

SUPREME COURT OF NORTH DAKOTA

Disciplinary Board v. Pilch

2023 ND 162 (2023) · No. 20230152 · Decided August 17, 2023

SUMMARY

The Supreme Court of North Dakota adopted a hearing panel’s findings that Mark J. Pilch violated multiple professional conduct rules through inadequate preparation, lack of diligence and communication, and failure to properly terminate representation. The court suspended Pilch from practicing law for one year, ordered him to pay \$250 in disciplinary costs, required restitution for amounts paid by the Client Protection Fund, and directed compliance with notice requirements.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Jon J. Jensen, C.J.; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte; Douglas A. Bahr
JURISDICTION	North Dakota
DECIDED	August 17, 2023
DOCKET	20230152
DISPOSITION	other
PROCEDURAL POSTURE	The North Dakota Supreme Court reviewed a hearing panel's default findings, conclusions, and recommendation for discipline after Pilch failed to answer the petition for discipline. No objections to the panel's report were received.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	Disciplinary Board of the Supreme Court of the State of North Dakota v. Mark J. Pilch

TOPICS

- appellate procedure
- remedies

PRACTICE AREAS

- legal ethics and professional responsibility
- attorney discipline

QUESTIONS PRESENTED

1. Whether the hearing panel's default findings and conclusions that Pilch violated the North Dakota Rules of Professional Conduct should be accepted.
2. Whether suspension was the appropriate sanction for Pilch's admitted professional misconduct.
3. What costs, restitution, and notice-related obligations should accompany the suspension.

HOLDINGS

1. The Supreme Court accepted the hearing panel's findings of fact and conclusions of law, which established that Pilch violated N.D.R. Prof. Conduct 1.1, 1.2(a), 1.3, 1.4, and 1.16.
2. A one-year suspension from the practice of law was an appropriate sanction for Pilch's pattern of neglect, lack of preparation and competence, inadequate communication, and failure to properly terminate the representation and return client property.
3. Pilch was required to pay \$250 in disciplinary costs, make specified restitution to the North Dakota Client Protection Fund, and comply with N.D.R. Lawyer Discipl. 6.3 regarding notice.

KEY QUOTATIONS

"We adopt the hearing panel's findings and recommended sanctions, and order suspension." (§1)

"Mark J. Pilch is SUSPENDED from the practice of law for one year, effective immediately." (§9)

FACTUAL BACKGROUND

Mark J. Pilch represented a client in a small claims court matter but was unprepared, arrived late for trial, failed to prepare exhibits, and failed to understand relevant legal doctrines and procedures. He did not adequately communicate with the client, including failing to convey a settlement offer and decisions requiring the client's input. He also failed to properly terminate the representation and return the client's property and papers.

PROCEDURAL HISTORY

Pilch was served with a summons and petition for discipline on November 4, 2022, but failed to answer. Disciplinary Counsel moved for default, and the charges in the amended petition were deemed admitted under N.D.R. Lawyer Discipl. 3.1(E)(2). A hearing panel filed default findings, conclusions, and recommendations on May 25, 2023, recommending suspension and payment of costs. The matter was referred to the Supreme Court, which accepted the panel's findings and recommendations and ordered a one-year suspension, costs, restitution obligations, and compliance with notice requirements.

DISPOSITION

other