

SUPREME COURT OF KANSAS

In re Nathanson

279 Kan. 921 (2005) · No. No. 93,933 · Decided June 3, 2005

SUMMARY

The Kansas Supreme Court reviewed an uncontested attorney disciplinary proceeding involving Lisa Ann Nathanson, also known as Lisa Ann Tarlowe. The court adopted findings that she filed frivolous and false pleadings, forged another attorney's signature, made misrepresentations, and engaged in conduct involving dishonesty and prejudice to the administration of justice. The court ordered her disbarment and revoked her privilege to practice law in Kansas.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Per curiam; Lockett, J., Retired, assigned
JURISDICTION	Kansas
DECIDED	June 3, 2005
DOCKET	No. 93,933
DISPOSITION	other
PROCEDURAL POSTURE	Original uncontested attorney-discipline proceeding before the Supreme Court of Kansas. A hearing panel found by clear and convincing evidence that Nathanson violated multiple Kansas Rules of Professional Conduct and recommended disbarment.
STANDARD OF REVIEW	The Supreme Court independently considers the evidence, the disciplinary panel's findings, and the parties' arguments to determine whether KRPC violations occurred and what discipline should be imposed. The panel's findings and conclusions are advisory but are accorded the dignity of a special verdict or trial-court findings and are adopted when amply sustained by the evidence and not contrary to the clear weight of the evidence. Attorney misconduct must be established by substantial, clear, convincing, and satisfactory evidence.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Disciplinary Administrator v. Lisa Ann Nathanson, a/k/a Lisa Ann Tarlowe

TOPICS

sanctions

appellate procedure

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Nathanson violated KRPC 3.1, 3.3(a)(1), 4.1(a), 8.4(c), and 8.4(d).
2. Whether the disciplinary charges were properly served and whether Nathanson received the required notice of the disciplinary proceeding.
3. What discipline should be imposed for Nathanson's misconduct.

HOLDINGS

1. Nathanson violated KRPC 3.1 by filing a frivolous answer and counterclaim; KRPC 3.3(a)(1) by making false statements of material fact to a tribunal; KRPC 4.1(a) by making false statements of material fact to a third person and falsely signing another attorney's name; KRPC 8.4(c) by engaging in dishonesty, fraud, deceit, or misrepresentation; and KRPC 8.4(d) by engaging in conduct prejudicial to the administration of justice.
2. The Disciplinary Administrator complied with Supreme Court Rule 215, and Nathanson was afforded the required notice of the formal complaint and hearing.
3. Disbarment was appropriate, and Nathanson's license to practice law in Kansas was revoked.

KEY QUOTATIONS

"In a disciplinary proceeding, this court considers the evidence, the findings of the disciplinary panel, and the arguments of the parties and determines whether violations of KRPC exist and, if they do, what discipline should be imposed." (279 Kan. at 921-922)

"Any attorney misconduct must be established by substantial, clear, convincing, and satisfactory evidence." (279 Kan. at 922)

"We adopt and affirm the findings of fact made and the conclusions of law drawn by the hearing panel. Further, we agree with the panel's recommended discipline of disbarment." (279 Kan. at 929)

FACTUAL BACKGROUND

Nathanson's Kansas law license had been suspended since October 20, 2000, for failure to pay her annual continuing legal education fee, but she continued practicing law and filing pleadings. In a federal matter, she caused pleadings to be filed in the name of Kevin Loeffler without his knowledge or consent and falsely represented to the court that he would serve as appointed counsel. In a separate landlord-tenant action, she forged Loeffler's signature on an answer and counterclaim asserting an apparently false rape and premises-liability claim, resulting in a motion to strike and default judgment. She also made deceptive statements about her bar status, medical condition, whereabouts, and purported death during the disciplinary investigation.

PROCEDURAL HISTORY

The Disciplinary Administrator filed one formal complaint based on two matters, DA8528 and DA8580. Nathanson was served by regular and certified mail but did not appear at the disciplinary hearing. The hearing panel found violations of KRPC 3.1, 3.3(a)(1), 4.1(a), 8.4(c), and 8.4(d), recommended disbarment, and the Supreme Court adopted the panel's factual findings and legal conclusions and ordered disbarment.

DISPOSITION

other

CASES CITED

- In re Lober, 276 Kan. 633, 636-37, 78 P.3d 442 (2003)
- In re Gardiner, 29 Kan. App. 2d 92, 22 P.3d 1086 (2001)
- State v. Limon, 32 Kan. App. 2d 369, 83 P.3d 229 (2004)

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