

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
)
Complaint as to the Conduct of) Case No. 22-07
)
ANGELA THERESE LEE-MANDLIN,)
)
Respondent.)

Counsel for the Bar: Stacy R. Owen

Counsel for the Respondent: None

Disciplinary Board: None

Disposition: Violation of RPC 1.6(a). Stipulation for Discipline. Public reprimand.

Effective Date of Order: March 8, 2022

ORDER APPROVING STIPULATION FOR DISCIPLINE

This matter having been heard upon the Stipulation for Discipline entered into by Angela Therese Lee-Mandlin and the Oregon State Bar, and good cause appearing,

IT IS HEREBY ORDERED that the stipulation between the parties is approved and Respondent is publicly reprimanded for violation of RPC 1.6(a).

DATED this 8th day of March 2022.

/s/ Mark A. Turner
Mark A. Turner
Adjudicator, Disciplinary Board

STIPULATION FOR DISCIPLINE

Angela Therese Lee-Mandlin, attorney at law (Respondent), and the Oregon State Bar (Bar) hereby stipulate to the following matters pursuant to Bar Rule of Procedure 3.6(c).

1.

The Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to the discipline of attorneys.

2.

Respondent was admitted by the Oregon Supreme Court to the practice of law in Oregon on September 19, 1997, and has been a member of the Bar continuously since that time, having her office and place of business in Deschutes County, Oregon.

3.

Respondent enters into this Stipulation for Discipline freely, voluntarily, and with the opportunity to seek advice from counsel. This Stipulation for Discipline is made under the restrictions of Bar Rule of Procedure 3.6(h).

4.

On January 29, 2022, the State Professional Responsibility Board (SPRB) authorized formal disciplinary proceedings against Respondent for alleged violation of RPC 1.6(a) of the Oregon Rules of Professional Conduct. The parties intend that this stipulation set forth all relevant facts, violations and the agreed-upon sanction as a final disposition of this proceeding.

Facts

5.

A client (Mother) retained Respondent for a domestic relations matter. When Mother became concerned that one of her children had been abused by a half-sibling living with Father, Respondent filed a motion to try to prevent the children's winter visitation with Father, and Mother did not release her children for that visitation. Father's counsel filed a motion to enforce parenting time, including a request for Mother to pay Father's expenses in enforcing the parenting time schedule.

Before the subsequent summer visitation, Respondent corresponded with opposing counsel regarding visitation dates. After requesting dates from Mother to no avail, Respondent sent an email to opposing counsel informing him that she had requested dates, to no avail, and that she was losing patience. She also shared that her next communication would either be to provide dates or a motion to withdraw. Unbeknownst to Respondent, when she sent her email to opposing counsel, an email from Mother with dates was in her junk mail folder.

Shortly before the summer visitation was scheduled to begin, Respondent filed another motion in hopes of preventing the visit. In connection with the hearing on that motion,

opposing counsel submitted proposed exhibits, which included a copy of above-described email. On the morning of that hearing, Mother's motion was denied and the hearing was cancelled.

After that, Mother spoke with Respondent and expressed her frustration with Respondent for making her look bad to opposing counsel and Father.

Violations

6.

Respondent admits that, by conveying to opposing counsel that Mother was uncooperative, she violated RPC 1.6(a) by disclosing information that was embarrassing and potentially detrimental to Mother.

Sanction

7.

Respondent and the Bar agree that in fashioning an appropriate sanction in this case, the Disciplinary Board should consider the *ABA Standards for Imposing Lawyer Sanctions* (ABA Standards). The ABA Standards require that Respondent's conduct be analyzed by considering the following factors: (1) the ethical duty violated; (2) the attorney's mental state; (3) the actual or potential injury; and (4) the existence of aggravating and mitigating circumstances.

- a. **Duty Violated.** Respondent violated her duty to preserve client confidences. ABA Standard 4.2. The ABA Standards presume that the most important ethical duties are those to which an attorney owes a client. ABA Standards at 5.
- b. **Mental State.** The most culpable mental state is that of "intent," when the lawyer acts with the conscious objective or purpose to accomplish a particular result. ABA Standards at 9. "Knowledge" is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result. *Id.* "Negligence" is the failure to be aware of a substantial risk that circumstances exist or that a result will follow and which deviates from the standard of care that a reasonable lawyer would exercise in the situation. *Id.* Here, Respondent acted negligently in failing to be aware of the risks when she deviated from the standard of care that a reasonable lawyer would exercise to protect information relating to the representation of a client.
- c. **Injury.** Injury can be either actual or potential under the ABA Standards. *In re Williams*, 314 Or 530, 547, 840 P2d 1280 (1992). Here, it is unclear if Respondent's conduct injured Mother in the underlying matter. However,

Mother suffered injury in the form of stress and anxiety upon reading Respondent's email to Father's counsel, which has been found to constitute actual injury. See *In re Cohen*, 330 Or 489, 496, 8 P3d 953 (2000); *In re Schaffner*, 325 Or 421, 426-27, 939 P2d 39 (1997) (both holding that client anxiety and frustration can constitute actual injury under the ABA Standards).

d. **Aggravating Circumstances.** Aggravating circumstances include:

1. Prior disciplinary offenses. ABA Standard 9.22(a). In analyzing prior offenses, the Oregon Supreme Court considers the following factors: (1) the relative seriousness of the prior offense and the sanction; (2) whether the prior offense is similar to the current case; (3) the number of prior offenses; (4) the recency of a prior offense; and (5) when did the conduct at issue in the current matter occur relative to the imposition of the sanction in the prior offense. *In re Jones*, 326 Or 195, 200, 951 P2d 149 (1997). Respondent received a public reprimand in 2017, 31 DB Rptr 14 (2017), and was suspended in 2019. 33 DB Rptr 448 (2019). Both sanctions were relatively serious and recent. The conduct at issue here occurred just a few months after the order imposing her suspension and while she was on probation, which demonstrates that Respondent had "both warning and knowledge of the disciplinary process" when she emailed opposing counsel. *In re Jones*, 326 Or 200 (quoting *In re Hereford*, 306 Or 69, 75, 756 P2d 30 (1988)), but, because both prior matters involved different ethical issues, they should be given less weight in aggravation. *In re Jones*, 326 Or at 201.
2. Vulnerability of victim. ABA Standard 9.22(h). Respondent's client was under substantial stress in connection with the abuse allegations. When Respondent sent her email, an enforcement of parenting time motion was pending. Later, opposing counsel filed a motion for remedial contempt, so Mother was facing the possibility of substantial attorney fees.
3. Substantial experience in the practice of law. ABA Standard 9.22(i). Respondent was licensed to practice in Oregon in 1997.

e. **Mitigating Circumstances.** Mitigating circumstances include:

1. Absence of dishonest motive. ABA Standard 9.32(b).
2. Full and free disclosure to disciplinary board or cooperative attitude toward proceedings. ABA Standard 9.32(e).

8.

Under the ABA Standards, public reprimand is generally appropriate when a lawyer negligently reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed and this disclosure causes injury or potential injury to a client. ABA Standard 4.23.

9.

Prior decisions support imposition of a public reprimand:

In re Robert C. Williamson, 31 DB Rptr 173 (2017) [stipulated reprimand] – Attorney represented a general contractor in a construction dispute. About a week before the case was set for arbitration, the client fired attorney, and attorney moved to withdraw. In his declaration in support of his motion, attorney, who had previously defended the client on charges of DUII, revealed information relating to the former matter without obtaining the client's consent, including his client's conviction and the resulting sanctions.

In *Williamson*, despite attorney's knowing conduct, which presumed a suspension, his long history of practice without any prior discipline and the predominance of mitigating factors resulted in a downward departure to a reprimand.

In re Andrew L. Vandergaw, 31 DB Rptr 9 (2017) [stipulated reprimand] – The attorney's criminal defendant client failed to maintain contact with attorney, in spite of a release agreement requiring the client to do so. When the client appeared at a status hearing, attorney disclosed to the judge that the client had failed to maintain contact and the client was arrested for violating his release agreement. The client's failure to maintain contact with attorney was information relating to the representation of a client, such that attorney's disclosure of this fact violated this rule.

The attorney acted negligently here, but his statement created actual injury to the client, when his client was arrested for violating his release agreement.

In re Lois A. Albright, 29 DB Rptr 147 (2015) [stipulated reprimand] – Several days before the trial date in a divorce proceeding, attorney received a settlement offer from opposing counsel. Client reported to attorney that she was unable to meet to review offer due to a doctor's appointment arising from certain physical symptoms that made her concerned that a previous health problem had returned, and that she wanted to keep this information private. The next day, attorney wrote a letter to opposing counsel explaining why the settlement could not be finalized, revealed that client had a doctor's appointment that day; that she expected to undergo further testing; that she was uncertain about the condition of her health; that she had not talked with anyone about her symptoms; and that she did not want anyone to know about them.

10.

Consistent with the ABA Standards and Oregon precedent and in light of the greater number of factors in aggravation, the parties agree that Respondent shall be publicly reprimanded for violation of RPC 1.6(a).

11.

Respondent acknowledges that she is subject to the Ethics School requirement set forth in BR 6.4 and that a failure to complete the requirement timely under that rule may result in her suspension. This requirement is in addition to any other provision of this agreement that requires Respondent to attend continuing legal education (CLE) courses.

12.

Respondent represents that, in addition to Oregon, she also is admitted to practice law in the jurisdictions listed in this paragraph, whether her current status is active, inactive, or suspended, and she acknowledges that the Bar will be informing these jurisdictions of the final disposition of this proceeding. Other jurisdictions in which Respondent is admitted: None.

13.

Approval of this Stipulation for Discipline as to substance was given by the SPRB on January 29, 2022. Approval as to form by Disciplinary Counsel is evidenced below. The parties agree the stipulation is to be submitted to the Adjudicator on behalf of the Disciplinary Board for consideration pursuant to the terms of BR 3.6.

EXECUTED this 3rd day of March 2022.

/s/ Angela Therese Lee-Mandlin
Angela Therese Lee-Mandlin, OSB No. 974598

EXECUTED this 4th day of March 2022.

OREGON STATE BAR

By: /s/ Stacy R. Owen
Stacy R. Owen, OSB No. 074826
Assistant Disciplinary Counsel