

Oregon  State Bar

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**2012** **Disciplinary  
Counsel's Office**  
Annual Report

March 2013

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Disciplinary Counsel

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## **I. INTRODUCTION**

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2012. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2012, 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 Rules of Professional Conduct (the RPCs), while operating within the procedural framework of the Bar Rules of Procedure (the BRs). The SPRB is a ten-member board of unpaid volunteers, consisting of one lawyer each from Board of Governors (BOG) Regions 1 through 4, 6, and 7, two lawyers from Region 5 and two public members.

The SPRB met 12 times in 2012. With regular meetings and conference calls combined, the SPRB considered approximately 286 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 2012:

Peter R. Chamberlain (Portland) – Chairperson  
Chelsea Dawn Armstrong (Salem)  
Whitney Patrick Boise (Portland)  
Judy Clarke (Portland) – Public Member  
Danna Fogarty (Eugene)  
Michael G. Gentry (Lake Oswego)  
Greg Hendrix (Bend)  
Timothy L. Jackle (Medford)  
William B. Kirby (Beaverton)  
Dr. S. Michael Sasser (Medford) – Public Member

The terms of Peter Chamberlain and William Kirby expired at the end of 2012. The new appointments for 2013 are Blair Henningsgaard (Astoria) and E. Bradley Litchfield (Eugene). Greg Hendrix is the SPRB Chairperson for 2013.

## **III. SYSTEM OVERVIEW**

### **A. Complaints Received**

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 sufficient evidence to support a reasonable belief that misconduct may have occurred is a matter referred to Disciplinary Counsel's Office for investigation. *See* BR 2.5.

The table below reflects the number of files opened by Disciplinary Counsel in recent years, including the 359 files opened in 2012.

<b>Files Opened by Disciplinary Counsel</b>					
<b>Month</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>January</b>	30	43	29	20	49
<b>February</b>	39	25	25	36	27
<b>March</b>	36	39	26	25	39
<b>April</b>	26	40	30	42	38
<b>May</b>	35	21	119*	146*	20
<b>June</b>	30	142*	26	20	40
<b>July</b>	37	16	34	28	22
<b>August</b>	38	35	25	23	35
<b>September</b>	125*	31	36	29	22
<b>October</b>	27	34	33	23	23
<b>November</b>	15	31	21	27	18
<b>December</b>	29	26	24	40	26
<b>TOTAL</b>	<b>467</b>	<b>483</b>	<b>428</b>	<b>459</b>	<b>359<sup>†</sup></b>

\*includes IOLTA compliance matters.

†Effective in 2012, failing to file an annual IOLTA compliance report is a statutory, not disciplinary, requirement. This accounts for the reduction in files opened in 2012.

Of the 359 files opened in 2012, 245 were referrals from the Client Assistance Office and 91 were trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel’s Office. Disciplinary Counsel opened another 23 matters on its own initiative.

For 2012, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2011 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel’s Office received in 2012, 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 those cases, the matters are submitted to the SPRB for review. The SPRB considered thirty-six such appeals in 2012.

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 2012, the SPRB reviewed 161 of these probable cause investigations. 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 board’s decision, or legal authority not previously known to the SPRB which establishes that the decision to prosecute is incorrect.

In 2012, the SPRB made probable cause decisions on 13 reports submitted by investigative committees and 197 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2012 is summarized in the following table:

<b>Action Taken by SPRB</b>					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2008	123	31	30†	90	2
2009	128	29	28†	59	5
2010	72	34	34	38	5
2011	98	34	34	46	4
2012	90	47	46†	73	7

† One admonition letter offered was later reconsidered by the SPRB and the matter was dismissed.

Note that the figures for prosecutions reflect the number of complaints that were authorized for prosecution, not necessarily the number of lawyers being prosecuted. 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 have abandoned their practices, 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. The SPRB reviewed seven (7) such matters in 2012.

### **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 seven such committees throughout the state. Total membership for all LPRCs is approximately 42.

Each year 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.

Under the applicable rules of procedure, 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. 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). Sixteen (16) matters were referred to LPRCs in 2012.

### **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, but don't always, arrange for volunteer bar counsel to assist at 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 selected 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* and Oregon case law in determining appropriate sanctions when misconduct has been found.

Fifteen (15) disciplinary cases were tried in 2012. Some were single-day hearings; others were multi-day hearings extending over several weeks; still others went by default and did not require a full evidentiary hearing at all.

#### **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. Thirteen (13) lawyers submitted Form B resignations in 2012, 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. For example, one lawyer resigned in 2012, but not until a trial panel recommended his disbarment.

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.

#### **F. Appellate Review**

The Supreme Court does not automatically review discipline cases in Oregon. Trial panel decisions, even those imposing disbarment, are final unless either the Bar or the accused lawyer seeks Supreme Court review. Appellate review by the court is mandatory if requested by a party.

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 2012, the Supreme Court rendered three (3) discipline opinions in contested cases. The court also approved six (6) stipulations for discipline, imposed reciprocal discipline in four (4) cases, suspended one (1) lawyer on an interim basis while disciplinary proceedings were pending, and suspended another (1) lawyer for failing to attend mandatory ethics school.

Regarding the disciplinary system overall, 63 disciplinary proceedings were concluded in 2012: 12 by decision in a contested case; 28 by stipulation; 13 by Form B resignation; six (6) by diversion; and four (4) by reciprocal discipline order.

## 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 either the bar's Executive Director or the Board of Governors, depending on the nature of the application. Many reinstatements are approved 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 board recommends against reinstatement of an applicant, the Supreme Court may refer the matter to the Disciplinary Board for a hearing before a threemember panel much like a lawyer discipline matter, 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 and handles the appeal of these cases, which is automatic, before the Supreme Court. Four (4) of these proceedings were concluded in 2012, the applicant ultimately withdrawing his petition in each case.

## IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2012. The following table summarizes dispositions in recent years:

<b>SANCTION TYPE</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Disbarment	5	1	2	5	2
Form B Resignation	18	8	7	7	13
Suspension	22	18	23	19	20
Suspension stayed/probation	2	0	5	1	3
Reprimand	23	12	16	15	17
Involuntary inactive Transfer	1	0	0	0	0
TOTAL Lawyer Sanctions	71	39	53	47	55
Dismissals after Adjudication	2	0	2	4	2
Dismissed as moot	1	1	0	0	0
Diversion	2	5	4	4	6
Admonitions	30	28	34	34	46

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 ten (10) lawyers on probation at the end of 2012, along with eight (8) lawyers in diversion. 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 or a member of the State Lawyers Assistance Committee.

The types of conduct for which a disciplinary sanction was imposed in 2012, 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, order, or resignation in 2012:

<b>Type of misconduct</b>	<b>% of cases in which type of misconduct was present</b>
Neglect of legal matter	32%
Failure to respond to OSB	30%
Dishonesty or misrepresentation	29%
Inadequate client communication	29%
Trust account violation	29%
Excessive or illegal fees	24%
Improper withdrawal	21%
Conduct prejudicial to justice	21%
Failure to return property or funds	17%
Criminal conduct	14%
Incompetence	13%
Multiple client conflicts	8%
Unauthorized practice	8%
Inadequate accounting records	6%
Self-interest conflicts	6%
Disregarding a court rule or ruling	3%
Improper communication	3%
Advertising	3%
Disclosing confidential information	2%
Other	2%

## **V. SUMMARY OF CASELOAD**

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2012 follows:

New complaints pending .....	159
Pending LPRC investigations .....	4
Pending formal proceedings.....	67*
Probation/diversion matters .....	18
Contested admission/contested reinstatement matters.....	0
<b>TOTAL.....</b>	<b>248</b>

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated 216 reinstatement applications in 2012; processed approximately 715 membership status changes (inactive and active pro bono transfers and voluntary resignations); issued 868 certificates of good standing; and responded to 2,364 public record requests during the year.

## **VI. STAFFING/FUNDING**

In 2012, Disciplinary Counsel's Office employed fifteen staff members (14.25 FTE), along with occasional temporary help. In addition to Disciplinary Counsel, there were seven staff lawyer positions. Support staff included one investigator, 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**

Amber Bevacqua-Lynott

Mary A. Cooper

Susan R. Cournoyer

Linn D. Davis

Stacy J. Hankin

Martha M. Hicks

Kellie F. Johnson

#### **Support Staff**

Lynn Bey-Roode

Jennifer Brand

Karen L. Duncan

Sandy L. Gerbish

Vickie R. Hansen

R. Lynn Haynes

Christopher Ouellette

Disciplinary Counsel's Office is funded out of the Bar's general fund. Revenue is limited (roughly \$95,000 for 2012) and comes from cost bill collections, reinstatement fees, a fee for good standing certificates and *pro hac vice* admissions, and photocopying charges for public records.

Expenses for 2012 were \$1,776,000 with an additional \$438,000 assessed as a support services (overhead) charge. Of the actual program expenses, 88.5% consisted of salaries and benefits. An additional 8% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses and related items. 3.5% 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. Ethics School**

Lawyers who have been reprimanded or suspended are required to attend a oneday course of study presented by the Bar on topics of legal ethics, professional responsibility, and law office management. Two such programs were offered in 2012, one in May and one in November. Presenters included staff from the Client Assistance Office, Disciplinary Counsel's Office, and the Professional Liability Fund.

### **B. Trust Account Overdraft Notification Program**

The Oregon State Bar has a Trust Account Overdraft Notification Program, pursuant to ORS 9.132 and RPC 1.152. 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 63 banks have entered into notification agreements with the Bar.

In 2012, the Bar received notice of 91 trust account overdrafts. For each overdraft, Disciplinary Counsel staff requested a written explanation and supporting documentation from the lawyer, and made follow-up inquiries 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 leading to 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 2012 follows:

<b>2012 Trust Account Overdrafts</b>	
Dismissed by staff	80
Dismissed by SPRB	1
Referred to LPRC for further investigation	0
Closed by admonition letter	6
Closed by diversion	3
Formal charges authorized	0
Closed by Form B resignation	0
Pending (as of 2/2012)	1
<b>Total Received</b>	<b>91</b>

### **C. Public Records**

In Oregon, lawyer discipline files are public record with very limited exceptions. Disciplinary Counsel staff responds to an average of 200 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 stored electronically 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.

Disciplinary Counsel's Office has document management and retention policies. Ethics complaints dismissed for lack of probable cause more than ten (10) years ago are destroyed. Retained records were scanned and maintained in electronic format, thereby reducing the physical file storage needs of the Bar.

### **D. Pro Hac Vice Admission and Arbitration Registration**

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, after a nominal administrative fee is deducted, are used to help fund legal service programs in Oregon.

In 2012, the Bar received and processed 460 *pro hac vice* applications, collecting \$ 115,000 for legal services.

In addition, RPC 5.5(e) requires outofstate lawyers who intend to participate in an Oregon arbitration to pay a fee and file a certificate with the Bar similar to that required for *pro hac vice* admission. Disciplinary Counsel's Office administers this process, as well.

#### **E. Custodianships**

ORS 9.705, *et. seq.*, provides a mechanism by which the Bar may petition a circuit court for the appointment of a custodian to take over the law practice of a lawyer who has abandoned the practice or otherwise is incapable of carrying on. In 2012, Disciplinary Counsel's Office initiated such a custodianship in Deschutes County, and thereafter closed down an active practice (more than 200 clients) of a lawyer who was no longer available to his clients. The custodianship was successful in getting file material to clients or new lawyers, and was concluded within a matter of months.

#### **F. Continuing Legal Education Programs**

Throughout 2012, 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 2012, 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,

Jeffrey D. Sapiro

Disciplinary Counsel

## APPENDIX A - 2012

<b>COMPLAINANT TYPE</b>	<b>NUMBER</b>	<b>PERCENTAGE</b>
Accused (self-reported)	16	4.4%
Client	127	35.4%
Judge	8	2.2%
Opposing Counsel	25	7.0%
Opposing Party	32	9.0%
Third Party	42	11.7%
Unknown	0	0.0%
OSB	109	30.3%
TOTAL	359	100.0%
<b>COMPLAINT SUBJECT MATTER</b>	<b>NUMBER</b>	<b>PERCENTAGE</b>
Adoption	1	0.3%
Advertisement	0	0.0%
Arbitration	2	0.5%
Bankruptcy	6	1.7%
Business	2	0.5%
Civil dispute (general)	20	5.6%
Conservatorship	1	0.3%
Criminal	55	15.3%
Domestic Relations	43	12.0%
Estate Planning	9	2.5%
Guardianship	1	0.3%
Immigration	12	3.4%
Juvenile	0	0.0%
Labor Law	2	0.5%
Litigation (general)	14	3.9%
Land Use	0	0.0%
Other	38	10.6%
Paternity	0	0.0%
Personal injury	34	9.5%
Probate	8	2.2%
Real Estate	6	1.7%
Social Security	1	0.3%
Tenant/landlord	2	0.5%
Tax	8	2.2%
Trust Account Overdraft	92	25.7%
Workers Comp.	0	0.0%
Unknown	2	0.5%
TOTAL	359	100.0%

## APPENDIX B - 2011

<b>COMPLAINANT TYPE</b>	<b>NUMBER</b>	<b>PERCENTAGE</b>
Accused (self-reported)	13	2.9%
Client	118	25.7%
Judge	7	1.5%
Opposing Counsel	48	10.5%
Opposing Party	41	8.9%
Third Party	36	7.8%
Unknown	2	0.4%
OSB	103	22.5%
OSB (IOLTA Compliance)	91	19.8%
TOTAL	459	100.0%
<b>COMPLAINT SUBJECT MATTER</b>	<b>NUMBER</b>	<b>PERCENTAGE</b>
Adoption	2	0.4%
Advertisement	0	0%
Arbitration	1	0.2%
Bankruptcy	11	2.4%
Business	7	1.5%
Civil dispute (general)	32	7.0%
Conservatorship	2	0.4%
Criminal	50	10.9%
Domestic Relations	52	11.3%
Estate Planning	6	1.3%
Guardianship	3	0.7%
Immigration	10	2.2%
Juvenile	1	0.2%
Labor Law	0	0%
Litigation (general)	26	5.7%
Land Use	0	0%
Other	27	5.9%
Paternity	0	0%
Personal injury	19	4.1%
Probate	15	3.3%
Real Estate	4	0.9%
Social Security	5	1.1%
Tenant/landlord	1	0.2%
Tax	2	0.4%
Trust Account (IOLTA)	91	19.8%
Trust Account Overdraft	88	19.2%
Workers Comp.	3	0.7%
Unknown	1	0.2%
TOTAL	459	100.0%

## OSB Disposition List 2012

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	11-28	Milo Petranovich 26 DB Rptr ___	60-day suspension	Stip	DB	1/4/12	3/1/12	1.3, 1.4(a), 8.1(a) (2), 8.4(a)(3)	Feb/Mar 2012
2	11-51	Ann Hight SC S059984 26 DB Rptr ___	One-year suspension, all but 90 days stayed, plus probation	Stip	S Ct	1/12/12	1/12/12	8.4(a)(2), ORS 9.527(2)	Feb/Mar 2012
3	11-121	Michael M. Pacheco SC S059953	Form B resignation	-	S Ct	1/12/12	1/12/12	8.1(a)(1), 8.4(a) (3)	Feb/Mar 2012
4	07-03	John S. Marandas 351 Or 521, 270 P3d 231	Dismissal	CC	S Ct	1/12/12	5/2/12	NG - 1-102(A)(3), 1-102(A)(4), 7-102(A)(2), 3.1, 8.4(a)(3), 8.4(a) (4)	April 2012
5	10-73	David R. Ambrose 26 DB Rptr ___	Reprimand	Stip	DB	1/25/12	1/25/12	1.7(a)(2), 1.8(a)	April 2012
6	09-30	Gary B. Bertoni 26 DB Rptr ___	150-day suspension	Stip	DB	1/27/12	3/27/12	1.15-1(a), 1.15- 1(b), 1.15-1(c)	Feb/Mar 2012
7	11-25 11-26 11-27	Jason D. Castanza SC S060028	Form B resignation	-	S Ct	2/2/12	2/2/12	8.4(a)(3), 8.4(a) (4)	April 2012
8	11-73	Ronlon W. Sydow SC S060092	Form B resignation	-	S Ct	2/16/12	2/16/12	Oregon 1.6(a), 3.4(c), 8.4(a)(4) Florida 4-1.6(a), 4-3.5(b), 4-8.4(d)	April 2012
9	SC S060019	Paula M. B. Hammond SC S060019	Form B resignation	-	S Ct	2/16/12	2/16/12	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.151(d), 1.16(a) (2), 1.16(d), 3.4(c), 8.4(a)(3), 8.4(a)(4)	April 2012
10	11-15	Steven D. Gerttula 26 DB Rptr ___	Reprimand	Stip	DB	2/27/12	2/27/12	5-105(E), 1.9(a)	May 2012

## OSB Disposition List 2012

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
11	SC S059576	Michael M. Pacheco SC S059576	Contested reinstatement- stipulated dismissal	CC	S Ct	3/7/12	3/7/12	BR 8.1(b)	No
12	11-109 11- 110	William E. Carl SC S060104	18-month suspension, consecutive to existing suspension	Stip	S Ct	3/8/12	11/14/12	8.4(a)(2), ORS 9.527(2)	May 2012
13	11-98	Gail Mara Gurman 26 DB Rptr ___	Reprimand	Stip	DB	3/8/12	3/8/12	1.15-2(m), 8.1(a) (2)	May 2012
14	11-12	Laura J. Ireland 26 DB Rptr ___	30-day suspension	CC	DB	1/17/12	3/24/12	1.15-1(a), 1.15- 1(c)	June 2012
15	10-109 10- 112	Jessica S. Cain 26 DB Rptr ___	Reprimand	Stip	DB	3/28/12	3/28/12	1.5(a), 7.5(d)	June 2012
16	10-110 10- 133	Kevin J. Kinney 26 DB Rptr ___	Reprimand	Stip	DB	3/28/12	3/28/12	1.5(a), 7.5(d), 8.4(a)(4)	June 2012
17	12-34	Claud A. Ingram 26 DB Rptr ___	Reprimand	Stip	DB	3/29/12	3/29/12	1.2(a), 1.4(a)	June 2012
18	SC S060139	L. Ross Brown SC S060139	Contested reinstatement - dismissed as moot	CC	S Ct	3/30/12	3/30/12	BR 8.2(b)	No
19	11-108	Bryan Hunt 26 DB Rptr ___	Reprimand	Stip	DB	4/4/12	4/4/12	1.15-2(m), 8.1(a) (2)	Aug/Sept 2012
20	11-117	Karen A. Bishop 26 DB Rptr ___	Reprimand	Stip	DB	4/2/12	4/2/12	1.15-2(m), 8.1(a) (2)	June 2012
21	SC S060254	Theresa I. Soto SC S060254 26 DB Rptr ___	Seven-month suspension	Stip	S Ct	4/5/12	4/5/12	1.1, 1.3, 1.4(a), 1.4(b), 1.15- 1(a), 1.15-1(b), 1.15-1(d), 1.15- 2(l), 1.16(a)(2), 1.16(d), 8.1(a)(2)	June 2012
22	10-130	Lynn M. Murphy 26 DB Rptr ___	270-day suspension	CC	DB	2/2/12	4/11/12	1.16(d), 8.1(a)(2)	July 2012



## OSB Disposition List 2012

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
23	SC S059560	Brian J. Dobie SC S059560	Contested reinstatement - application withdrawn	CC	S Ct	4/12/12	4/12/12	BR 8.1(b)	No
24	12-30	James E. Leuenberger	Diversion	-	SPRB	1/14/12	4/13/12	1.15-1(a), 1.15-1(c)	No
25	12-01 12-02 12-03 12-04 12-05 12-06 12-07 12-08 12-09 12-10 12-11 12-12 12-13 12-14 12-15 12-16 12-35 12-36 12-37 12-44 12-45 12-46 12-47 12-48 12-49 12-50	Bryan W. Gruetter SC S060197	Form B resignation	-	S Ct	4/19/12	4/19/12	1.3, 1.4(a), 1.5(a), 1.15-1(a), 1.151(c), 1.15-1(d), 1.15-1(e), 1.16(d), 8.4(a)(2), 8.4(a)(3)	July 2012
26	10-149	William N. Later SC S060093	Form B resignation	-	S Ct	4/19/12	4/19/12	1.3, 1.4(a), 1.5(a), 1.15-1(c), 1.16(d)	July 2012
27	11-67	J. Stefan Gonzalez 26 DB Rptr ___	Six-month suspension	Stip	DB	4/27/12	4/28/12	1.3, 1.4(a), 1.15-1(d), 8.1(a)(2)	July 2012

## OSB Disposition List 2012

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
28	10-103 John P. Eckrem 26 DB Rptr ___	90-day suspension, stayed pending 180 day probation	CC	DB	2/24/12	4/28/12	1.15-1(c)	July 2012
29	10-39 James J. Stout 26 DB Rptr ___	Dismissal	CC	DB	2/28/12	5/1/12	NG - 3.3(a)(1), 3.3(d), 3.5(b), 8.4(a)(3), 8.4(a) (4)	July 2012
30	11-56 Lyle Bosket	Diversion	-	SPRB	4/12/12	5/19/12	Wash RPC 1.3, 1.4(a)(3), 1.4(b), 1.16(a)(1), 8.4(d)	No
31	11-54 Richard D. Franklin 26 DB Rptr ___	30-day suspension	Stip	DB	5/29/12	6/6/12	6-101B, 1.3, 1.4(a), 1.16(c), 1.16(d)	Aug/Sept 2012
32	10-115 Carol J. Fredrick 26 DB Rptr ___	Reprimand	CC	DB	3/28/12	5/30/12	6-101(A) NG - 5-105E, 7-104A2	Aug/Sept 2012
33	11-41 11-42 11-43 11-44 11-45 11-46 11-47 11-80 11-81 12-43 Marsha M. Morasch SC S 060403 26 DB Rptr ___	Two-year suspension	Stip	S Ct	5/31/12	5/31/12	1.3, 1.4(a) & (b), 1.5(a), 1.15-1(a), 1.15-1(c), 1.15- 1(d), 1.16(a)(2), 1.16(d), 8.1(a)(2), 8.4(a)(3), 8.4(a) (4)	July 2012
34	11-69 Shelley L. Fuller 26 DB Rptr ___	90-day suspension	Stip	DB	6/8/12	7/1/12	8.4(a)(3)	Aug/Sept 2012

## OSB Disposition List 2012

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
35	08-143 09-12 09-53 10-14 Daniel W. Goff 352 Or 104, 280 P3d 984	18-month suspension	CC	S Ct	6/14/12	8/13/12	1-102A3, 6-101B, 9-101A, 9101C3, 1.4(a), 1.15-1(d), 1.151(e), 8.1(a) (1), 8.1(a)(2), 8.4(a)(3)	Dec 2012
36	12-23 12-24 12-25 12-26 12-27 12-28 12-29 Jason C. McBride	BR 3.1 suspension	Stip	S Ct	6/14/12	6/14/12	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.151(c), 1.15- 1(d), 1.16(d), 8.4(a)(3)	No
37	10-150 10-151 Lawrence P. Cullen 26 DB Rptr ___	Disbarment	CC	DB	4/24/12	6/26/12	1.3, 1.4(a), 1.15- 1(a), 1.15-1(d), 8.1(a)(2), 8.4(a) (2), 8.4(a)(3)	Aug/Sept 2012
38	10-59 10-102 Robert A. Browning 26 DB Rptr ___	120-day suspension	CC	DB	5/16/12	7/17/12	1.3, 1.4(a), 1.4(b), 1.7(a)(2), 8.1(a) (2) NG - 1.15-1(c)	Oct 2012
39	09-107 Roger Lee Clark SC S060392	Ethics School suspen- sion	CC	S Ct	7/19/12	7/19/12	BR 6.4	No
40	08-134 09-123 Mark G. Obert 352 Or 231, 282 P3d 825	Six-month suspension	CC	S Ct	7/19/12	9/17/12	1.1, 1.5(a), 1.15- 1(a), 1.15-1(c), 1.15-1(d), 3.1, 8.1(a)(2) NG - 1.4(a), 8.4(a)(3)	Nov 2012
41	12-54 Marlee James Buckson SC S060306	BR 3.5 reciprocal disci- pline - disbarment	CC	S Ct	7/19/12	7/19/12	Del. 8.4(b); Or 8.4(a)(2), 8.4(a)(3), ORS 9.527(2)	Oct 2012

## OSB Disposition List 2012

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
42	12-82	Stephen D. Petersen 26 DB Rptr ___	Reprimand	Stip	DB	7/23/12	7/23/12	1.15-1(e)	Oct 2012
43	12-17	James D. Berrien SC S060543	Form B resignation	-	S Ct	8/16/12	8/16/12	1.3, 1.4(a), 1.4(b), 1.5(a), 1.7(a)(2), 1.15-1(a), 8.4(a) (3), 1-102(A)(3), 2106(A), 6-101(B)	Nov 2012
44	10-11	L. Ross Brown SC S060454	Form B resignation	-	S Ct	8/16/12	8/16/12	1.15-1(a), (c) and (d), 8.1(a)(1), 8.1(a)(2), 8.4(a) (3)	Oct 2012
45	12-57	Jeffrey Allen Cancilla SC S060443	BR 3.5 reciprocal discipline - 90-day suspension	CC	S Ct	8/16/12	8/16/12	Cal 1-310, 1-320(A), 3-700(A)(2), \$2944.7(a) Or 1.5(a), 1.16(d), 5.4(a), 5.4(b)	Nov 2012
46	SC S058935	Allan F. Knappenberger SC S058935	Contested reinstatement - stipulated dismissed	CC	S Ct	8/16/12	8/16/12	BR 8.1(b)	No
47	12-93 12-94	Gerald Noble	Diversion	-	SPRB	7/21/12	8/1/12	1.15-1(a)	No
48	11-55	Erin C. Walters	Diversion	-	SPRB	7/21/12	8/1/12	1.1, 1.15-1(d)	No
49	10-106 10-107	Keith G. Jordan SC S060557	18-month suspension	Stip	S Ct	8/16/12	8/23/12	1.3, 1.4(a), 1.4(b), 1.5(a), 1.16(c), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a) (3), 8.4(a)(4)	Nov 2012
50	12-95	Lee Ogden Tyler	Diversion	-	SPRB	8/17/12	9/1/12	1.15-1(a), 1.15- 1(c)	No

## OSB Disposition List 2012

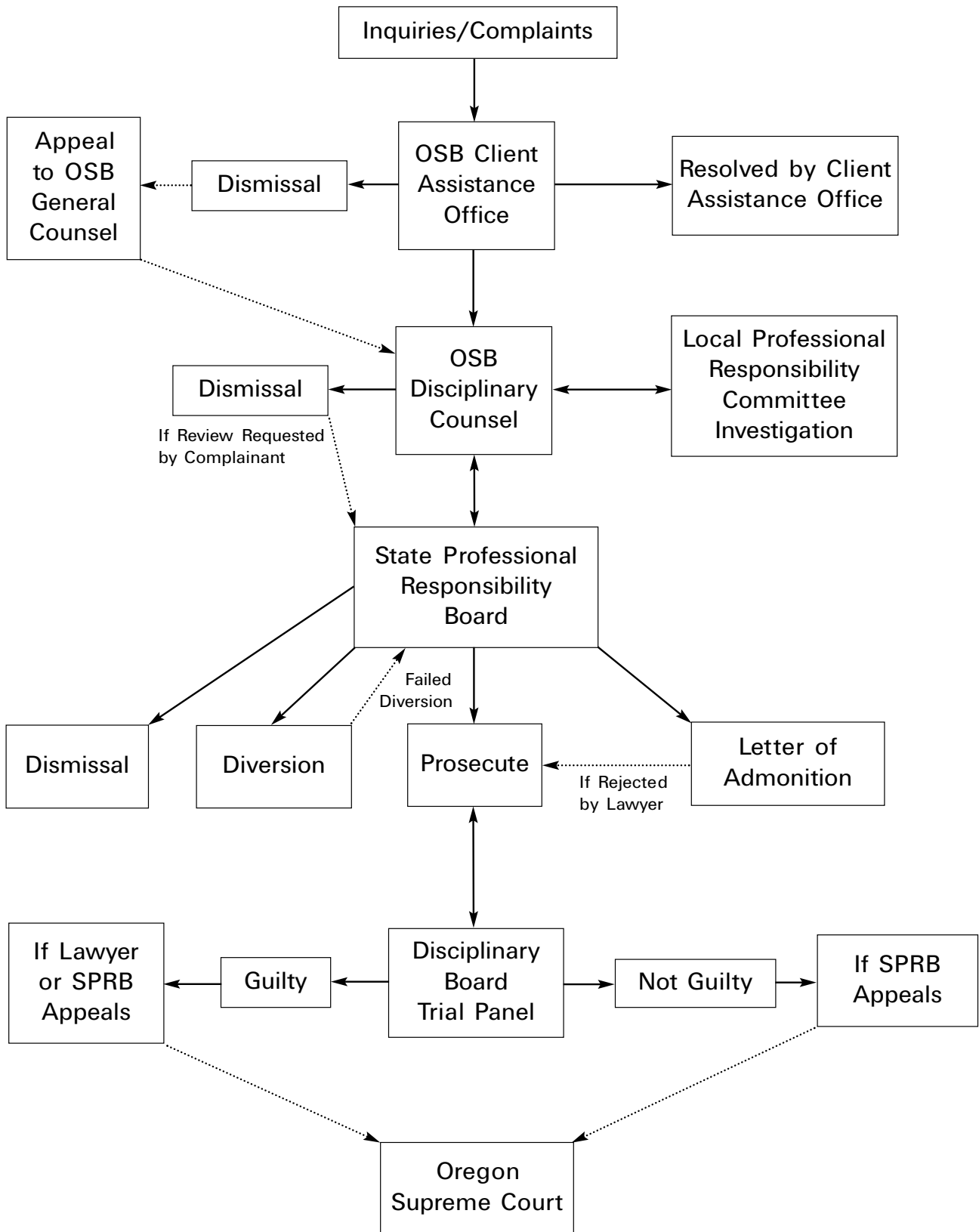
	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
51	12-100	Nathan L. Garcia	Diversion	-	SPRB	8/17/12	8/17/12	8.4(a)(2)	No
52	12-108	Arthur P. Stangell 26 DB Rptr ___	Reprimand	Stip	DB	8/22/12	8/22/12	4.2	Nov 2012
53	12-59	Kevin M. McCallie 26 DB Rptr ___	120-day suspension	Stip	DB	8/27/12	8/27/12	5.5(a), 8.4(a)(3), ORS 9.160	Nov 2012
54	10-122	William R. Goode 26 DB Rptr ___	120-day suspension	CC	DB	6/29/12	8/29/12	1.8(j), 4.2 NG - 1-102(A)(3)	Oct 2012
55	11-68 11-118	Ginger Lee Kocurek 26 DB Rptr ___	Six-month suspension	CC	DB	6/28/12	9/1/12	3.3(a)(1), 8.1(a) (1), 8.4(a)(3), 8.4(a)(4)	Nov 2012
56	11-105	Daniel Krege Christensen 26 DB Rptr ___	Reprimand	Stip	DB	10/1/12	10/1/12	8.4(a)(4)	Dec 2012
57	12-23 12-24 12-25 12-26 12-27 12-28 12-29 12-90 12-113 12-114 12-115 12-116	Jason C. McBride SC S060667	Form B resignation	-	S Ct	10/1/12	10/1/12	1.1, 1.2(a), 1.3, 1.4(a), 1.4(b), 1.5(a), 1.15- 1(a), 1.15-1(c), 1.151(d), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a)(2), 8.4(a) (3)	Dec 2012
58	11-113 11- 114	John D. Curtis SC S060646	Form B resignation	-	S Ct	10/4/12	10/4/12	1.1, 1.3, 1.4(a), 1.5(a), 1.7(a) (2), 1.15-1(a), 1.151(c), 1.16(a) (2), 5.5(a), ORS 9.160	Dec 2012
59	11-38 11-40	Robert G. Klahn 26 DB Rptr ___	90-day suspension	Stip	DB	10/2/12	11/1/12	1.4(a), 1.4(b), 8.4(a)(4)	Dec 2012

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## OSB Disposition List 2012

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
60	12-70	Everett Walton 352 Or 548, 287 P3d 1098	BR 3.5 reciprocal disci- pline - Reprimand	CC	S Ct	10/11/12	10/11/12	Hawaii - 8.4(a), 8.4(c) Oregon - 8.4(a) (1), 8.4(a)(3)	Jan 2013
61	11-79	Michael Nesheiwat 26 DB Rptr ___	Reprimand	Stip	DB	10/15/12	10/15/12	1.5(a), 8.4(a)(4)	Dec 2012
62	11-102 12-136	Trevor Robins 26 DB Rptr ___	Six-month suspension, all stayed, two-year probation	Stip	DB	10/25/12	10/25/12	1.3, 1.16(a)(2), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a) (4)	Dec 2012
63	11-125	David Moule 26 DB Rptr ___	Reprimand	Stip	DB	11/5/12	11/5/12	1.7(a)(1), 1.7(a) (2)	Dec 2012
64	11-49	Marianne G. Dugan 26 DB Rptr ___	Reprimand	Stip	DB	11/5/12	11/5/12	8.4(a)(4)	Jan 2013
65	12-150	Steven L. Dalton SC S060812	Form B resignation	-	S Ct	11/21/12	11/21/12	8.4(a)(3)	Feb/Mar 2013
66	12-154	Daniel W. Goff SC S060842	Form B resignation	-	S Ct	12/13/12	12/13/12	1.1, 1.3, 1.5(a), 1.8(a), 1.8(e)	Feb/Mar 2013
67	11-60 11-61 11-62 11-63	Charles L. Lisle SC S060731	Form B resignation	-	S Ct	12/13/12	12/13/12	1.15-2(m), 8.1(a) (2)	Feb/Mar 2013
68	11-93 11-94 12-83 12-109	Susan C. Steves SC S060775	One-year suspension	Stip	S Ct	12/13/12	12/15/12	1.3, 1.4(a), 1.5(a), 1.15-1(d), 8.1(a) (2), 8.4(a)(2)	Feb/Mar 2013
69	12-117	C. William Rehm SC S060711	BR 3.5 reciprocal disci- pline - reprimand	CC	S Ct	12/27/12	12/27/12	1.3, 1.4(a), 1.15- 1(d)	Feb/Mar 2013
70	09-107	Roger Lee Clark 363 Or 105, ___ P3d ___	Supplemental cost judg- ment affirmed	CC	S Ct	12/28/12	12/28/12	BR 10.7	No

# OREGON STATE BAR DISCIPLINARY PROCESS



APPENDIX D

OSB DISCIPLINARY COUNSEL'S OFFICE 2012 ANNUAL REPORT

