanveer Ahmed and Tannya Miller. He provided deadlines for their legal issues, gave other advice, and offered to represent them for $10,000, including an immediate payment of $1,000. **App. A334-A335; A153-A155.** According to his assistant, in addition to the letter and email, Bell called those two prospective clients "many times," and "highly pressured" them "to encourage them to hire him as their attorney." **App. A156.**

On June 13, OCDC and Workers' Comp investigators visited Bell's office. The investigators included OCDC's Kelly Dillon, who immediately noticed a "dirty, unkempt and disorganized," but "fully functioning" office. **App. A268.** Hanging in the building lobby was a directory indicating "ALLAN H. BELL & ASSOCIATES / ATTORNEY AT LAW." **App. A659.** Another sign hung on the front door of his office suite. It read: "ALLAN H. BELL / ATTORNEY AT LAW." **App. A658; A269.** When the investigators arrived on June 13, they asked to see Bell. His wife told Dillon that he was in a meeting with a client at that time. **App. A270-A271.** Bell quickly ushered the clients out. **App. A271.** Upon Dillon's questioning, Bell told her that the clients were old clients. Bell was in his office, at his desk, with a client; he was dressed in a sport coat and tie. **App. A270; A660.** The fax and postage machines were still operational and being used during Dillon's June 13 visit. **App. A271.**

Dillon explained her reason for her visit. When she asked whether he had finished wrapping up his practice, Bell said that he was "working on it." **App. A272.** That visit occurred ten weeks after the court order and eight weeks after the court order became effective. Dillon asked Bell to produce his firm's receipt books. He replied that he didn't know what she meant. Bell and his wife then denied that they used receipt books. After going "round and round" with Ms. Dillon, Bell eventually produced one receipt book. **App. A272.**

The Huang family (the clients Bell was meeting when Dillon arrived) returned to his office while Dillon was still present. Per the produced receipt book, the Huangs paid Bell $1,000 earlier that day. Bell and Dillon again went "round and round" when she asked for the Huang file; Bell denied it existed, but Dillon helped him locate it in his office. **App. A273-A274.** Bell's file for the Huangs indicated that they became his clients on June 8, 2019, more than two months after the court ordered him to stop taking new cases. It was several weeks after Dillon had repeatedly reminded him to stop practicing. **App. A670.**

When Dillon asked why he was taking on new clients, Bell told her that he was working on the Huang case with associate counsel, Jeffrey Bennett. Dillon and Bell called Mr. Bennett, who denied a relationship with the Huangs. **App. A275-A276.** Bell admitted he had not paid Bennett. **App. A277.**

While Dillon was in Bell's office on June 13, another client came in to pay Bell. Dillon told those clients Bell was suspended. Bell told them, as he had told the Huangs, that he was retiring, but he was going to help some clients. He told those clients, and the Huangs, to come back later. **App. A277-A278.** On June 13, Bell argued with Dillon that he "would be able to help [his clients] at a later time if they came back." **App. A287.** Also, he later called a client who had returned fees that day. Bell told them the refund "was all a miscommunication, a misunderstanding, and that if they'd call him back he would fix everything for them." **App. A131-A132.**

According to his assistant, Bell opened five to ten new cases in the middle to end of May 2019. **App. A128.** Bell's receipt book and bank records reflected other payments after his suspension. **App. A726-A734; A278; A286.** Dillon asked Bell to provide the files related to those payments, to determine whether the payments were intended to pay for legal services provided before his April suspension. Bell reported that he could not find those files, although his assistant, Ms. Denney, produced a couple. **App. A278.** It became difficult to determine which fees, if any, Bell received after his suspension were earned while he was licensed. That difficulty resulted from Bell's failure to provide any documentation on files related to those payments. **App. A286.** Bell failed to produce those files in response to the OCDC's requests. Later, when court-appointed lawyer/trustees also demanded client files, Bell failed to produce any materials for post-2017 cases. The trustees had been appointed by the Clay County Circuit Court to take over Bell's cases and finances, pursuant to Rule 5.26. **App. A97.** Although the trustees did discover new client contracts (fee agreements) for post-2017 cases, Bell repeatedly denied the existence of related case files. **App. A97-A100.**

<u>Bell Continued to Work on Existing Cases After the Suspension's Effective Date</u>

As noted, the Court's order and Rule 5.27 prohibited Bell from taking on new cases and clients. The April 1, 2019 order also required him to close his practice by April 16, and to notify clients and opposing counsel of his suspension.

Bell's office appointment book (in his handwriting) was filled with daily tasks from June 6 through June 13. **App. A343-A358; A159-A165.** The appointment book (day planner) included reminders to call many clients, including Patel, Zamora, Figueroa, El Nour, and Pacheco. The datebook was mostly empty after June 14.

On June 18, the Clay County Circuit Court appointed trustees to take over Bell's practice. They didn't come to his office until after their appointment, near the end of June. **App. A95.** In the evening, after the trustees came and took over Bell's office, he called his assistant, Ms. Denney. He told her the office had been closed but said (again) "I got some people that I still got to finish their work on, so I'll call you and let you know how - - you know, what we're going to do." **App. A129-A130.**

Ms. Denney continued completing the same tasks for Bell during April, May and June 2019. She worked on immigration forms, emails, phone calls, letters, briefs, and everything she had done before, except e-filing. She explained that Bell's e-filing privileges were revoked upon his suspension. **App. A126.** Bell continued to give her files. And, he continued to meet with clients and offer legal advice. **App. A127.** Ms. Denney worked at Bell's office until at least June 13, 2019. **App. A130.**

On June 18, 2019, a week after the Workers' Comp and OCDC investigators confronted Bell in his office, Bell directed his assistant to remove his name and bar number from client Salvador Reyes' USCIS form. But, according to Bell's assistant, he continued to represent Reyes and other clients. **App. A163-A164; A336-A339.** He continued to get information from clients and dictate information for their filings to Ms. Denney, his assistant. **App. A157.**

Client Raj Patel initially retained another attorney in Bell's firm in 2007 to obtain a skilled worker visa so that he could hire a chef from India for a restaurant. **App. A188.** Mr. Patel contacted Bell about the project in August 2018, but only Respondent, Allan Bell, remained at the firm. Bell entered into a fee agreement in August 2018. Patel paid

$3,000. In May 2019, Bell demanded that Patel pay another $2,000. **App. A196-A197.** According to Mr. Patel, Bell didn't do the legal work Patel asked him to do, and Bell did not tell Patel what he was doing on the case. **App. A193.** Bell provided neither an invoice nor any other indication that work had been performed. He did not explain why the new funds were needed. **App. A193.** And, he did not tell Mr. Patel that his license had been suspended. After Bell's repeated demands, Mr. Patel gave Bell another $2,000 on May 22, 2019. **App. A749; A194-A197.** Bell sent a letter to Patel indicating that he was retiring, but the record is not clear when that letter was sent. **App. A340; A296; A191; A198-A202.** Patel learned Bell was suspended in June or July 2019; that information came from the Workers' Compensation investigator working with the OCDC. **App. A196-A200.**

Another of Bell's clients, Alan Olivas-Herdiz, also sought his legal assistance with immigration issues. **App. A208.** Mr. Olivas-Herdiz initially contacted Bell in March 2018, to get assistance with postponing a Removal proceeding and then a U-visa. **App. A208-A209.** For a long time, Bell told him that a U-Visa should succeed. **App. A210.** They later discussed possible asylum proceedings. **App. A209.** Olivas-Herdiz paid Bell's fees for these cases. **App. A213.** The fees totaled $13,000, including $6,000 for a criminal case in Warrensburg, $2,000 for the asylum, and $5,000 for his U-Visa. **App. A210-A211.**

On April 12, 2019, the client deposited $1,000 cash into Bell's bank account. **App. A359; A214-A215.** By that point, Mr. Olivas-Herdiz had already paid $12,000, so that deposit constituted the final payment toward his fee. **App. A217-A218.** Bell had demanded payments with urgency, though he only provided case updates early in the attorney-client relationship. **App. A218.** Bell appeared with his client at a hearing in March or April 2019.

At that point, the removal case was continued to September 2019. On May 13, 2019, Bell sent an email to Olivas-Herdiz indicating that they needed to talk about the cases. **App. A360.** When they met at Bell's office on May 14, Bell demanded more money, but the client provided his own records to show Bell that he had fully paid. **App. A218.** During a later meeting, in June 2019, Bell gave Olivas-Herdiz additional legal advice, while asking for new fee to assist with Bell's new plan that his client should get married to his U.S. born fiancé. Bell said that for a new $6,000 fee, he would represent Olivas-Herdiz with an effort to obtain better status. **App. A223-A225.** The client declined. Bell did not disclose his suspension. During that June meeting, Bell said that he intended to represent Mr. Olivas-Herdiz at a September 2019 hearing. **App. A224; A230.** Bell contacted Olivas-Herdiz again in late June or early July 2019. He reported being sick. **App. A225-A226.** By that point Mr. Olivas-Herdiz had learned that Bell's license was suspended. They eventually talked in August 2019; Bell said that he referred the cases to another lawyer, Jeffery Bennett. Bell also explained that Bennett would ask for more money. Infuriated, Mr. Olivas-Herdiz asked for a refund of the fees paid for projects he paid for but Bell never started. Bell stuttered and hung up the phone. **App. A227-A228.**

Two attorneys testified to their post-suspension dealings with Bell. Attorney Jeff Bennett is an immigration lawyer in Kansas City. He has known Bell for several years. Bell called Bennett on May 13, 2019. **App. A247-A248.** Bell said that he was retiring, and he offered Bennett some of his cases; he added that it should just cost the clients $500-$600 more to finish the work. **App. A249.** Bell gave Bennett two files and mentioned that he had two or three more. **App. A247-A248.** Bennett offered to evaluate the cases' status and determine the remaining necessary fee. Bell and Bennett discussed neither referral fees nor working jointly. **App. A251.** Mr. Bennett never authorized Bell to act on his behalf, or to set fees, or to set appointments, or to create a partnership. **App. A252.** Despite Bell's contrary report to OCDC Investigator Kelly Dillon, Bennett never met or arranged to meet the Huangs. Also, Bennett never received fees from them and never agreed to work with Bell on their case. **App. A252-A253.**

Attorney Taylor Sloan commonly handles domestic, traffic, and criminal cases. **App. A232.** In February 2019, Sloan and Bell represented adversaries in an uncontested divorce. No children were involved. **App. A232-A233.** Sloan represented the petitioner/wife. Although Bell did not enter an appearance, he represented himself to Sloan as the attorney for the husband/respondent in the divorce case and also in a pending immigration matter. **App. A233; A243.** On May 17, one month after Bell's suspension became final, he emailed Sloan about their case. He had not disclosed - and did not then disclose - his suspension. In his May 17 email, Bell asked Sloan to send a copy of a proposed decree. Earlier, on May 1, Bell sent Sloan some proposed language for the divorce decree, so as not to create immigration problems for his client. **App. A361-A363; A239.** Even earlier, one week after this court's suspension order became final, Bell provided paperwork to Sloan for the divorce case. **App. A361-A363.** When Sloan asked Bell to add his signature block to the draft agreement, Bell told Sloan that his client was going to handle the case *pro se*. **App. A241.** The respondent/husband later brought Sloan a receipt of fees paid to Bell. **App. A242.** Sloan learned of Bell's suspension from the OCDC investigator in late May or early June. **App. A242.**

Bell Misled the OCDC and Others about his Post-Suspension Practice

After the Court ordered him to withdraw from his existing cased practice, notify opposing counsel, and stop taking new clients, he did none of that. Instead, he continued to take on new clients for almost two months. And, instead of helping existing clients find new counsel, he kept taking their fees while advising them that he would continue to help them.

Bell also took several steps with an apparent attempt to deceive the OCDC investigators. As noted above, he directed his staff to back-date fee agreements and receipts to make it appear that his new cases and client payments were all dated March 29, two days before this court's suspension order. He also told the OCDC investigator that he didn't know what receipt books were, and denied having any, until she helped him locate them in his office.

Later, after the Clay County Circuit Court appointed trustees to take over his practice, Bell failed to comply with their authority. The appointing order permitted them to collect his files. **App. A306-A308.** Client checks, client receipts and Bell's day planner all showed significant client traffic and meetings in May and June. **App. A103-A104.** Yet, Bell told the trustees he had no files relating to those meetings or client payments. **App. A97.** At the same time, purportedly without access to client files, he corresponded with several clients, provided advice, demanded fees and discussed their legal matters. And, he was able to continue to correspond with opposing counsel on substantive matters.

Ms. Denney, Bell's assistant, also reported that sometime during the weekend after the investigators had visited the office, all of Bell's active files had been removed from his

Workers' Comp filing cabinet. **App. A130-A131.** In the past, upon closing files, Bell typically moved them to a back storage room. **App. A131.**

Bell told the trustees that he had no storage units containing files. **App. A97.** Then, when they confronted him with rental records for two storage units, one was empty. He told them that the other unit contained forty to fifty boxes of files. **App. A97-A99.** Upon inspection, the unit held only four or five boxes of 2014-2015 cases. At that point, Bell said he had meant "four or five," not "forty or fifty." Bell denied having any other storage. And, he denied that he kept any files at his home, saying that the files in his office were the only files he had. **App. A98-A99.** His office was disorganized, with one room containing files from both 1992 and 2016, and other rooms containing files dating to the late 80s, early 90s. **App. A96.** The office also contained live and dead mice, and old food. Business records from two long-past side businesses were mixed in with Bell's legal files. **App. A96.** Many years earlier, Bell had apparently previously managed travel and music booking agencies. **App. A96.**

In June, at least six weeks after his suspension became effective, Bell asked his assistant to change his office telephone greeting from "Allan Bell Law Office" to "Law Office." **App. A121.** According to his assistant, the only thing Bell did to wind up his practice was type a letter saying that he was going to close his office; she said "he changed the date on that letter about five or six times." **App. A122; A125; A340.** None of the letters informed his clients that he was suspended. **App. A125; A340; A296.**

After taking over, the trustees changed Bell's office signage, and redirected his mail and office phone so that they could help clients trying to reach Bell. They had to make the changes repeatedly, because Bell repeatedly altered his email and phone system so that the mail and calls would go to him instead of the trustees. **App. A100-A102.** Despite repeated questioning and searching, no client files were found relating to cases opened after 2017. **App. A104.**

<u>Bell's Neuropsychologist Explained that it was Highly Unlikely that He Forgot He was Not Supposed to Take Funds From Clients or Practice Law</u>

Dr. William Blessing, a neuropsychologist, testified that Bell was referred to him by Bell's primary care physician in March 2019. **App. A48-A50.** As far as Dr. Blessing knew, this was Bell's first diagnosis for memory problems. **App. A52.** Also, in March 2019, the OCDC was actively investigating Bell's practice. The OCDC was demanding records relating to his management of client funds. Bell told Dr. Blessing that he had no problems managing finances, but he "would, at times, have trouble following procedures or checking details of the histories he took on his clients, and that a judge had criticized him for forgetting things at one point. He also reported that his wife had also noticed memory change and stated that she had already told him information." **App. A52.** Dr. Blessing distinguished cognitive function and memory as independent conditions. He explained that in Bell's case, "comprehension was not an issue because he was able to not only adequately understand but respond within normal limits on a number of tests. And a person with diminished or impaired comprehension would not have the wherewithal nor capacity to do so." **App. A54.** Dr. Blessing administered a series of tests to Bell. By using all the tests, he noted no "relevant degree of cognitive change, and not the type of change that would be associated with the early stages of Alzheimer's disease." **App. A55-A56.**

As to Bell's memory, Dr. Blessing found variability. "Some tests were deficient, other tests were within normal limits." **App. A55.** He also found psychomotor slowing and "more weakness and nonverbal intellect than we would have expected." **App. A56.** On some of Dr. Blessing's tests, Bell scored low. For instance, he scored extremely low on an immediate memory test and low on a test of attention. **App. A63-A64.** But, he scored in the high average range for neurocognitive functioning. **App. A63.** The Doctor concluded that Bell's "cognitive deficits would interfere with his continued practice of law." **App. A57.**

According to Dr. Blessing, the emotional involvement a lawyer has with his practice and the disciplinary process would prevent him from forgetting that he had been suspended. **App. A58.** Later, when asked if Bell might have forgotten about the court's suspension order, Dr. Blessing said this: "Well, again, we're talking about something very important in a person's life, their livelihood. That's huge. We do better at remembering things that are emotionally salient to us. So things that directly affect me, … we remember." **App. A71.**

Dr. Blessing was asked again: " …were Mr. Bell to have read a letter informing him of his suspension, what is the likelihood, given the results of that test that you said, that he would have remembered that he was suspended?" He answered: "Well, on that test alone, we would -- he would have remembered. He's not forgetting abnormally." **App. A75.**

<u>Bell Acknowledges Several Elements of the Motion for Contempt</u>

In his initial response to the CDC's Motion for Contempt, Bell denied any breach of the court's order. After the hearing, however, Bell submitted proposed **Findings of Fact,**

Conclusion of Law and Judgment. In that document, Bell acknowledged the CDC as a proper party and this court's venue and jurisdiction. He further acknowledged his opportunity to appear and present testimony and restated his election to not testify. Bell further described Angela Williams, the trustee who testified, as a credible witness. And, he described aspects of testimony by OCDC investigator Kelly Dillon as credible. **App. A783.**

In his proposed findings, he wrote that he: "arguably committed acts which constitute the practice of law following the effective last date of his practice, April 15, 2019." Included within his "arguable" findings were these: post-suspension negotiations with Attorney Taylor Sloan, his agreement to represent the Huang family, completing USCIS filings for Sal Reyes, and leading Mr. Olivas-Herdiz to believe that he was still working on his case.

As to the legal conclusions, Bell acknowledged that "Informant has met several of the elements of criminal contempt, namely that a valid order existed, and that Respondent acted in a manner which was in violation of the specific terms of that order, to wit: performing acts which constituted the practice of law following April 15, 2019. The Court finds that these matters have been proven beyond a reasonable doubt, which is the appropriate legal standard of proof in a criminal contempt action."

Bell Denies that his Actions were Knowing or Willful

Bell argues that his actions are not those of a knowing and intelligent person. Specifically, in his proposed **Findings and Conclusions,** he points to his behavior following a heated discussion on June 13, with OCDC's Kelly Dillon. Soon after she emphatically told him that he couldn't lawfully practice, he told Ms. Huang, in Dillon's presence, that he would be able to help her. As further evidence of his limitations, he argues that his miscommunication with the trustee about storage units somehow indicates he couldn't remember he was suspended. In his proposed **Findings and Conclusions**, Bell reports that he "led" the trustees to two storage units, where they found only four or five boxes. In fact, Bell repeatedly denied the existence of either storage unit. When confronted with contracts for the units, he told them that there were ten times more files in the units than were actually there.

Bell also relies on his troubled financial state and the physical condition of his office as additional grounds for reasonable doubt. As noted, the Master found Bell's financial condition relevant to her finding that he acted purposely. Although he suggests his financial problems prove his condition, Bell told his neuropsychologist that he had no problems managing finances.

<u>The Master Made Specific Findings about Bell's Actions and Intentions</u>

After two days of testimony, the Special Master, the Honorable Mary Weir, found and concluded, beyond a reasonable doubt, that:

- Bell had actual knowledge of the Court's suspension order;
- Testimony from Informant's witnesses was credible;
- Bell willfully violated this Court's Suspension Order and Rule 5.27;
- Bell repeatedly entered or attempted to enter new fee agreements;
- Bell failed to notify opposing counsel and clients of his suspension;
- Bell's claim that he lacked willfulness is not credible;

- Bell tried to cover or hide his continued practice;
- Bell backdated fee agreements to a date prior to his suspension;
- Bell instructed staff to backdate receipts and fee agreements;
- Bell attempted to deceive the OCDC by denying existence of receipt books;
- Bell deceived clients when he urgently demanded payment;
- Bell intentionally avoided entering his appearance as that would prove continued practice;
- Bell attempted to subvert the work of the trustees;
- Bell was in substantial debt and commingled client funds to pay his debts;
- Bell held himself out as a licensed attorney;
- Bell acted with full knowledge of his deceptive actions;
- Bell's actions were not the actions of a confused lawyer but rather of one acting in a knowing, intelligent, and deceptive manner;
- All elements of criminal contempt have been established. **App. A882-A887.**

POINTS RELIED ON

I.

RESPONDENT BELL CONTEMPTUOSLY VIOLATED THE COURT'S ORDER SUSPENDING HIS LICENSE BY WILLFULLY TAKING NEW CLIENTS AND FEES, CONTINUING TO REPRESENT EXISTING CLIENTS, FAILING TO DISCLOSE HIS SUSPENSION TO CLIENTS AND OPPOSING COUNSEL, AND TRYING TO DECEIVE AUTHORITIES CONCERNING HIS CONTINUED PRACTICE.

State ex rel. Chassaing v. Mummert, 887 S.W.2d 573, 577 (Mo. Banc 1994)

McMilian v. Rennau, 619 S.W.2d 848,851 (Mo. App. 1981)

Teefey v. Teefey, 533 S.W.2d 563, 566 (Mo. Banc 1970)

Rule 5.24

Rule 5.27

II.

INFORMANT ASKS THE COURT, AFTER DUE CONSIDERATION OF THE RECORD, BRIEFS AND ANY ORAL ARGUMENT, TO AGREE WITH THE MASTER'S REPORT AND FIND JUST CAUSE TO PRONOUNCE PUNISHMENT.

In re Page, 257 S.W.2d 679, 683–84 (Mo. 1953)

In re Lapham, 748 S.E.2d 779, 780-783 (2013)

Matter of Powell, 658 N.E.2d 572, 574 (Ind. 1995)

ARGUMENT

I.

RESPONDENT BELL CONTEMPTUOSLY VIOLATED THE COURT'S ORDER SUSPENDING HIS LICENSE BY WILLFULLY TAKING NEW CLIENTS AND FEES, CONTINUING TO REPRESENT EXISTING CLIENTS, FAILING TO DISCLOSE HIS SUSPENSION TO CLIENTS AND OPPOSING COUNSEL, AND TRYING TO DECEIVE AUTHORITIES CONCERNING HIS CONTINUED PRACTICE.

Key Issues in Contempt Matters: Summary

The Master's Amended and Final Report succinctly defines the key issues, and so that early portion of the Report's CONCLUSIONS OF LAW will be restated here:

> "Criminal contempt is punitive in nature and acts to protect, preserve, and vindicate the authority and dignity of the judicial system and to deter future defiance." *State ex rel. Chassaing v. Mummert*, 887 S.W.2d 573, 577 (Mo. Banc 1994). The distinction between criminal and civil contempt is reflected in the content of the judgement, whether the remedy is coercive or punitive. Id. (citing *McMilian v. Rennau*, 619 S.W.2d 848,851 (Mo. App. 1981)). The Movant has the burden of proving the elements of criminal contempt beyond a reasonable doubt, which consist of actual knowledge of a court order on the part of the defendant and willful conduct in violation of its terms. *State ex rel. Girard v. Perchich*, 557 S.W. 2d 25, 36 (Mo. App. 1977). "Direct evidence of criminal intent is rarely obtainable and

more frequently must be inferred from the circumstances of the defendants' conduct" *Ramsey v. Grayland*, 567 S.W.2dd 682, 691 (Mo. App.1978). In *Teefey v. Teefey*, the Missouri Supreme Court examined the intent necessary to sustain a criminal contempt finding and stated that "[t]he thrust of criminal contempt is the intentional interference with the judicial process and demonstrated refusal to be bound by judicial determination." 533 S.W. 2d 563, 566 (Mo. banc 1970).

The record, as the Master found, includes proof of each of those elements.

This Court is Authorized to Enter and Enforce its Orders

Bell has not contested this court's authority to suspend his license under Rule 5.24. Nor has he contested that the court imposed the order, which also required him to comply with Rule 5.27 and immediately stop taking new clients.

Bell Received Notice of the Court's Order; He Announced his Contempt of Court When he Said He Planned to Ignore It

Bell's actual notice of the order is established by his assistant's testimony. When she received the order via e-filing on April 1, 2019, she printed it, hand-delivered it to Bell, read it aloud and discussed it with him. He immediately acknowledged that he had fourteen days to wind up his practice. That day or the next, she printed and hand-delivered an email version of the same order. And, she saw Bell's wife hand him a mailed copy days later. When fifteen days passed, and the order prevented any further practice with new or existing clients, the assistant, Ms. Denney, again discussed the order with Bell. He explained his intention to continue to practice despite the order. He said: "Well, I'm just helping them out right now. We're just going to do this for them. It's just going to be real quick, real easy." Also, the OCDC's investigator, Kelly Dillon, repeatedly reminded Bell in May 2019, that he must stop practicing. He neither contested her point nor asked for clarification.

The Master heard the testimony of both Denney and Dillon. She found them credible. The Master also specifically determined that Bell had actual knowledge of the court order.

The record establishes the court's order, Bell's actual receipt and recognition of it, and his expressed decision to ignore it. And that's what he did, for at least two months.

Bell Contemptuously Violated the Court Order by Taking New Clients

The court order suspending Bell's license was issued and received on April 1, 2019. It may have been intended to be fully effective immediately, but at the latest, it became effective, per Rule 5.27, on April 16, 2019. In any event, the rule required Bell to stop taking new clients on April 1.

Recognizing the order, yet ignoring this court's authority, Bell took fees from new clients Roberto Molina and Cesar Gutierrez in late April. He solicited prospective clients, Yanveer Ahmed and Tannya Miller in mid-May, providing advice while pressuring them to retain him. He took fees and opened a new file with the Huang family on June 8. On June 13, he was meeting the Huangs and taking more fees when an OCDC investigator arrived at his office. That day, he again offered the Huangs, and another client who arrived with a fee, to "help them" if they came back later. Ms. Denney, Bell's assistant, explained that Bell opened five to ten new cases in mid-to-late May. Finally, although Bell's day planner and receipt book indicate an active practice in May and June, Bell failed to produce, and denied the existence of, client files related to those appointments and receipts. That conduct is in contempt of court in that it violated both the spirit and letter of the court's order and Rule 5.27.

Bell Contemptuously Violated the Court Order by

Continuing to Represent Existing Clients

Bell not only opened new client files after April 1, he continued to market his practice, take fees, and claim legal effort on behalf of his existing clients, after April 16. He kept his office open at least through mid-June. He kept his signage in place. Six and seven weeks after his April 16 deadline, his early June day planner remained filled with client meetings. Repeatedly, after his telephone line and mail were redirected by the trustees, he reversed their changes. Bell's continued marketing efforts - while suspended - insult the court's jurisdiction to regulate the practice of law.

Not knowing of Bell's suspension, client Raj Patel agreed to Bell's demands to keep paying for ongoing legal projects in late May 2019. Another client, Alan Olivas-Herdiz, had paid Bell $13,000 for various projects. They met at Bell's office on May 14, and Bell demanded more money for work already paid for. During a later meeting, in June 2019, Bell said that for a new $6,000, he would represent Olivas-Herdiz in an effort to obtain better immigration status. Bell did not disclose his suspension. During that June meeting, Bell said that he intended to represent Mr. Olivas-Herdiz at a hearing scheduled for September 2019. He hung up the phone when Mr. Olivas-Herdiz asked for a refund for projects paid for, but never started.

On June 18, almost a week after the OCDC investigator confronted Bell in his office and insisted that he return one client's fees, Bell continued to represent Sal Reyes and other clients. He didn't stop getting information from clients, and he kept dictating about their cases to Ms. Denney, his assistant.

After his suspension became effective, Bell continued to actively practice for at least two months. That willful behavior, along with his failure to timely tell his clients that he was suspended, his stated plan to keep working on legal matters, his failure to return unearned fees, and his offer to appear with his client at a September hearing, are all contemptuous acts in direct contravention of the court's order.

Bell Contemptuously Violated the Court Order by Failing to Disclose his Suspension

Bell was handling an uncontested divorce case in early 2019. On April 23, May 1, and May 17, all after his suspension became effective, he corresponded with opposing counsel Taylor Sloan about substantive matters in that divorce case. Bell eventually told Sloan that his client would represent himself. In violation of the court's order and Rule 5.27, Bell failed to disclose his suspension to Sloan. His continued efforts and fee collection in that divorce case also constituted a willful breach of this court's order. He also decided not to tell prospective, new and existing clients that he was suspended, contemptuously ignoring the court's order.

Bell's Conduct was Willful and Contemptuous

Bell argues that he lacked the *mens rea* to have acted in contempt of this court's order.

The Master rejected his argument, after considering detailed and credible testimony from Bell's staff, his own neuropsychologist, his clients, opposing counsel, successor counsel, an OCDC investigator who frequently talked with him and visited his office, and a lawyer/trustee assigned to fix the mess he created. The Master expressly found that Bell's argument was not credible and that he acted with full knowledge of his deceptive actions. As she explained, Bell's actions were not the actions of a confused lawyer but rather of one acting in a knowing, intelligent, and deceptive manner.

While suspended, Bell actively and successfully used fees from existing and new clients to fund his overdue debt repayments. The incongruity of his argument should be considered. Bell asks the court to believe he forgot the order suspending him. Yet, he had no difficulty marketing his practice or depositing client funds. Indeed, his record of urgent demands for fees, creation of new client relationships, taking fees from purported *pro se* clients, and continued fee collection reveals an effective, not forgetful, marketer and bill collector.

More to the point, Bell wants the court to believe that he forgot to stop practicing, but the record establishes that he remembered the order well enough to hide his ongoing practice. After stating that he would ignore the order, Bell took several contemptuous steps to hide his conduct. Here are a few of those steps: he directed his assistant to back-date receipts and new fee agreements, with the express purpose to create a false appearance that he stopped opening new cases and taking fees two days before his suspension; he lied to OCDC's investigator when he denied having receipt books in his office; he told the duly appointed trustees that he had no client files relating to post-2017 cases, although his day planner and receipt books proved he had cases – and he was able to substantively work on those cases and communicate with clients and opposing counsel; and when asked by opposing counsel for his signature block for a joint filing, Bell claimed that his divorce client was acting *pro se*, while Bell continued to communicate with opposing counsel and take fees from the clients.

Dr. Blessing, Bell's own neuropsychologist, indeed noted that Bell had memory problems in 2019. But, the doctor was asked three times and specifically and repeatedly rejected the idea that Bell would have forgotten that the court suspended him.

II.

INFORMANT ASKS THE COURT, AFTER DUE CONSIDERATION OF THE RECORD, BRIEFS AND ANY ORAL ARGUMENT, TO AGREE WITH THE MASTER'S REPORT AND FIND JUST CAUSE TO PRONOUNCE PUNISHMENT.

Bell's contempt of the court's authority must be addressed. Suspending his license didn't stop him. He said he would ignore the court's authority - and he did. Punishment is necessary to preserve the integrity and authority of this court and the judiciary generally. Because Bell has been a lawyer, and because he denied the court's authority, punishment is also necessary to protect the integrity of the legal profession. Punishment can also serve as an important deterrent. Bell is already disbarred, so additional penalties are needed to stop him from restarting his practice. Finally, punishment is an essential general deterrent; other suspended and disbarred lawyers should learn the costs of ignoring court orders.

This court has had at least one opportunity to rule in a similar case. In 1953, the court considered what to do with a disbarred St. Louis lawyer who defiantly responded to contempt proceeding this way:

> "I usually type on the letters I type, after my name, the word Lawyer, with my address and date of the letter, but I have no letterheads, and I have no cards. I am a Lawyer, and I will be a Lawyer as long as I Live, and keep my right mind. Webster's Unabridged New International Dictionary, defines the 'Word' Lawyer as One versed in the Laws.....I, Ignatius Page, can not legally be punished for knowing the 'Laws'."

Mr. Page was charged with a "contemptuous violation of the order of this court disbarring him from the practice by holding himself out as a practicing lawyer and, in that capacity, representing [a client] in negotiating settlement of a claim that had never reached the Federal, or any other, court."

The court found: "evidence establishes beyond a reasonable doubt that Page held himself out to the railroad company as an attorney at law representing [his client] in the matter of his claim against the company. In so doing, he is guilty of contempt as charged in the complaint."

After considering sanctions imposed by other jurisdictions with like cases, the court sentenced Mr. Page to pay a $100 fine, and, "in default thereof" to serve thirty days in the Cole County Jail. *In re Page*, 257 S.W.2d 679, 683–84 (Mo. 1953).

Several other states have faced similar problems. In South Carolina, an attorney was placed on interim suspension and was thereafter held in criminal contempt for failing to file his suspension affidavit and failing to cooperate with a lawyer appointed to take over his practice after an interim suspension. During his suspension, he also: "recommended changes to a proposed family court order; " he took a "partial payment of a retainer fee from a client" and, he "contacted a city prosecutor and court coordinator inquiring about a continuance for a client after he was placed on interim suspension." The Supreme Court of South Carolina found the attorney guilty of criminal contempt and ordered him to serve sixty days imprisonment. *In re Lapham*, 748 S.E.2d 779, 780-783 (2013).

In 1995, Indiana sentenced a lawyer to serve ninety days in jail for contemptuously practicing while disbarred. He represented two clients. It was his second time before the court on contempt charges. Two years earlier, he was given a three-month sentence, and all but seven days were stayed. In the second case the court ruled: "Respondent's repeated willful and intentional disregard of this Court's order of disbarment warrants imprisonment." *Matter of Powell*, 658 N.E.2d 572, 574 (Ind. 1995).

Georgia sentenced a disbarred lawyer to serve five days in jail after he tried to argue a case six weeks after his disbarment. The trial judge refused to allow it and ordered the disbarred lawyer to provide his address to the clerk. He did not provide it and failed to show cause as to why he should not be punished. He was "adjudged in contempt, and sentenced to be confined for five days and to pay a fine of $200." *In re Boswell*, 251 S.E.2d 596, 597 (1978).

In 1972, the Washington Supreme Court found a lawyer in contempt and required him to disgorge fees claimed during his suspension, because he had not told his client about his suspension. The lawyer argued "that no harm resulted from one particular incident, since he rendered no services and charged no fee." The Washington court rejected his argument. *In re Hawkins*, 503 P.2d 95, 97 (1972).

In New York, a lawyer was fined $250 after failing to appear at a contempt hearing. In the New York matter, "after his disbarment respondent represented a defendant in [one matter] and in another matter, accepted a retainer from a client in connection with a personal injury claim." *Matter of Louison*, 143 A.D.2d 62, 531 N.Y.S.2d 616 (1988). Three years later, a New York court imposed a $500 fine on a lawyer who: gave at least the appearance of maintaining a law office; continued "to use letterhead and envelopes identifying him as an Attorney and Counselor at Law;" continued to represent clients or attempt "to do so after the effective date of his suspension," and failed "to send written notice of his suspension to his client Naples or to an adversary's attorney." *Matter of Abbott*, 175 A.D.2d 396, 397, 572 N.Y.S.2d 467, 468 (1991).

Over a hundred years ago, in New Mexico, two law partners were each sentenced to pay a $500 fine for continuing to practice and advertise their practice after being suspended. The court noted "it must be apparent to any fair–minded person that the holding of himself out as an attorney at law, by means of the keeping open of the same law office, the displaying of the same signs upon the windows and at the entrance thereof, the use of the same stationery and the sending of the same through the mails, the permitting of his name to be published in a telephone and in a city directory, by an attorney, exactly the same as he had done before the order of suspension from practice, necessarily brings him into direct antagonism of the order." *State ex rel. Patton v. Marron* and *State ex rel. Patton v. Wood*, 1917-NMSC-039, ¶ 11, 22 N.M. 632, 167 P. 9, 11.

In 1974, Kansas indefinitely suspended a lawyer who was already subject to a six-month suspension, upon finding him in contempt of the first order. The Kansas court analyzed, at length, questions as to the type of conduct permitted by suspended and disbarred lawyers. The court distinguished between suspended lawyers and never-licensed lay persons, holding: "One who holds himself out to the public as capable of practicing law, when he is not, is in contempt of the Supreme Court regardless of whether he has ever been admitted to the bar. Certainly, one who has been suspended from practice must take at least the same measures as one who has not been admitted in avoiding the appearance of disobedience of the court's order."

That suspended attorney used letterhead stationery identifying [him] "as an attorney and giving the impression to the public that he was capable of transacting legal business. This behavior would be contempt whether he had been suspended, disbarred, or never admitted to practice." *State v. Schumacher*, 519 P.2d 1116, 1127 (1974).

Recommendation

As can be seen, jurisdictions use a variety of sanctions in response to lawyers who continue to practice while suspended. Options include extended suspension, disbarment, disgorgement of fees, fines and jail. Some of the contempt cases from other jurisdictions did not result in jail. But few, if any, of those decisions reported the extent of conduct shown here. In Mr. Bell's case, for at least two months, he considered the court's order and stated his plan to ignore it. In contempt of this court, he continued to actively practice. He sought and accepted new clients two months after his suspension. Then, he applied to surrender his license, agreeing to be disbarred. Weeks after applying to surrender and at least one week after the court accepted his surrender, he was still actively taking clients and fees. More than a month later, in July or August, he stated his intention to attend a client's hearing in September. The CDC recommends that the court sentence Bell to serve thirty days in jail and pay a $21,000 fine. That amount represents minimum fees known to be collected by Bell following his suspension. Those sanctions are necessary to preserve the integrity of this court's orders, to functionally regulate the practice of law when faced with defiant disciplined lawyers, and to protect the public.

CONCLUSION

WHEREFORE, the Chief Disciplinary Counsel requests this Court, after due consideration of the record, briefs and any oral argument, to enter an order in agreement with the master's report and find just cause to pronounce punishment.

Respectfully submitted,

ALAN D. PRATZEL, #29141
CHIEF DISCIPLINARY COUNSEL

By: ______________________
SAM S. PHILLIPS, #30458
DEPUTY CHIEF DISCIPLINARY COUNSEL
3327 American Avenue
Jefferson City, MO 65109
(573) 635-7400 – Telephone
(573) 635-2240 - Fax
Email: Sam.Phillips@courts.mo.gov

ATTORNEYS FOR INFORMANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Informant's Brief has been sent via the Court's electronic filing system on this 10th day of April, 2020 to:

David G. Bandré
227 Madison Street
Jefferson City, MO 65101
Attorney for Respondent

Sam S. Phillips

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 and 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);
4. Contains 10,270 words, according to Microsoft Word, which is the word processing system used to prepare this brief.

Sam S. Phillips