

SUPREME COURT OF THE STATE OF KANSAS

In the Matter of Jeffery A. Mason

In re Mason · No. No. 115,827 · Decided December 23, 2016

SUMMARY

The Kansas Supreme Court considers an attorney disciplinary proceeding against Jeffery A. Mason involving violations concerning competence, diligence, communication, dishonesty, and conduct prejudicial to the administration of justice. The court reviews the hearing panel's findings and recommended discipline of suspension followed by supervised probation.

CASE DETAILS

COURT	Supreme Court of the State of Kansas
WRITING FOR THE COURT	Per Curiam; Michael J. Malone, Senior Judge, assigned; Robert J. Fleming, District Judge, assigned
JURISDICTION	Kansas
DECIDED	December 23, 2016
DOCKET	No. 115,827
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in attorney discipline brought by the Office of the Disciplinary Administrator against Jeffery A. Mason.
STANDARD OF REVIEW	The Kansas Supreme Court considers the evidence, the disciplinary panel's findings, and the parties' arguments to determine whether violations exist and what discipline should be imposed. Attorney misconduct must be established by clear and convincing evidence. Because Mason filed no exceptions, the panel's factual findings were deemed admitted under Supreme Court Rule 212(c) and (d).
PRECEDENTIAL VALUE	Published opinion; precedential disciplinary decision.
PARTIES	Office of the Disciplinary Administrator v. Jeffery A. Mason

TOPICS

- administrative law
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence established Mason's violations of KRPC 1.1, 1.3, 1.4(a), 8.4(c), and 8.4(d) by clear and convincing evidence.
2. What discipline should be imposed for the established violations.

HOLDINGS

1. The evidence established by clear and convincing evidence that Mason violated KRPC 1.1, 1.3, 1.4(a), 8.4(c), and 8.4(d).
2. A definite six-month suspension from the practice of law, followed by immediate reinstatement to three years of probation under specified conditions, was appropriate.

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." (17)

"Attorney misconduct must be established by clear and convincing evidence." (17)

"We therefore order respondent suspended from the practice of law for a definite period of 6 months from the date of this order. Following his term of suspension, respondent shall be reinstated to serve a term of 3 years' probation according to the conditions set out in the final hearing report." (17)

FACTUAL BACKGROUND

Mason represented a workers' compensation client and incorrectly advised her regarding responsibility for prior medical expenses, failed to file an application for review and modification, and repeatedly misled her by creating false hearing notices and a purported notice of continuance. In a separate representation of OneSource Investment Partners, Mason failed to communicate litigation developments, failed to respond adequately to motions and discovery, and failed to inform the client of summary judgment, sanctions, contempt, and execution proceedings. The misconduct resulted in violations involving competence, diligence, communication, dishonesty, and conduct prejudicial to the administration of justice.

PROCEDURAL HISTORY

The Disciplinary Administrator filed a formal complaint alleging violations of the Kansas Rules of Professional Conduct. Mason answered and stipulated to the rule violations, and a panel of the Kansas Board for Discipline of Attorneys conducted a hearing, found violations, and recommended a one-year suspension followed by probation. The Kansas Supreme Court independently reviewed the evidence and panel findings, adopted the findings and conclusions, and imposed a six-month suspension followed by three years of probation.

DISPOSITION

other

CASES CITED

- In re Foster, 292 Kan. 940, 945, 258 P.3d 375 (2011)
- In re Lober, 288 Kan. 498, 505, 204 P.3d 610 (2009)
- In re Dennis, 286 Kan. 708, 725, 188 P.3d 1 (2008)
- In re Stockwell, 296 Kan. 860, 868 (2013)

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