

2005

Annual Report

OREGON STATE BAR
Disciplinary Counsel's Office

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I. INTRODUCTION

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2005. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2005, and a discussion of significant developments over the last year.

II. STATE PROFESSIONAL RESPONSIBILITY BOARD (SPRB)

The principal responsibility of Disciplinary Counsel's Office is to serve as counsel to the State Professional Responsibility Board (SPRB), the body to which the investigative and prosecutorial functions within the discipline system are delegated by statute. The SPRB seeks to enforce the disciplinary rules in the Code of Professional Responsibility (the DRs) and the Rules of Professional Conduct (the RPCs), while operating within the procedural framework of the Bar Rules of Procedure (the BRs). The SPRB is a nine-member board of unpaid volunteers, consisting of one lawyer each from Board of Governors (BOG) Regions 1 through 4 and 6, two lawyers from Region 5 and two public members.

The SPRB met 18 times in 2005. With regular meetings and conference calls combined, the SPRB considered over 375 case-specific agenda items during the year. This does not include the many policy matters also considered by the board.

The Bar was fortunate to have the following individuals on the SPRB in 2005:

- Lewis W. Dahlin (Medford) - Chairperson
- Amy R. Alpern (Portland)
- Sarah Moore Bostwick (Salem)
- Richard H. Braun (Portland)
- Frank P. Colistro (Portland) - Public Member
- John F. Folliard, Jr. (Portland)
- W. Eugene Hallman (Pendleton)
- Linda Lee Lynch (Eugene) - Public Member
- William H. Martin (Eugene)

Lewis Dahlin's term expired at the end of 2005, and Eugene Hallman resigned from his term in September 2005. New appointments for 2006 include: Liz Fancher (Bend) and James Marshall (Albany). Sarah Bostwick is the SPRB Chairperson for 2006.

III. SYSTEM OVERVIEW

A . Complaints Received

Prior to August 1, 2003, all complaints against Oregon lawyers were filed with and reviewed by Disciplinary Counsel's Office. Effective August 1, 2003, the Bar's Client Assistance Office (CAO) handles the intake of all oral and written inquiries and complaints about lawyer conduct. Only when the CAO finds that there is credible evidence to support an allegation that misconduct has occurred does the allegation become a disciplinary complaint that is referred to Disciplinary Counsel's Office for investigation. See BR 2.5.

The table below reflects the shift of the intake function to CAO and the fact that substantial screening is done in that phase of the process. In 2002, before the Client Assistance Office was created and all matters came to Disciplinary Counsel, 1,424 files were opened by Disciplinary Counsel during the course of the year. In 2003, the year in which CAO began operations (in August 2003) and started to screen out of non-jurisdictional matters, Disciplinary Counsel opened 920 files (involving 975 lawyers). In 2004, with CAO screening matters for the full year, Disciplinary Counsel opened 443 files (involving 457 Oregon lawyers). In 2005, Disciplinary Counsel opened 390 files (involving 404 Oregon lawyers). Although it appears that the number of complaints decreased from 2004 to 2005, this is not entirely accurate. The number of complaints in 2004 was inflated by 61 separate complaints made about the same lawyer for the same conduct. Taking this into account, the numbers for 2004 and 2005 are quite similar.

Files Opened by Disciplinary Counsel

Month	2000	2001	2002	2003	2004	2005
January	135	119	122	126	14	34
February	102	100	120	112	53	29
March	127	117	146	125	34	30
April	116	108	123	120	29	30
May	126	112	125	91	29	42
June	112	118	108	106	31	47
July	113	114	123	115	31	35
August	125	121	116	13	30	32
September	118	108	117	30	45	22
October	117	115	119	32	89*	31
November	101	100	93	27	45	41
December	112	95	112	23	27	31
TOTAL	1,404	1,327	1,424	920	457	404

*61 complaints vs. same lawyer/same conduct

The breakdown of the open files for 2005 is: 317 referrals from CAO, 61 trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel's Office, and 26 matters opened by Disciplinary Counsel on the office's initiative.

For 2005, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2004 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel's Office received in 2005, was acknowledged in writing by staff, analyzed and investigated to varying degrees depending on the nature of the allegations. As warranted, staff corresponded with the complainant and the responding attorney, and obtained relevant information from other sources, to develop a "record" upon which a decision on merit could be made.

If, after investigation, staff determined that probable cause did not exist to believe that misconduct had occurred, the matter was dismissed by Disciplinary Counsel. BR 2.6(b). Complainants have the right under the rules of procedure to contest or appeal a dismissal by Disciplinary Counsel staff. In that case, the matter is submitted to the SPRB for review. The SPRB reviewed 32 such appeals in 2005, affirming 31 of the staff dismissals (97%). One of the matters was tabled but later dismissed after further investigation.

When Disciplinary Counsel determined from an investigation that there may have been probable cause of misconduct by a lawyer, the matter was referred to the SPRB for review and action. Each matter was presented to the

board by means of a complaint summary (factual review, ethics analysis and recommendation) prepared by staff. Each file also was made available to the SPRB. In 2005, the SPRB reviewed 247 of these probable cause matters. The following section describes that process of review in more detail.

B. SPRB

The SPRB acts as a grand jury in the disciplinary process, determining in each matter referred to it by Disciplinary Counsel whether probable cause of an ethics violation exists. Options available to the SPRB include dismissal if there is no probable cause of misconduct; referral of a matter back to Disciplinary Counsel or to a local professional responsibility committee (LPRC) for additional investigation; issuing a letter of admonition if a violation has occurred but is not of a serious nature; offering a remedial diversion program to the lawyer; or authorizing a formal disciplinary proceeding in which allegations of professional misconduct are litigated. A lawyer who is offered a letter of admonition may reject the letter, in which case the Rules of Procedure require the matter to proceed to a formal disciplinary proceeding. Rejections are rare.

A lawyer who is notified that a formal disciplinary proceeding will be instituted against him or her may request that the SPRB reconsider that decision. Such a request must be supported by new evidence not previously available that would have clearly affected the decision, or legal authority not previously known to the SPRB which establishes that the decision to prosecute is incorrect.

In 2005, the SPRB took action on 16 investigative reports submitted by investigative committees and 278 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2005 is summarized in the following table:

Action Taken by SPRB

YEAR	PROS.	ADMON. OFFERED	ADMON. ACCEPTED	DISMISSED
2000	104	41	39	226
2001	125	59	57	302
2002	113	57	55	274
2003	102	43	43	250
2004	136	28	26*	89†
2005	131	43	43	122

* Two of the admonition letters offered were later reconsidered by the SPRB and the matters were dismissed.

† This lower number again reflects the shift of the intake function to the Client Assistance Office (CAO) which now handles non-jurisdictional matters. There no longer is a right to appeal these matters to the SPRB.

Note that the figures for prosecutions reflect the number of complaints that were authorized for prosecution, not necessarily the number of lawyers being prosecuted. For example, one lawyer may be the subject of numerous complaints that are consolidated into one disciplinary proceeding.

In addition to the normal complaint review process, the SPRB also is responsible for making recommendations to the Supreme Court on matters of urgency including temporary and immediate suspensions of lawyers who are suffering under some disability, have been convicted of certain crimes, or have been disciplined in another jurisdiction subjecting them to reciprocal discipline here in Oregon. There were five (5) such matters in 2005.

C. Local Professional Responsibility Committee (LPRCs)

Most complaints are investigated in-house by Disciplinary Counsel staff. However, some matters that require in-depth field investigation are referred by staff or the SPRB to local professional responsibility committees (LPRCs). There are 16 such committees made up of single county or multi-county districts. Total membership for all LPRCs is approximately 85. At the option of the committee, each LPRC may have one public member.

Each year at the time of appointment, LPRC members are provided with a handbook prepared and updated by the Disciplinary Counsel's Office. The handbook describes in detail the responsibilities each LPRC member is asked to undertake. It also provides practical suggestions in conducting an LPRC investigation, contains copies of resource materials including the applicable statutes and procedural

rules, and includes examples of final LPRC reports in a standardized format requested by the SPRB. In addition to the orientation material contained in the handbook, Disciplinary Counsel's Office conducts periodic orientation sessions for LPRC members.

The Rules of Procedure concerning the LPRC assignment process and the timeline for completion of reports were amended in 2003, effective January 2004. In the past, the rules provided for a more formalized committee structure and an unlimited opportunity for a committee to obtain extensions of time to complete an investigation. Under the revised rules, Disciplinary Counsel staff arranges for an assignment to be made to an individual committee member, and the committee member is authorized to report back his or her findings without going through the entire committee. In addition, a committee member has 90 days to complete an assignment, with one extension of 60 days available. If an investigation is not completed by then, the rules require the matter to be referred back to Disciplinary Counsel for completion. BR 2.3(a)(2)(C). Twenty eight (28) matters were referred to LPRCs in 2005. All these investigations were completed timely under the rules.

D. Formal Proceedings

(1) Prosecution Function

After the SPRB authorizes formal proceedings in a given matter, attorneys in Disciplinary Counsel's Office draft a formal complaint and may arrange for volunteer bar counsel to assist in preparation for trial. Bar Counsel are selected from a panel of lawyers appointed by the Board of Governors.

Discovery methods in disciplinary proceedings are similar to those in civil litigation. Requests for admission, requests for production, and depositions are common. Disputes over discovery are resolved by the trial panel chairperson assigned to a particular case.

Pre-hearing conferences to narrow the issues and to explore settlement are available at the request of either party. Such conferences are held before a member of the Disciplinary Board who is not a member of the trial panel in that case.

(2) Adjudicative Function

Members of the Disciplinary Board, appointed by the Supreme Court, sit in panels of three (two lawyers, one non-lawyer) and are appointed for each disciplinary case by a

regional chairperson. The panel chair rules on all pretrial matters and is responsible for bringing each case to hearing within a specific time frame established by the rules.

After hearing, the panel is required to render its decision within 28 days (subject to time extensions), making findings of fact, conclusions of law and a disposition. Panels rely on the *ABA Standards for Imposing Lawyer Sanctions* in determining appropriate sanctions when misconduct has been found.

E. Dispositions Short of Trial

Fortunately, many of the disciplinary proceedings authorized by the SPRB are resolved short of trial with resignations or stipulations. Form B resignation (resignation "under fire") does not require an admission of guilt by an accused lawyer but, because charges are pending, is treated like a disbarment such that the lawyer is not eligible for reinstatement in the future. Nine (9) lawyers submitted Form B resignations in 2005, thereby eliminating the need for further prosecution in those cases. While a resignation ends a formal proceeding, it is often obtained only after a substantial amount of investigation, discovery and trial preparation.

A significant number of cases are resolved by stipulations for discipline in which there is no dispute over material fact and both the Bar and the accused lawyer agree on the violations committed and appropriate sanction. Stipulations must be approved by the SPRB or its chairperson on behalf of the Bar. Once that approval is obtained, judicial approval is required from the state and regional chair of the Disciplinary Board in cases where sanctions do not exceed a 6-month suspension, or from the Supreme Court for cases involving greater sanctions. Judicial approval is not always given, in which case the parties must negotiate further or proceed to trial.

In 2005, 74 formal proceedings were concluded: 12 by decision in a contested case; 47 by stipulation; 9 by Form B resignation; 2 by reciprocal discipline order; 3 by diversion; and 1 because no further action was taken under BR 2.6(f)(2).

F. Appellate Review

New rules of procedure governing appellate review in disciplinary proceedings took effect in 2004. In prior years, the Supreme Court automatically reviewed those discipline cases in which a trial panel imposed a sanction in excess of a six month suspension. Beginning January 1, 2004, automatic review by the court was eliminated. Trial panel decisions, even those imposing disbarment, now are final unless either the Bar or the accused lawyer seeks Supreme Court review. Review by the court is mandatory if so requested by a party. In 2005, three (3) cases that in prior years would have required appellate review were final after trial, one resulting in a disbarment and the other two resulting in one year suspensions.

When there is an appeal, lawyers in Disciplinary Counsel's Office prepare the record for submission to the court, draft and file the Bar's briefs and present oral argument before the court. The SPRB decides for the Bar whether to seek Supreme Court review.

In 2005, the Supreme Court rendered six (6) discipline opinions in contested cases. The court also approved six (6) stipulations for discipline and imposed reciprocal discipline by court order in two (2) other cases. The court also issued orders in three (3) cases suspending those lawyers on an interim basis while the disciplinary proceedings against them were pending, and denied another lawyer's attempt to have his disbarment vacated.

Among the noteworthy court decisions were:

In *In re Sumner*, 338 Or 29, 105 P3d 848 (2005), the court suspended the lawyer for 180 days when, on behalf of a personal injury client who had been in two different motor vehicle accidents, he attempted to collect twice from two separate insurance carriers for the same injuries. Choice of law questions were present in the case because the lawyer was admitted in both Idaho and Oregon, and the misconduct involved activities in both states. In *In re Phillips*, 338 Or 125, 107 P3d 615 (2005), the lawyer was suspended for 36 months after participating in a joint venture whereby agents of a financial services company misrepresented themselves to be the lawyer's employees for the purposes of selling life insurance products to the lawyer's trust clients, with the lawyer then taking a commission on the sales. In *In re Humphreys*, SC S52070 (2005), the court imposed a reciprocal disbarment after learning that the lawyer was disbarred years earlier in Iowa and Texas for tax law convictions, but had concealed this information when reac-

tivating his license in Oregon. In *In re Leisure*, 338 Or 508, 113 P3d 412 (2005), the lawyer was suspended for 18 months for, among other things, repeatedly passing bad checks on her personal checking account. In *In re Chase*, 339 Or 452, 121 P3d 1160 (2005), the court suspended a lawyer for 30 days after he repeatedly failed to comply with a court order directing him to pay child support.

G. Contested Admissions/Contested Reinstatements

Disciplinary Counsel's Office also represents the Board of Bar Examiners (BBX) in briefing and arguing before the Supreme Court those cases in which the BBX has made an adverse admissions recommendation regarding an applicant. The actual investigation and hearing in these cases are handled by the BBX under a procedure different from that applicable to lawyer discipline cases.

For reinstatements, Disciplinary Counsel's Office is responsible for processing and investigating all applications. Recommendations are then made to the Board of Governors. Many reinstatements are approved by the BOG without any further level of review. For reinstatement applicants who have had significant, prior disciplinary problems or have been away from active membership status for more than five years, the Board of Governors makes a recommendation to the Supreme Court. In cases when the BOG recommends against reinstatement of an applicant, the Supreme Court may refer the matter to the Disciplinary Board for a hearing before a three member panel much like lawyer discipline matters, or may direct that a hearing take place before a special master appointed by the court. Disciplinary Counsel's Office has the same responsibilities for prosecuting these contested cases as with disciplinary matters. The office also handles the appeal of these cases, which is automatic, before the Supreme Court.

The court issued one (1) contested admission opinion in 2005, admitting the applicant over the objections of the Board of Bar Examiners. The court also denied reinstatement to a suspended lawyer, following the recommendation made by the Board of Governors, and approved a conditional reinstatement for another lawyer returning after a disciplinary suspension.

IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2005. The following table summarizes dispositions in recent years:

Dispositions in Recent years

SANCTION TYPE	2000	2001	2002	2003	2004	2005
Disbarment	1	4	5	1	2	2
Form B Resignation	6	10	10	11	12	9
Suspension	27	29	24	24	31	34
Suspension stayed/probation	1	0	3	1	2	1
Reprimand	21	23	44	32	15	22
Involuntary inactive Transfer	0	0	0	0	1	0
TOTAL						
Lawyer Sanctions	56	66	86	69	63	68
Dismissals after Adjudication	1	2*	1	4	2	1
Dismissed as moot	0	0	2	0	1	1†
Diversions	--	--	--	1	1	3
Admonitions	41	57	58	43	26	43

* = one case involving two lawyers

† = no further action taken pursuant to BR 2.6(f)(2)

In conjunction with a stayed suspension or as a condition of admission or reinstatement, it is common for a period of probation to be imposed upon a lawyer. Disciplinary Counsel's Office was monitoring nine (9) lawyers on probation at the end of 2005, along with three (3) lawyers in diversion. Three lawyers (3) successfully completed probation last year and the probations were terminated. Most probations and diversions require some periodic reporting by the lawyer. Some require more active monitoring by a probation supervisor, typically another lawyer in the probationer's community.

The types of conduct for which a disciplinary sanction was imposed in 2005, or a Form B resignation was submitted, varied widely. The following table identifies the misconduct most often implicated in those proceedings that were concluded by decision, stipulation or resignation in 2005:

TYPE OF MISCONDUCT	% OF CASES IN WHICH MISCONDUCT PRESENT
Neglect of legal matter	35%
Dishonesty or misrepresentation	30%
Failure to respond to OSB	26%
Failure to return property or funds	23%
Inadequate accounting records	22%
Criminal conduct	20%
Improper withdrawal	19%
Trust account violation	16%
Conduct prejudicial to justice	16%
Self-interest conflicts	13%
Excessive or illegal fees	10%
Incompetence	10%
Unauthorized practice	10%
Multiple client conflicts	7%
Improper communication	7%
Disregarding a court rule or ruling	3%
Revealing client confidences	3%
Other (each type of violation 2% or less)	4%

V. SUMMARY OF CASELOAD

A summary of the existing caseload in Disciplinary Counsel's Office at the end of 2005 follows:

Existing Caseload

New complaints pending	196
Pending LPRC investigations	9
Pending formal proceedings	63*
Probation/diversion matters	12
Contested admission/contested reinstatement matters	1
UPL litigation	8
TOTAL	289

* Reflects no. of lawyers; no. of complaints is greater.

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated approximately 175 reinstatement applications in 2005; screened and transmitted to the UPL Committee 66 unlawful practice complaints; processed membership status changes (approximately 440 inactive transfers and resignations); and responded to roughly 200-300 public record requests each month.

VI. STAFFING/FUNDING

In 2005, Disciplinary Counsel's Office employed seventeen staff members (15.6 FTE), along with occasional temporary help. In addition to Disciplinary Counsel, there were seven staff lawyer positions. Support staff included one investigator, one paralegal, one office administrator, one regulatory services coordinator, three secretaries, and one public records coordinator. Current staff members include:

Disciplinary Counsel

Jeffrey D. Sapiro

Assistants Disciplinary Counsel

Jane E. Angus
Amber Bevacqua-Lynott
Mary A. Cooper
Susan R. Cournoyer
Linn D. Davis
Stacy J. Hankin
Martha M. Hicks
Lia Saroyan

Support Staff

Lynn Bey-Roode
Barbara Buehler
Karen L. Duncan
Vickie R. Fichtner
Sandy L. Gerbish
R. Lynn Haynes
Raya J. Levin
Daniel Stevens

Disciplinary Counsel's Office is funded out of the Bar's general fund. Revenue is limited (roughly \$87,500 for 2005) and comes from cost bill collections, reinstatement fees, a fee for good standing certificates and photocopying charges for public records.

Expenses for 2005 were \$1,376,892 with an additional \$361,729 assessed as a support services (overhead) charge. Of the actual program expenses, 88.5% consisted of salaries and benefits. An additional 6.5% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses and related items. Five percent of the expense budget was spent on general and administrative expenses such as copying charges, postage, telephone and staff travel expense.

VII. OTHER DEVELOPMENTS

A. Trust Account Overdraft Notification Program

The Oregon State Bar has a Trust Account Overdraft Notification Program, pursuant to ORS 9.132 and RPC 1.15-2. Under the program, lawyers are required to maintain their trust accounts in financial institutions that have agreed to notify the Bar of any overdraft on such accounts. Approximately 65 banks have entered into notification agreements with the Bar.

In 2005, the Bar received notice of 61 trust account overdrafts. For each overdraft, a written explanation and supporting documentation was requested of the lawyer, with follow-up inquiries made as necessary. Many overdrafts were the result of bank or isolated lawyer error and, once confirmed as such, were dismissed by staff. If circumstances causing an overdraft suggested an ethics violation, the matter was referred to the SPRB. A minor violation resulting in an overdraft typically results in a letter of admonition issued to the lawyer. More serious or on-going violations result in formal disciplinary action. A summary of the disposition of trust account overdrafts received in 2005 follows:

2005 Trust Account Overdrafts

Dismissed by staff	47
Dismissed by SPRB	0
Referred to LPRC for further investigation	1
Closed by admonition letter	2
Closed by diversion	1
Formal charges authorized	4
Closed by Form B resignation	0
Pending (as of 3/06)	6
Total Received	61

B. UPL

Disciplinary Counsel's Office serves as liaison to the Unlawful Practice of Law Committee. UPL complaints are submitted to this office at which time they are assigned a case number, entered into the UPL "docket" and referred to the committee chair. Staff also attends UPL Committee meetings and, to the extent possible, assists the committee in its deliberations. Currently, there are approximately 50 matters under investigation by the UPL Committee. In 2005, the committee issued 17 admonition letters to minor violators and negotiated four (4) cease and desist agreements.

Disciplinary Counsel's Office also is responsible for overseeing those UPL cases that are approved for litigation by the Board of Governors. Currently, there are nine (9) matters in or approved for litigation. Often, these matters are resolved by stipulated injunction or cease and desist agreements. The Bar obtained one injunction this past year in contested litigation and the defendant has appealed the ruling to the Court of Appeals.

C. Public Records

In Oregon, lawyer discipline files are public record with very limited exceptions. Disciplinary Counsel staff responds to an average of 250 public records requests each month. These requests come from members of the public who inquire into a lawyer's background or from other Bar members who have a need to examine these records.

Disciplinary history data is on computer such that many disciplinary record inquiries can be answered without a manual review of a lawyer's file. A significant number of requests, however, require the scheduling of appointments for file review.

D. Child Support & Student Loan Suspensions

Statutory provisions require that, under prescribed circumstances, the licenses of certain professionals, including lawyers, be suspended if the licensees are delinquent in the payment of child support or student loans. See, ORS 25.750, *et. seq.*, and ORS 348.393, *et. seq.* Notices from support enforcement agencies and from the Oregon Student Assistance Commission that lawyers are delinquent in their payments come to Disciplinary Counsel's Office and are then submitted to the Oregon Supreme Court. After considering written submissions by the parties, the court takes appropriate action.

In 2005, the Bar received two (2) child support notices and one (1) student loan notice. In the child support matters, the court dismissed the request for suspension in one matter when the lawyer brought his payment current within a few days of notification and reinstated the other lawyer when he brought his payments into satisfactory repayment status. In the student loan matter, the lawyer satisfied his probation. The Bar was also notified that the Oregon Student Assistance Commission was disbanded in 2005. The court was informed and the three lawyers affected had their suspensions vacated.

E. *Pro Hac Vice* Admission.

Uniform Trial Court Rule 3.170 provides that all applications by out-of-state lawyers for admission in a single case in Oregon (*pro hac vice* admission) must first be filed with the Oregon State Bar, along with a fee of \$250. Disciplinary Counsel's Office is responsible for reviewing each application and supporting documents (good standing certificate, evidence of professional liability coverage, etc.) for compliance with the UTCR. The filing fees collected are used to help fund legal service programs in Oregon.

In 2005, the Bar received and processed 467 *pro hac vice* applications, collecting \$116,750 for legal services. This is a sizeable increase from the 373 applications (\$93,250) received in 2004.

F. Continuing Legal Education Programs

Throughout 2005, Disciplinary Counsel staff participated in numerous CLE programs dealing with ethics and professional responsibility issues. Staff spoke to law school classes, local bar associations, Oregon State Bar section meetings, specialty bar organizations and general CLE audiences.

VIII. CONCLUSION

In 2005, the Oregon State Bar remained committed to maintaining a system of lawyer regulation that fairly but effectively enforces the disciplinary rules governing Oregon lawyers. Many dedicated individuals, both volunteers and staff, contributed significantly toward that goal throughout the year.

Respectfully submitted,

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Disciplinary Counsel

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Appendix A

2005

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	8	2%
Client	148	37%
Judge	12	3%
Opposing Counsel	52	13%
Opposing Party	64	16%
Third Party	41	10%
Unknown	1	--
OSB	78	19%
TOTAL	404	100%

COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	0	--
Advertisement	2	.5%
Arbitration	2	.5%
Bankruptcy	9	2%
Business	6	1.5%
Civil dispute (general)	34	8.5%
Conservatorship	8	2%
Criminal	71	18%
Domestic Relations	74	18.5%
Estate Planning	9	2%
Guardianship	1	--
Immigration	4	1%
Juvenile	2	.5%
Labor Law	0	--
Litigation (general)	33	8%
Land Use	6	1.5%
Other	27	7%
Paternity	0	--
Personal injury	13	3%
Probate	17	4%
Real Estate	4	1%
Social Security	1	--
Tenant/landlord	3	1%
Tax	0	--
Trust Account Overdraft	61	15%
Workers Comp.	2	.5%
Unknown	15	4%
TOTAL	404	100%

Appendix B

2004

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	5	1%
Client	166	36%
Judge	15	3%
Opposing Counsel	31	7%
Opposing Party	39	9%
Third Party	108	24%
Unknown	2	--
OSB	91	20%
TOTAL	457	100%

COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	3	.5%
Advertisement	0	--
Arbitration	0	--
Bankruptcy	14	3%
Business	10	2%
Civil dispute (general)	24	5%
Conservatorship	2	--
Criminal	74	16%
Domestic Relations	40	9%
Estate Planning	5	1%
Guardianship	5	1%
Immigration	12	3%
Juvenile	4	1%
Labor Law	0	--
Litigation (general)	41	9%
Land Use	2	--
Paternity	0	--
Personal injury	17	4%
Probate	17	4%
Real Estate	5	1%
SLAC	0	--
Social Security	7	2%
Tenant/landlord	3	.5%
Tax	0	--
Trust Account Overdraft	70	15%
Workers Comp.	7	2%
Unknown	95	21%
TOTAL	457	100%

**OSB DISPOSITION LIST
2005**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	04-136 Robert G. Klahn 19 DB Rptr ___	Reprimand	Stip	DB	1/5/05	1/5/05	9-101A, 9-101C3	Feb/Mar 2005
2	02-02 Brian J. Dobie 19 DB Rptr ___	Reprimand	Stip	DB	1/10/05	1/10/05	9-101C3, 9-101C4	Feb/Mar 2005
3	04-85 Robert E. Botta 19 DB Rptr ___	90 day suspension	Stip	DB	1/10/05	3/11/05	1-102A3, 1-102A4, 7-102A5	April 2005
4	04-19, 04-137 Jon S. Henricksen 19 DB Rptr ___	60 day suspension	Stip	DB	1/10/05	2/9/05	1-102A3, 9-101A, 9-101C3, 9-101C4	Feb/Mar 2005
5	04-22 B. Rupert Koblegarde 19 DB Rptr ___	Reprimand	Stip	DB	1/19/05	1/19/05	5-105E	Feb/Mar 2005
6	04-132 Beverly Long Penz SC S52021	Form B resignation	-	S Ct	1/25/05	1/25/05	1-102A3, 1-102A4, 1-103C, 2-110A1 & A2, 2-110B2, 6-101A, 6-101B, 9-101A, 9-101C4	Feb/Mar 2005
7	03-74, 75; 04-33, 63, 64 Eric M. Cumfer SC S52107	Two year suspension	Stip	S Ct	2/1/05	2/4/05	1-102A4, 1-103C, 2-110B2, 5-101A, 6-101B, 9-101C4	April 2005
8	97-217 Elissa M. Ryan SC S48903	Suspension vacated	-	S Ct	1/25/05 2/1/05	1/25/05 2/1/05	-	No
9	01-199 D. Scott Summer 338 Or 29, 105 P3d 848	180 day suspension	CC	S Ct	2/3/05	4/4/05	1-102A2, 1-102A3, 7-102A5	May 2005
10	04-02, 04-55 Will Childs	Diversion	-	SPRB	2/14/05	2/15/05	9-101A	No
11	97-166, 167; 98- 155 Norman A. Phillips 338 Or 125, 107 P3d 615	36 month suspension	CC	S Ct	3/2/05	5/2/05	1-102A3, 4-101B3, 5-101A	May 2005
12	04-92 David L. Rich 19 DB Rptr ___	Reprimand	Stip	DB	3/7/05	3/7/05	1-102A4, 6-101B	April 2005
13	04-128 Justus Buck Humphreys SC S52070	BR 3.5 reciprocal discipline - disbarment	CC	S Ct	3/8/05	3/8/05	Texas Rule 8.05; Iowa DR 1-102A3, 1-102A4, 5-101A, 5-103B, 5-104A, 9-102C	April 2005
14	03-124, 125; 04- 39, 40, 107, 108, 143 to 145 Mark A. Ames SC S52213	Two year suspension	Stip	S Ct	3/8/05	3/8/05	1-103C, 6-101B, 7-101A2, 9-101C3, 9-101C4	April 2005
15	02-81 Stephen Trukositz SC S51683, 19 DB Rptr ___	Twelve month suspension	CC	DB S Ct	6/22/04 3/9/05	3/9/05	1-102A3, 5-101A, 6-101A, 6-101B	April 2005

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16	G. Jefferson Campbell	Diversion	-	SPRB	3/12/05	3/12/05	9-101A	No
17	Karen A. Steele 19 DB Rptr ___	180 day suspension	Stip	DB	3/10/05	3/13/05	1-102A3, 7-102A5	May 2005
18	Roderick D. Peters SC S52222	Form B resignation	-	S Ct	3/22/05	3/22/05	1-102A3, 1-103C, 2-106A, 2-110A2, 2-110B, 6-101B, 7-101A2, 9-101C3, 9-101C4	May 2005
19	Allan F. Knappenberger 338 Or 341, 108 P3d 1161	120 day suspension	CC	S Ct	3/24/05	6/6/05	5-105C, 7-104A1	June 2005
20	Keith D. Church SC S51971	BR 3.1 suspension	CC	S Ct	4/5/05	4/5/05	1-102A2, 1-103C, 2-106A, 2-110A2, 6-101B, 9-101C3, 9-101C4, 1.15-1(d), 8.1(a)(2),	No
21	Elizabeth D. Geary	BR 2.6(f)(2) – no further action	CC	SPRB	4/8/05	4/8/05	-	No
22	Steven R. Scharfstein 19 DB Rptr ___	120 day suspension, 90 days stayed plus probation	Stip	DB	4/8/05 4/13/05	4/9/05	1-103C, 6-101B	June 2005
23	Stanley Fields SC S52269	Form B resignation	-	S Ct	4/12/05	6/13/05	1-102A2, 1-103C, 9-101C3	June 2005
24	Bob Casey 19 DB Rptr ___	Reprimand	Stip	DB	4/8/05	4/8/05	3-101B	May 2005
25	Michael R. Genna 19 DB Rptr ___	60 day suspension	Stip	DB	4/25/05	5/1/05	1-102A4, 7-110B2, 7-110B3	June 2005
26	Penny L. Davis 19 DB Rptr ___	120 day suspension	Stip	DB	4/25/05	6/1/05	1-103C, 6-101B, 7-101A2	June 2005
27	Richard A. Crews 19 DB Rptr ___	Disbarment	CC	DB	2/25/05	5/1/05	1-102A2, 1-102A3, 1-103C, 6-101B, 9-101C4; WA RPC 1.15, 8.4(b), 8.4(c), 8.4(d)	May 2005
28	Steven L. Kay SC S52334	Form B resignation	-	S Ct	5/3/05	5/3/05	1-103C, 2-110A2, 6-101B, 9-101C4	June 2005
29	Deven J. Coggins SC S52109	BR 3.5 reciprocal discipline denied	CC	S Ct	5/5/05	5/5/05	NG - 1-102A4, 7-106A	June 2005
30	Sally Leisure 338 Or 508, 113 P3d 412	18 month suspension	CC	S Ct	5/12/05	7/11/05	1-102A2, 1-102A3	Aug/Sept 2005
31	Michael R. Shinn 19 DB Rptr ___	Reprimand	Stip	DB	5/13/05	5/13/05	2-110A1, 2-110A2	July 2005
32	Mary A. Nester 19 DB Rptr ___	30 day suspension	Stip	DB	5/18/05	6/3/05	1-103C, 5-101A	July 2005

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33	04-74, 04-130; 05-17 John P. Bowles SC S52450	One year suspension	Stip	S Ct	5/24/05	6/1/05	1-102A2, 1-102A3, 1-103C, 2-106A, 6-101B, 9-101A, 9-101C3, 9-101C4	July 2005
34	05-18 Alexander Gregory 19 DB Rptr ___	Reprimand	Stip	DB	5/25/05	5/25/05	2-110A3, 9-101C4	July 2005
35	05-47 Philip Lebenbaum 19 DB Rptr ___	Reprimand	Stip	DB	5/26/05	5/26/05	6-101B	July 2005
36	04-56, 57, 58, 117 David L. DenHartigh 19 DB Rptr___	90 day suspension	Stip	DB	5/30/05	7/1/05	6-101B, 7-101A2, 9-101A, 9-101C3	July 2005
37	05-35 Ralph G. Monson 19 DB Rptr___	Reprimand	Stip	DB	6/3/05	6/3/05	3-101B, 9-160	July 2005
38	03-96, 127, 128 R. Kevin Hendrick 19 DB Rptr___	30 day suspension	Stip	DB	6/13/05	7/23/05	1-102A4, 5-101A, 5-103B, 6-101A	Aug/Sept 2005
39	00-122; 03-119, 120 Nicholas I. Goyak SC S52241	6 month suspension	CC	DB S Ct	1/12/05 6/20/05	7/7/05	1-102A2, 1-103C, 9-101A, 9-101C3	Aug/Sept 2005
40	04-34 to 04-37 Donna M. Matthews 19 DB Rptr ___	One year suspension	Stip	S Ct	6/21/05	5/16/05	1-102A3, 1-102A4, 5-101A, 5-110A, 7-102A2, 7-102A5	Aug/Sept 2005
41	05-24, 25, 26 Stephen C. P. Carroll SC S52445	Form B resignation	-	S Ct	6/21/05	6/21/05	1-102A2, 1-102A3, 2-106A, 9-101A, 9-101C3, 9-101C4	Aug/Sept 2005
42	05-09 Terrence Kay 19 DB Rptr___	Reprimand	Stip	DB	6/24/05	6/24/05	3-101B, 9-160	Aug/Sept 2005
43	05-01 Patrick R. Foley 19 DB Rptr___	Reprimand	Stip	DB	6/24/05	6/24/05	1-102A4, 7-106C7	Aug/Sept 2005
44	05-52 Liza Langford 19 DB Rptr___	Reprimand	Stip	DB	6/24/05	6/24/05	4-101B1, 4-101B2	Aug/Sept 2005
45	04-45 Stephanie J. Tuttle 19 DB Rptr___	30 day suspension	CC	DB	5/24/05	7/1/05	7-103B	Aug/Sept 2005
46	04-158 Stephen E. Andersen 19 DB Rptr___	Six month suspension	Stip	DB	7/1/05	7/11/05	9-101A, 9-101C3	Oct 2005
47	05-44 Neil W. Jackson 19 DB Rptr ___	60 day suspension	Stip	DB	7/26/05	8/25/05	2-110A2, 6-101B, 9-101C3, 9-10C4	Oct 2005
48	05-65 Cheryl B. Chadwick SC S52541	BR 3-4 suspension	CC	S Ct	8/9/05	8/9/05	1-102A2, 1-102A3, 7-102A7, 7-102A8, 9-527(2)	No
49	04-51, 05-105 Randy Ray Richardson 19 DB Rptr___	Six month suspension	Stip	DB	8/15/05 8/17/05	8/15/05	1-102A3, 7-102A8, 7-104A2	Nov 2005

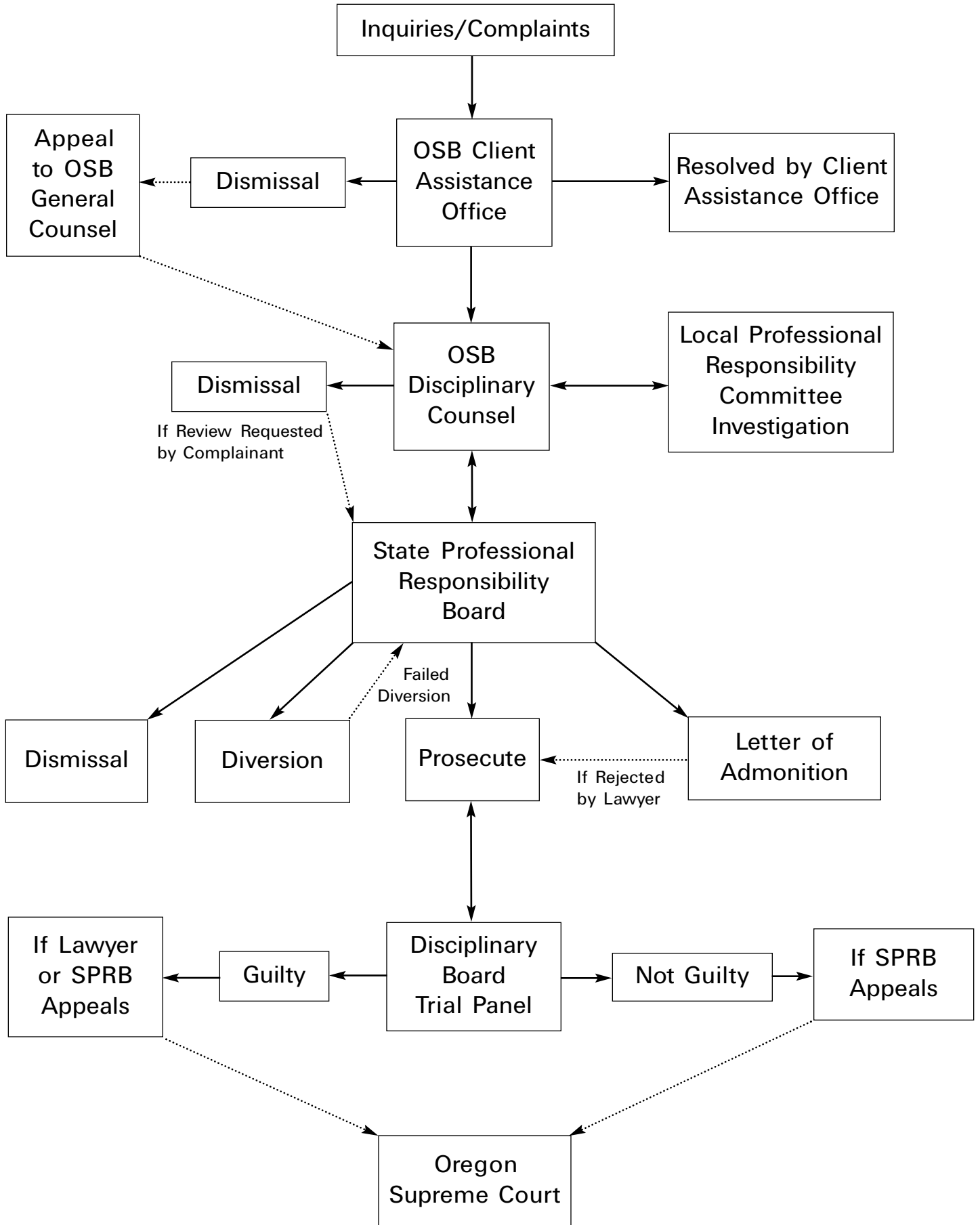
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50	Sean McCarver Beers SC S51895	Admission allowed	CC	S Ct	8/18/05	9/12/05	RFA 3.10, ORS 9.220(2)(a)	Oct 2005
51	Richard F. Lancefield 19 DB Rptr__	60 day suspension	Stip	DB	8/15/05	10/1/05	9-101A, 9-101C3	Oct 2005
52	Job B. Lazar SC S52564	Reinstatement denied	-	S Ct	8/23/05	8/23/05	BR 8.1(b)	No
53	Daniel Simcoe 19 DB Rptr__	Reprimand	Stip	DB	8/26/05	8/26/05	6-101B	Oct 2005
54	Michael Grant Damiano 19 DB Rptr__	Reprimand	Stip	DB	8/26/05	8/26/05	2-110A2, 6-101B	Oct 2005
55	Gregory P. Oliveros 19 DB Rptr__	Reprimand	Stip	DB	9/2/05	9/2/05	6-101B	Oct 2005
56	Dean J. Gibbons 19 DB Rptr__	Reprimand	Stip	DB	9/2/05	9/2/05	1-102A2	Oct 2005
57	Wm. Timothy Lyons 19 DB Rptr__	Reprimand	Stip	DB	9/21/05	9/21/05	6-101A, 9-101C4	Dec 2005
58	Timothy P. Dunn	Diversion	-	SPRB	9/26/05	9/29/05	6-101B	No
59	Paul T. Beasley SC S52689	Form B resignation	-	S Ct	9/27/05	9/27/05	1-102A2, 1-102A3, 1-103C, 2-101A1, 3-101B, 5.5(a), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	Nov 2005
60	Keith D. Church SC S52726	Form B resignation	-	S Ct	9/27/05	9/27/05	1-102A2, 1-103C, 2-106A, 2-110A2, 6-101B, 9-101C3, 9-101C4, 1.15-1(d), 8.1(a)(2),	Nov 2005
61	Steven D. Marsh SC S52762	Nine month suspension	Stip	S Ct	9/27/05	9/30/05	1-102A3, 2-106A, 2-110A3, 2-110B3, 2-110B4, 6-101A, 6-101B, 9-101C3, 9-101C4	Dec 2005
62	Daniel Q. O'Dell SC S52761	Two year suspension, consecutive to current three year suspension	Stip	S Ct	9/27/05	9/27/05	1-103C, 2-110A2, 2-110B2, 6-101B, 7-101A2	Nov 2005
63	Charles H. Carreon 19 DB Rptr__	60 day suspension	Stip	DB	9/30/05	10/24/05	3-101B, 9-101A	Nov 2005
64	Mikel R. Miller 19 DB Rptr__	Reprimand	Stip	DB	9/30/05	9/30/05	6-101B	Nov 2005

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65	Tod David Eames SC S52740	BR 3.1 suspension	CC	S Ct	10/4/05	10/4/05	1-102A2, 1-102A3, 9-101A, 9-101C3, 3.4(c), 8.1(a)(2)	No
66	Matthew W. Derby 19 DB Rptr__	One year suspension	CC	DB	8/8/05	10/10/05	1-102A4, 1-103C, 6-101B, 7-101A2, 7- 106A	Nov 2005
67	Damian M. Idiart 19 DB Rptr__	Reprimand	Stip	DB	10/7/05	10/7/05	5.3(b), 7.3(b)(1), 8.4(a)(1)	Dec 2005
68	Steven A. Chase 339 Or 452, 121 P3d 1160	30 day suspension	CC	S Ct	10/27/0 5	11/26/05	7-106A	Feb/Mar 2006
69	Brant M. Medonich SC S52855	Form B resignation	-	S Ct	11/1/05	11/1/105	1-102A3, 2-106A, 9-101C4, 8.1(a)(2)	Dec 2005
70	Thomas Johnson 19 DB Rptr__	90 day suspension	Stip	DB	11/2/05	11/5/05	1-102A3, 6-101B, 7-102A5	Jan 2006
71	Stephen Eichelberger 19 DB Rptr__	60 day suspension	Stip	DB	11/2/05	11/9/05	5-101A, 5-105C	Jan 2006
72	Rodolfo A. Camacho 19 DB Rptr__	Reprimand	Stip	DB	11/22/0 5	11/22/05	1-102A4, 7-110B	Jan 2006
73	James Eduard White 19 DB Rptr__	Six month suspension	Stip	DB	11/23/0 5	12/10/05	3-101A, 3-102A, 6-101A	Feb/Mar 2006
74	Gary Kahn 19 DB Rptr__	Reprimand	Stip	DB	11/29/0 5	11/29/05	5-105E	Jan 2006
75	B. Lee Wilson 19 DB Rptr__	60 day suspension	Stip	DB	12/11/0 5	12/18/05	2-106A, 3-101B, 6-101A, 6-101B	Feb/Mar 2006
76	Daniel W. Dickerson 19 DB Rptr__	Reprimand	Stip	DB	12/11/0 5	12/11/05	5-101A, 5-104A, 5-105E	Feb/Mar 2006
77	Todd A. Peterson 19 DB Rptr__	30 day suspension	Stip	DB	12/11/0 5	2/2/06	4.2	Feb/Mar 2006
78	Graeme H. Strickland 339 Or 595, __P3d__	One year suspension	CC	S Ct	12/15/0 5	2/13/06	1-102A2, 1-102A3	Feb/Mar 2006
79	Betty Jo White SC S52939	Form B resignation	-	S Ct	12/20/0 5	12/20/05	1-102A2, 1-102A3, 9-101A	Feb/Mar 2006
80	Nikolaus Albrecht SC S45913	Motion to vacate disbarment denied	CC	S Ct	12/20/0 5	12/20/05		No
81	Michael L. McDonough SC S53007	Reinstatement denied w/leave to reapply. (Reconsidered, reinstatement granted in 2006)	-	S Ct	12/20/0 5	12/20/05	BR 8.1	No

OREGON STATE BAR DISCIPLINARY PROCESS





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