

JULIA A. HART, #23741
Deputy Disciplinary Administrator
Office of the Disciplinary Administrator
701 Southwest Jackson Street, First Floor
Topeka, Kansas 66603-3729
Phone: (785) 435-8200
Fax: (785) 783-8385
daoatty@kscourts.org



IN THE SUPREME COURT OF KANSAS

IN THE MATTER OF	)	
	)	
DEVOE G. TREADWELL,	)	Attorney Registration Number 18740
Respondent.	)	
_____	)	

MOTION FOR TEMPORARY SUSPENSION

COMES NOW Julia A. Hart, deputy disciplinary administrator, and respectfully moves the Court for an order temporarily suspending the respondent, Devoe G. Treadwell's license to practice law, under Rule 213 (2022 Kan. S. Ct. R. at 266). In support of the motion, the deputy disciplinary administrator states the following:

1. For good cause, the Supreme Court may temporarily suspend a respondent's license to practice law. Rule 213(a). "Good cause under subsection (a) is shown by evidence of the following: . . . the respondent poses a substantial threat of harm to clients, the public, or the administration of justice." Rule 213(b).
2. As outlined below, the respondent, Devoe G. Treadwell, poses a substantial threat of harm to his clients, the public, and the administration of justice.

3. The respondent is an attorney licensed to practice law in the State of Kansas, attorney registration number 18740. The Supreme Court admitted the respondent to the practice of law on September 25, 1998. His most recent registration address with the clerk of the appellate courts is: 200 East First Street North, Suite 100, Wichita, Kansas 67202. The respondent's license to practice law is currently active.

4. The respondent practices law in the Sedgwick County District Court, the Wichita Municipal Court, and surrounding jurisdictions. Currently, the respondent is listed as the attorney of record in approximately two hundred (200) pending cases in twelve (12) jurisdictions.

5. On June 3, 2022, J.D. retained the respondent to defend him against pending driving under the influence ("D.U.I.") charges. At this meeting, the respondent instructed J.D. to obtain an ignition interlock for his vehicle and enter into substance abuse treatment as soon as possible. J.D. paid the respondent a total of \$1,500 for the representation.

6. Since June 3, 2022, J.D. attempted to contact the respondent by telephone, by email message, and by stopping by the respondent's office. The respondent has not responded to the telephone calls or email message. J.D. was unsuccessful contacting the respondent when he stopped by his office. Since the initial meeting, J.D. has not heard from the respondent.

7. In October 2022, J.D. received a summons in the mail to appear in court on November 7, 2022, on the D.U.I. charge.

8. On November 7, 2022, J.D. appeared in court for the hearing. The respondent did not appear. Further, the respondent did not file an entry of appearance in J.D.'s case.

9. At the hearing, the judge assigned to preside over J.D.'s D.U.I. charge informed J.D. that it had been several weeks since the court had seen or heard from the respondent.

10. On November 15, 2022, J.D. filed a written complaint with the disciplinary administrator against the respondent. The disciplinary administrator docketed J.D.'s complaint and directed the respondent to provide a written response to the complaint. The respondent failed to do so.

11. Attorney Jeff Jordan, the chair of the Wichita Ethics and Grievance Committee member, investigated the complaint. Mr. Jordan made numerous attempts to contact the respondent. However, the respondent did not respond to the telephone calls, text messages, or written letters.

12. In late October 2022, the disciplinary administrator received a complaint from a district court judge that the respondent had apparently disappeared. The judge indicated that the respondent had not been seen or heard from in approximately two months. Further, the judge indicated that the respondent had missed court appearances without notice. At that time, the disciplinary administrator requested that the chief judge enter an order under Rule 235 to protect the respondent's clients' interests. The chief judge agreed to do so. About the same time the chief judge agreed to enter the

order, the respondent reappeared. He returned to his law office and resumed his practice.

13. In December 2022, the disciplinary administrator was again contacted by a district court judge and was advised the respondent stopped appearing in court again. At that time, the disciplinary administrator began gathering information to present to the chief judge to request an order under Rule 235 to protect the respondent's clients' interests.

14. The disciplinary administrator learned that the respondent was interested in turning over his practice to other attorneys. The disciplinary administrator understood that the attorneys who were slated to take over the respondent's practice could not effectively do so until after the first of the year.

15. At that time, unfortunately, communication from the respondent ceased, and the law firm was unable to meet with the respondent to accomplish this goal.

16. On January 9, 2023, a local television station aired a story on the respondent's apparent abandonment of his practice.

17. In January 2023, the disciplinary administrator attempted to contact the respondent by telephone and in person at his law office. All attempts were unsuccessful. On two occasions, the deputy disciplinary administrator observed delivery notices and messages from clients on the respondent's locked office door.

18. About that same time, the disciplinary administrator learned that the respondent reached out to Brent and Cristy Anderson, both attorneys, and asked them to help him. He authorized the Andersons to access his office and trust account.

19. After the disciplinary administrator confirmed the Andersons' willingness to help, on January 12, 2023, Chief Judge Goering issued administrative order 23-01, pursuant to Rule 235, finding the respondent disappeared and it was necessary to appoint the Andersons to protect the respondent's clients' interests.

20. On January 19, 2023, Chief Judge Goering issued administrative order 23-02, pursuant to Rule 235, expanding the previous directives outlined in administrative order 23-01. (2022 Kan. S. Ct. R. at 308).

21. On January 23, 2023, Chief Judge Goering issued administrative order 23-03, pursuant to Rule 235, that explicitly authorized the attorneys appointed in the initial administrative order to have exclusive control over the respondent's IOLTA account and to remove the respondent as a signator on his trust account. (2022 Kan. S. Ct. R. at 308).

22. On January 24, 2023, pursuant to Rule 209(c), Mr. Jordan completed his investigation of J.D.'s docketed complaint and submitted his written findings regarding the alleged misconduct to the disciplinary administrator. (2022 Kan. S. Ct. R. at 262). On January 15, 2023, the disciplinary administrator forwarded the case to the Review Committee for the Kansas Board for Discipline of Attorneys for consideration under Rule 209.

23. On January 26, 2023, under Rule 211, the Review Committee found probable cause to believe that the respondent engaged in misconduct and directed the disciplinary administrator to institute formal charges.

24. One of the purposes of a temporary suspension is to protect clients from injury and safeguard the legal profession's reputation. See Annot., *Validity and Construction of Procedures to Temporarily Suspend Attorney from Practice, or Place Attorney on Inactive Status, Pending Investigation of, and Action upon, Disciplinary Charges*, 80 A.L.R. 4th 136.

25. Additionally, temporary suspension may be warranted in situations where an attorney has disappeared, effectively abandoning his law practice. See *In re Lawrence J. Davidson*, SC 44161 (State Bar of Nevada, November 10, 2004).

26. Based on the facts set forth above, there is good cause to believe that the respondent's clients are being neglected due to his disappearance from his practice of law.

27. Therefore, good cause exists for the Court to direct that the respondent's license to practice law be suspended until such time that the respondent demonstrates he no longer poses a substantial threat of harm to clients, the public, or the administration of justice.

WHEREFORE, the disciplinary administrator's office requests the Court issue an order temporarily suspending the respondent's license to practice law for good cause during the pendency of the disciplinary board proceeding.

DATED this 27th day of January, 2023.

Respectfully submitted,

OFFICE OF THE DISCIPLINARY
ADMINISTRATOR



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NOTICE TO RESPONDENT DEVOE G. TREADWELL

YOU ARE HEREBY NOTIFIED THAT A RESPONSE IS REQUIRED. YOU MUST
RESPOND TO A MOTION FOR TEMPORARY SUSPENSION UNDER RULE 213(c)
NO LATER THAN 14 DAYS AFTER SERVICE OF A COPY OF THE MOTION.

You are further notified that your appearance may be required under Rule
213(d). Before ruling on a motion under subsection (a), the Supreme Court may order
the respondent to appear before the Supreme Court or any Supreme Court justice.

You are further notified that the Supreme Court or any Supreme Court justice
may rule on a motion under Rule 213(a).

Under Rule 213(f), regardless of the disposition of a motion under Rule 213(a), the disciplinary board proceeding continues under these rules.

CERTIFICATE OF SERVICE

I certify that on the 27th day of January, 2023, the disciplinary administrator filed the foregoing by sending a copy by email message to the following individual:

Doug Shima
Clerk of the Appellate Courts
shimad@kscourts.org

In addition, I certify that a copy of the forgoing was served via certified mail, return receipt requested, on the respondent at the following address:

Devoe G. Treadwell
2356 South Ironstone Street
Wichita, Kansas 67230



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