

SUPREME COURT OF MISSOURI

In re Renae Ehler

319 S.W.3d 442 (Mo. banc 2010) · No. SC 90652 · Decided August 31, 2010

SUMMARY

The Supreme Court of Missouri disbarred Renae Lynn Ehler for multiple violations of the Missouri Rules of Professional Conduct arising from her representation of clients in a dissolution proceeding and a civil action. The Court found violations involving competence, diligence, communication, safekeeping and misappropriation of client funds, and professional misconduct. Aggravating factors included prior discipline, repeated misconduct, dishonest motive, and failure to make restitution.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Patricia Breckenridge
JURISDICTION	Missouri
DECIDED	August 31, 2010
DOCKET	SC 90652
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Chief Disciplinary Counsel sought discipline against Renae Ehler for multiple violations of the Missouri Rules of Professional Conduct. After a disciplinary panel recommended disbarment, Ehler rejected the recommendation, bringing the matter before the Supreme Court of Missouri for de novo review.
STANDARD OF REVIEW	Professional misconduct must be proven by a preponderance of the evidence. The Supreme Court reviews the evidence de novo, independently determines credibility and the weight of the evidence, and draws its own conclusions of law; the disciplinary panel's findings and recommendation are advisory.
PRECEDENTIAL VALUE	Published and precedential Missouri Supreme Court en banc opinion
PARTIES	Office of Chief Disciplinary Counsel v. Renae Lynn Ehler

TOPICS

default judgment

family law procedure

civil procedure

family law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

family law

civil procedure

QUESTIONS PRESENTED

1. Whether the evidence established that Ehler violated Rule 4-1.1 by failing to provide competent representation.
2. Whether the evidence established that Ehler violated Rule 4-1.3 by failing to act with reasonable diligence and promptness.
3. Whether the evidence established that Ehler violated Rule 4-1.4 by failing to communicate with clients and opposing counsel.
4. Whether the evidence established that Ehler violated Rule 4-1.15 by mishandling and misappropriating client and third-party funds and failing to maintain required trust-account records.
5. Whether the evidence established that Ehler violated Rule 4-8.4 by violating the Rules of Professional Conduct and engaging in dishonest, deceitful, or misrepresentative conduct.
6. What sanction was appropriate in light of the misconduct, prior discipline, aggravating and mitigating factors, and progressive discipline.

HOLDINGS

1. Ehler violated Rule 4-1.1 by failing to competently calculate and distribute marital-property proceeds and by failing to provide her client with discovery necessary to defend the water-bill lawsuit.
2. Ehler violated Rule 4-1.3 by failing to timely distribute funds owed to R.K. and H.M. and by failing to provide discovery information necessary to prevent a default judgment against C.G.
3. Ehler violated Rule 4-1.4 by failing to keep R.K. reasonably informed and by failing to respond promptly to requests for information from R.K. and H.M.'s counsel.
4. Ehler violated Rule 4-1.15 by failing to maintain adequate trust-account records, failing to provide an accounting, failing to promptly deliver client and third-party funds, and using trust-account funds to pay personal and office expenses.
5. Ehler violated Rule 4-8.4(a) by violating other Rules of Professional Conduct and violated Rule 4-8.4(c) by knowingly using client funds to pay personal expenses.
6. Disbarment was warranted because Ehler knowingly misappropriated client funds, engaged in a pattern of neglect and multiple misconduct, caused financial harm, had prior similar discipline, and repeated the misconduct during probation.

KEY QUOTATIONS

“Paying personal expenses from a client trust account clearly is prohibited by Rule 4-1.15.” (319 S.W.3d at 450)

“To protect the public and restore integrity to the profession, Ms. Ehler is disbarred.” (319 S.W.3d at 453)

FACTUAL BACKGROUND

Ehler represented R.K. in a dissolution proceeding in which she was responsible for receiving marital-property proceeds, paying debts, and distributing the remainder to the parties. She miscalculated the distributions, paid R.K. too little, failed to pay H.M. timely, failed to provide an accounting, and used client-trust-account funds for personal and office utility bills. In an unrelated water-bill lawsuit, Ehler failed to provide her client C.G. with interrogatories and failed to use documentary evidence supporting his defense, resulting in a discovery-sanction default judgment. These acts occurred after, and in part during, a prior probationary period imposed for similar misconduct.

PROCEDURAL HISTORY

Ehler had previously received a stayed six-month suspension and two years of probation for similar professional-conduct violations. In the present matter, a disciplinary panel found multiple violations involving competence, diligence, communication, safekeeping of property, and misconduct, and recommended disbarment. Ehler rejected the recommendation, and the Supreme Court independently reviewed the evidence, credibility, legal issues, and appropriate sanction.

DISPOSITION

other

CASES CITED

- In re Crews, 159 S.W.3d 355, 358-359 (Mo. banc 2005)
- In re Belz, 258 S.W.3d 38, 41-42 (Mo. banc 2008)
- In re Coleman, 295 S.W.3d 857, 863, 869-871 (Mo. banc 2009)
- In re Caranchini, 956 S.W.2d 910, 916 (Mo. banc 1997)
- In re Donaho, 98 S.W.3d 871, 874 (Mo. banc 2003)