

FILED

06/13/2017

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 17-0269

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 17-0269

IN THE MATTER OF MICHELE LYNN
BRAUKMANN,

FILED

ORDER

An Attorney at Law,

JUN 13 2017

Respondent.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

On May 23, 2017, pursuant to Rule 23B of the Montana Rules for Lawyer Disciplinary Enforcement (MRLDE), this Court placed Montana attorney Michele Lynn Braukmann on interim suspension pending disciplinary proceedings against her based on her conviction of felony child endangerment and aggravated driving under the influence. Braukmann now has moved for an order setting aside or modifying the interim suspension. The Office of Disciplinary Counsel (ODC) has advised the Court that it takes no position on Braukmann's motion.

In a detailed affidavit filed in support of her motion, Braukmann avers that she has voluntarily completed a 90-day inpatient treatment program for addiction and is continuing in active counseling and recovery. She states that she is subject to ongoing supervision and restrictions while serving a term of probation as a result of her criminal convictions, and that she has voluntarily elected to submit to additional measures to demonstrate her continued sobriety. She further states that she has been an attorney for 17 years and that, although her clients have been well-aware of her difficulties, they have all continued to work with her following her leave of absence for treatment. She is the mother of four children, with whom she maintains unsupervised custodial visitation rights and for whom she provides financial support. Braukmann professes her commitment to continued sobriety.

The Court has reviewed Braukmann's motion and her supporting affidavit and brief. We conclude that Braukmann has demonstrated good cause, in the interests of justice, to set aside her interim suspension from the practice of law in Montana. Braukmann's compliance with the terms of her probation, which will include monitoring for use of alcohol and her continued compliance with aftercare treatment, are sufficient to ensure her sobriety. The Court will require that ODC be notified if Braukmann violates any terms of her probation.

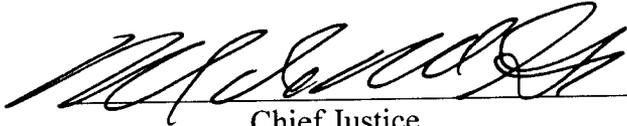
Therefore,

IT IS ORDERED that the interim suspension of Michele Braukmann from the practice of law in Montana is SET ASIDE.

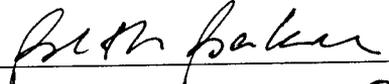
IT IS FURTHER ORDERED that Braukmann shall provide a copy of this Order to her probation officer and shall provide ODC with the name of her probation officer. Braukmann or her probation officer shall immediately report any violation of the terms of Braukmann's probation to ODC, at which time ODC may again petition for a summary order of suspension pending final disposition of the disciplinary proceeding based on Braukmann's criminal convictions.

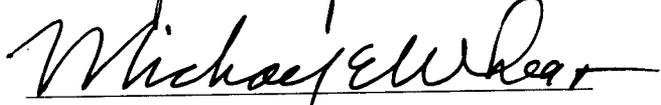
The Clerk of this Court is directed to serve a copy of this Order upon Michele Braukmann and to provide copies to Disciplinary Counsel; the Office Administrator for the Commission on Practice; the Clerks of all the District Courts of the State of Montana; each District Court Judge in the State of Montana; the Clerk of the United States District Court for the District of Montana; the Clerk of the Circuit Court of Appeals of the Ninth Circuit; and the Executive Director of the State Bar of Montana.

Dated this 13th day of June, 2017.



Chief Justice





James M. Smith
James M. Smith

James M. Smith
James M. Smith
Justices