

Oregon  State Bar

2014 **Disciplinary
Counsel's Office**

Annual Report

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I. INTRODUCTION

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2014. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload and dispositions in 2014, and a discussion of significant developments over the last year.

II. DISCIPLINARY COUNSEL'S OFFICE

The Disciplinary Counsel's Office (DCO, a term hereafter referring to either the office as a whole or a lawyer employed within the office) provides professional staffing for Oregon's lawyer discipline system with 8 lawyers, an office manager, an investigator/litigation assistant, a paralegal, 2 legal secretaries, a diversion and probation coordinator/legal secretary, a public records coordinator, and a regulatory services coordinator. In addition to its work in support of the State Professional Responsibility Board (SPRB), DCO has involvement in both contested reinstatement and admission applications, and responds to public records requests pertaining to records maintained within the discipline system.

III. STATE PROFESSIONAL RESPONSIBILITY BOARD (SPRB)

The DCO's principal responsibility 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 and court rule. The SPRB seeks to determine whether misconduct has occurred, 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 2014. Combining in-person and teleconference meetings, the SPRB considered approximately 244 case-specific agenda items during the year. In addition, the SPRB has, upon occasion, discussed policy matters pertaining to its functioning and interaction with participants in Oregon's lawyer discipline system.

The Bar was fortunate to have the following individuals on the SPRB in 2014:

Whitney Patrick Boise (Portland)—Chairperson
Chelsea Dawn Armstrong (Salem)
Danna Fogarty (Eugene)
Nathaline J. Frener (Eugene)—Public Member
Michael G. Gentry (Lake Oswego)
Blair Henningsgaard (Astoria)
E. Bradley Litchfield (Eugene)
Justin N. Rosas (Medford)
Dr. S. Michael Sasser (Medford)—Public Member
Valerie Wright (Bend)

The terms of Michael J. Gentry, Chelsea Dawn Armstrong, Danna C. Fogarty, and Dr. S. Michael Sasser expired at the end of 2014. The new appointments for 2015 are Ankur Has Mukh Doshi (Portland), Dr. Randall Green (Salem)—Public Member, Elaine D. Smith-Koop (Salem), and Richard A. Weill (Troutdale) (for a 1 year term only). Whitney Patrick Boise is the SPRB Chairperson for 2015.

IV. 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 DCO for investigation. See BR 2.5.

The table below reflects the number of files opened by DCO in recent years, including the 352 files opened in 2014.

Files Opened by Disciplinary Counsel					
Month	2010	2011	2012	2013	2014
January	29	20	49	21	31
February	25	36	27	23	25
March	26	25	39	30	45
April	30	42	38	43	47
May	119*	146*	20	37	24
June	26	20	40	31	24
July	34	28	22	30	44
August	25	23	35	36	21
September	36	29	22	27	24
October	33	23	23	26	25
November	21	27	18	26	19
December	24	40	26	19	23
TOTAL	428	459	359[†]	349	352

*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 beginning in 2012.

Of the 352 files opened in 2014, 227 were referrals from the Client Assistance Office and 112 were trust account overdraft notices from financial institutions that came directly to DCO. Another 13 matters were opened by DCO on its own initiative.

For 2014, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2013 is found in Appendix B for comparison purposes.

Every complaint DCO received in 2014 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 in order to garner sufficient information upon which to base a decision to dismiss or recommend further action to the SPRB.

Effective in November 2013, DCO may seek the administrative suspension of any lawyer who fails without good cause to timely respond to requests for information or records. BR 7.1. Fifteen (15) lawyers were administratively suspended in 2014 pursuant to this rule.

If, after investigation, staff determines that probable cause does not exist to believe that misconduct occurred, the matter is dismissed by DCO. BR 2.6(b). Complainants may appeal a DCO dismissal to the SPRB. The SPRB considered 24 such appeals in 2014.

When DCO determines from an investigation that there is probable cause of misconduct by a lawyer, the matter is referred to the SPRB for review and action. Each matter is presented to the SPRB by means of a complaint summary (factual review, ethics analysis and recommendation) prepared by staff. Each file also is made available to the SPRB. In 2014, the SPRB reviewed 157 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 DCO 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 DCO 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 SPRB's decision, or legal authority not previously known to the SPRB which establishes that the decision to prosecute is incorrect.

In 2014, the SPRB made probable cause decisions on 157 matters investigated by DCO. Action taken by the SPRB in recent years and in 2014 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2010	72	34	34	38	5
2011	98	34	34	46	4
2012	90	47	46†	73	7
2013	86	20	20	43	13
2014	105	19	19	40	17

† 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 in Oregon. The SPRB reviewed 10 such matters in 2014.

C. Special Local Investigators

During 2014, all complaints were investigated in-house by DCO. Historically, such investigation was conducted by Local Professional Responsibility Committees (LPRCs), geographically-based committees of volunteer lawyers. More recently LPRCs were assigned to investigate when respondent attorneys were unresponsive to DCO inquiries. Since the inception of BR 7.1 (discussed above), usage of LPRCs for nonresponding respondent attorneys has curtailed. In the event there is DCO recognition that a locally-available special expertise would assist an in-depth field investigation, a local investigator from an LPRC can be appointed on an individual, as needed, basis.

Under the applicable rules of procedure, when an individual investigator is assigned, the special investigator is requested to investigate and report back his or her findings within 90 days, with one extension of 60 days available. No matters were referred to special local investigators in 2014.

D. Formal Proceedings

(1) Prosecution Function

After the SPRB authorizes formal proceedings in a given matter, DCO drafts a formal complaint that is filed with the Disciplinary Board Clerk and served upon the respondent attorney. On occasion, a volunteer bar counsel selected from a panel of lawyers appointed by the Board of Governors is asked to serve as co-counsel.

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. Mediation is available but voluntary.

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.

Five (5) disciplinary cases were tried in 2014. 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

Most disciplinary proceedings authorized by the SPRB are resolved short of trial with a negotiated outcome in the form of a stipulation or by the respondent attorney's resignation.

In circumstances in which there is no dispute over material fact and the DCO and the respondent attorney agree on the violations committed and appropriate sanction, a stipulation setting forth the terms of the agreement, including factual recitations, rule violations, and the agreed-upon sanction is drafted. Stipulations are 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 provide additional information to support the stipulated resolution, negotiate further, or proceed to trial.

Form B resignation (a resignation that takes place while disciplinary matters are under investigation) 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. Five (5) lawyers submitted

Form B resignations in 2014, 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.

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. The SPRB on behalf of the Bar decides whether to seek Supreme Court review.

Appellate review by the court is mandatory if timely requested by a party.

When there is an appeal, DCO prepares the record for submission to the court, drafts and files the Bar's briefs, and presents oral argument before the Court. In 2014, the Supreme Court rendered 3 discipline opinions in contested cases. The Court also approved 6 stipulations for discipline, imposed reciprocal discipline in 3 cases, suspended 1 lawyer following notice of a felony conviction, suspended 1 lawyer on an interim basis while disciplinary proceedings were pending, and transferred 2 lawyers to involuntary inactive status.

A noteworthy opinion in 2014 was *In re Gatti*, 356 Or 32 (2014), in which the Court states that RPC 1.8(g) is intended to address conflicts of interest that may arise when an attorney conducts settlement negotiations on behalf of multiple clients. Under those circumstances, when the value of one client's claim depends on the value of the other clients' claims, the interests of the clients conflict and a settlement obtained is an aggregate settlement. The court specifically rejects that the rule only covers "all-or-nothing" agreements, concluding that the lump-sum settlement that exceeded the plaintiffs' total individual minimum settlement offers and was to be divided among the plaintiffs was an aggregate settlement. Concluding that the lawyer did not obtain his clients' informed consent, in writing, to the method to be applied in dividing the settlement, the Court found that Gatti violated RPC 1.8(g). The Court also found that Gatti had violated 1.4(b) and 1.7(a)(1) in connection with the same matter.

Regarding the disciplinary system overall, 52 disciplinary proceedings were concluded in 2014: 12 by decision in a contested case; 30 by stipulation; 5 by Form B resignation; 3 by reciprocal discipline order; and 2 by transfers to involuntary inactive status.

G. Contested Admissions/Contested Reinstatements

DCO 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 and the applicant pursues Supreme Court review. The investigation and hearing that precede an admissions recommendation is handled by the BBX with the support and assistance of Bar admissions staff under a procedure different from that applicable to lawyer discipline cases.

When a lawyer seeks reinstatement from either an administrative or a disciplinary suspension, DCO is responsible for processing and investigating all applications. Recommendations are then made to either the Bar’s Executive Director or the Board of Governors, at the request of the Executive Director. 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 three member panel (much like a lawyer discipline matter), or may direct that a hearing take place before a special master appointed by the Court. DCO 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. One formal reinstatement case resulted in a Board of Governors recommendation favoring reinstatement that was submitted to the Court but unresolved by the end of 2014.

V. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2014. The following table summarizes dispositions in recent years:

SANCTION TYPE	2010	2011	2012	2013	2014
Disbarment	2	5	2	6	3
Form B Resignation	7	7	13	4	5
Suspension	23	19	20	21	19
Suspension stayed/probation	5	1	3	3	12
Reprimand	16	15	17	14	7
Involuntary inactive Transfer	0	0	0	0	2
TOTAL Lawyer Sanctions	53	47	55	48	48
Dismissals after Adjudication	2	4	2	2	1
Dismissed as moot	0	0	0	2	0
Diversion	4	4	6	4	17
Admonitions	34	34	46	20	19

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. DCO was monitoring 16 lawyers on probation at the end of 2014, along with 22 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. During 2014, DCO established a position assigned to monitoring diversion and probation matters.

The types of conduct for which a disciplinary sanction was imposed in 2014, 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 2014:

Type of misconduct	% of cases in which type of misconduct was present
Inadequate client communication	58%
Neglect of legal matter	39%
Failure to return property or funds	39%
Failure to respond to OSB	33%
Dishonesty or misrepresentation	29%
Conduct prejudicial to justice	31%
Trust account violation	25%
Improper withdrawal	21%
Criminal conduct	17%
Incompetence	15%
Multiple client conflicts	13%
Excessive or illegal fees	8%
Self-interest conflicts	8%
Unauthorized practice	4%
Inadequate accounting records	4%
Disregarding a court rule or ruling	4%
Improper communication	4%
Advertising	2%
Disclosing confidential information	2%
Other	21%

VI. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2014 follows:

New complaints pending.....	154
Pending special local investigations.....	0
Pending formal proceedings.....	52*
Probation/diversion matters.....	38
Contested admission/contested reinstatement matters.....	0
TOTAL.....	244

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated 197 reinstatement applications in 2014; processed approximately 840 membership status changes (inactive and active pro bono transfers and voluntary resignations); issued 884 certificates of good standing; and responded to 1,754 public record requests during the year.

VII. STAFFING/FUNDING

In 2014, Disciplinary Counsel's Office employed sixteen staff members (15.9 FTE), with the inclusion of a recently-hired lawyer whose responsibilities include pursuing enforcement actions flowing from probationary judgments. The lawyers work in two-person teams, with one lawyer reviewing and investigating complaints, determining to dismiss or recommend further action and, where possible, seeking a negotiated resolution. The other lawyer handles formal proceedings from filing through settlement or trial. The investigator, the paralegal, and the diversion and probation coordinator/legal secretary work for all lawyers, as needed. The secretarial support staff each work with several lawyers. The office manager oversees the support staff, coordinates SPRB agendas and meetings, manages all aspects of recordkeeping and statistical reporting, monitors office expenditures, and provides support to the Disciplinary Counsel. The regulatory services coordinator interfaces primarily with members seeking reinstatement. The public records coordinator responds to records requests from lawyers and members of the public pertaining to disciplinary records. Staff members at the end of 2014 included:

Dawn M. Evans, *Disciplinary Counsel and Director of Regulatory Services*

Amber Bevacqua-Lynott, *Chief Assistant Disciplinary Counsel and Deputy Director of Regulatory Services*

R. Lynn Haynes, *Discipline and Regulatory Services Office Manager*

Angela W. Bennett, *Assistant Disciplinary Counsel*

Lynn Bey-Roode, *Discipline Investigator/Litigation Assistant*

Jennifer Brand, *Regulatory Services Coordinator*

W. Matthew Campbell, *Public Records Coordinator*

Mary A. Cooper, *Assistant Disciplinary Counsel*

Susan R. Cournoyer, *Assistant Disciplinary Counsel*

Linn D. Davis, *Assistant Disciplinary Counsel*

Karen L. Duncan, *Diversion and Probation Coordinator/Discipline Legal Secretary*

Martha M. Hicks, *Assistant Disciplinary Counsel*

Kellie F. Johnson, *Assistant Disciplinary Counsel*

Christopher Ouellette, *Discipline Legal Secretary*

Emily Schwartz, *Discipline Paralegal*

DCO is funded out of the Bar's general fund. Revenue is limited (roughly \$ 120,000 for 2014) and comes from cost bill collections, reinstatement fees, fees paid for good standing certificates and *pro hac vice* admissions, and photocopying charges for public records.

Expenses for 2014 were \$1,677,000 with an additional \$372,000 assessed as a support services (overhead) charge. Of the actual program expenses, 93.7% consisted of salaries and benefits. An additional 2.9% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses, and related items. General and administrative expenses such as copying charges, postage, telephone and staff travel expense accounted for 3.5% of the expense budget.

VIII. OTHER DEVELOPMENTS

A. Ethics School

Lawyers who have been reprimanded or suspended are required to attend a one day course of study presented by the Bar on topics of legal ethics, professional responsibility, and law office management. Two such programs were offered in 2014, one in May and one in November. Presenters included CAO and DCO staff, as well as staff from the Oregon Attorney Assistance Program.

B. Trust Account Overdraft Notification Program

The Oregon State Bar has a Trust Account Overdraft Notification Program, pursuant to ORS 9.132 and RPC 1.15 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.

For each overdraft notice received, DCO requests a written explanation and supporting documentation from the lawyer and makes follow-up inquiries as necessary. Many overdrafts are the result of bank or isolated lawyer error and, once confirmed as such, are dismissed by staff. If circumstances causing an overdraft suggested an ethics violation, the matter is referred to the SPRB. A minor violation leading to an overdraft with no prior similar conduct typically results in a letter of admonition issued to the lawyer. More serious or ongoing violations may result in formal disciplinary action. In 2014, the Bar received notice of 112 trust account overdrafts. A summary of the disposition of trust account overdrafts received in 2014 is as follows:

2014 Trust Account Overdrafts	
Dismissed by staff	72
Dismissed by SPRB	5
Referred to LPRC for further investigation	0
Closed by admonition letter	5
Closed by diversion	0
Formal charges authorized	4
Closed by Form B resignation	0
Pending (as of 1/2015)	26
Total Received	112

C. Public Records

In Oregon, lawyer discipline files are public records with very limited exceptions. DCO responds to (on average) more than 150 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.

DCO has document management and retention policies. Ethics complaints dismissed for lack of probable cause more than ten (10) years ago are destroyed. Retained records have been scanned and are 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 (UTCR) 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 \$500 (in 2014). DCO 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 2014, the Bar received and processed 475 *pro hac vice* applications, collecting \$174,000 for legal services.

In addition, RPC 5.5(e) requires out of state 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. It was not necessary in 2014 for the Bar to utilize this process

F. Continuing Legal Education Programs

Throughout 2014, DCO 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.

IX. CONCLUSION

In 2014, 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,

Dawn M. Evans
Disciplinary Counsel

APPENDIX A - 2014

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	11	3.1%
Client	103	29.3%
Judge	19	5.4%
Opposing Counsel	27	7.7%
Opposing Party	16	4.5%
Third Party	55	15.6%
Unknown	1	0.3%
OSB	120	34.1%
TOTAL	352	100.0%
COMPLAINT SUBJECT MATTER		
Adoption	1	0.3%
Advertisement	0	0.0%
Arbitration	2	0.6%
Bankruptcy	5	1.4%
Business	4	1.1%
Civil dispute (general)	43	12.2%
Conservatorship	4	1.1%
Criminal	57	16.2%
Domestic Relations	36	10.2%
Estate Planning	8	2.3%
Guardianship	1	0.3%
Immigration	3	0.85%
Juvenile	3	0.85%
Labor Law	2	0.6%
Litigation (general)	9	2.6%
Land Use	0	0.0%
Other	32	9.1%
Paternity	0	0.0%
Personal injury	7	2.0%
Probate	10	2.8%
Real Estate	3	0.85%
Social Security	0	0.0%
Tenant/landlord	3	0.85%
Tax	0	0.0%
Trust Account Overdraft	113	32.1%
Workers Comp.	2	0.6%
Unknown	4	1.1%
TOTAL	352	100.0%

APPENDIX B - 2013

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	14	4.0%
Client	120	34.2%
Judge	13	3.7%
Opposing Counsel	25	7.1%
Opposing Party	34	9.7%
Third Party	41	11.7%
Unknown	0	0.0%
OSB	104	29.6%
TOTAL	351	100.0%
COMPLAINT SUBJECT MATTER		
Adoption	4	1.1%
Advertisement	4	1.1%
Arbitration	1	0.3%
Bankruptcy	2	0.6%
Business	1	0.3%
Civil dispute (general)	48	13.7%
Conservatorship	3	0.9%
Criminal	70	20.0%
Domestic Relations	46	13.1%
Estate Planning	1	0.3%
Guardianship	1	0.3%
Immigration	2	0.6%
Juvenile	3	0.8%
Labor Law	4	1.1%
Litigation (general)	10	2.9%
Land Use	1	0.3%
Other	29	8.2%
Paternity	0	0%
Personal injury	13	3.7%
Probate	8	2.3%
Real Estate	1	0.3%
Social Security	3	0.8%
Tenant/landlord	5	1.4%
Tax	2	0.6%
Trust Account Overdraft	82	23.4%
Workers Comp.	3	0.8%
Unknown	4	1.1%
TOTAL	351	100.0%

**OSB DISPOSITION LIST
2014**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	11-17 Steven M. McCARTHY 354 Or 697, 318 P3d 747 (2014) SC S060882 28 DB Rptr 1	90-day suspension	CC	S Ct	1/16/2014	3/17/2014	1.1, 1.4(a), 1.4(b), 1.15-1(c)	April 2014
2	13-44 Timothy O'ROURKE 28 DB Rptr 3	Reprimand	Stip	DB	1/20/2014	1/20/2014	1.9(a)	April 2014
3	13-21 Ivan S. ZACKHEIM 28 DB Rptr 9	Reprimand	Stip	DB	1/23/2014	1/23/2014	1.15-1(d), 1.16(d)	April 2014
4	14-03 Sara Lynn ALLEN	BR 7.1 suspension	--	DB	1/30/2014	1/30/2014		NA
5	12-52 12-53 13-06 Mary E. LANDERS 28 DB Rptr 15	30-day suspension, all stayed, 2-year probation	Stip	DB	2/10/2014	2/10/2014	1.3, 1.4(a), 1.4(b), 8.1(a)(2)	April 2014
6	12-139 John L. BALLARD 28 DB Rptr 22	Dismissed	CC	DB	12/11/2013	2/11/2014	NG—1.2(c), 3.4(c), 8.4(a)(4)	April 2014
7	13-134 Gregg A. McDONALD 28 DB Rptr 30	Reprimand	Stip	DB	2/19/2014	2/19/2014	3.4(c)	May 2014
8	12-61 Katherine C. TANK 28 DB Rptr 35	90-day suspension	Stip	DB	3/3/2014	4/1/2014	3.3(a), 8.4(a)(3), 8.4(a)(4)	May 2014
9	12-168 Montgomery W. COBB 28 DB Rptr 41	30-day suspension	Stip	DB	3/5/2014	3/24/2014	8.4(a)(2)	May 2014
10	13-45 13-46 13-47 13-48 Susan C. STEVES 28 DB Rptr 47	Disbarment	CC	DB	2/4/2014	4/8/2014	1.3, 1.4(a), 1.4(b), 1.16(c), 3.3(a)(1), 8.4(a)(3), 8.4(a)(4)	May 2014
11	11-84 11-85 Marc T. ANDERSEN SC S061681 28 DB Rptr 52	6-month plus 1-day suspension	Stip	S Ct	4/17/2014	4/17/2014	1.3, 1.4(a), 1.16(a)(2), 1.16(d), 8.1(a)(2)	June 2014
12	13-114 Kevin J. KINNEY SC S062103 28 DB Rptr 59	1-year suspension, all but 60 days stayed, 1-year probation	Stip	S Ct	4/22/2014	6/1/2014	8.4(a)(3), 8.4(a)(4)	June 2014
13	11-133 11-134 Francisco C. SEGARRA 28 DB Rptr 69	90-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	4/17/2014	6/1/2014	1.3, 1.4(a), 1.4(b), 1.16(a)(2), 1.16(d), 8.1(a)(2), 8.4(a)(3)	May 2014
14	13-30 13-62 John P. ECKREM 28 DB Rptr 77	90-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	4/25/2014	7/1/2014	1.5(a), 1.5(c)(3), 1.16(d)	July 2014

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15	Theodore M. ROE SC S062140 28 DB Rptr 87	2-year suspension, all but 6 months stayed, 2-year probation	Stip	Sct	5/8/2014	6/7/2014	1.5(a), 3.1. 3.3(a), 3.3(d), 8.4(a)(3), 8.4(a)(4)	June 2014
16	Peter M. SCHANNAUER 28 DB Rptr 100	Disbarment w/restitution	CC	DB	3/12/2014	5/13/2014	1.1, 1.3, 1.4(a), 1.4(b), 1.15-1(d), 8.1(a)(2)	June 2014
17	Justin E. THRONE 28 DB Rptr 105	1-year suspension, all stayed, 2-year probation	CC	DB	3/25/2014	5/28/2014	8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	Aug/Sept 2014
18	Paige Alina DE MUNIZ 28 DB Rptr 113	30-day suspension	Stip	DB	5/28/2014	6/7/2014	8.4(a)(3)	July 2014
19	Mitchell R. BARKER SC S062139 28 DB Rptr 119	1-year suspension	Stip	Sct	5/29/2014	5/29/2014	1.3, 1.4(a), 1.4(b), 1.7(a)(2), 5.5(a), ORS 9.160	July 2014
20	John P. SALISBURY 28 DB Rptr 128	60-day suspension, all stayed, 1-year probation, upon successful completion of probation, sanction will be reduced to reprimand	Stip	DB	5/29/2014	6/1/2014	1.7(a)	
21	Theodore F. SUMNER	BR 7.1 suspension	--	DB	5/30/2014	5/30/2014		NA
22	Peter M. SCHANNAUER SC S061343 28 DB Rptr 137	Request for review dismissed as moot, TPO final 1-year suspension	CC	Sct	6/12/2014	6/12/2014	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.1(a)(2), 8.4(a)(3)	December 2014
23	Robert A. BROWNING SC S062293	Form B Resignation	--	Sct	6/12/2014	6/12/2014	1.3, 1.3(a), 1.4(a), 1.4(b), 1.5(a), 1.6(a), 1.7(a), 1.7(a)(2), 1.8(a), 1.15-1(a), 1.15-1(c), 1.16(a)(1), 1.16(c), 1.16(d), 3.3(a)(1), 4.2, 8.1(a)(1), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3), 8.4(a)(4)	Aug/Sept 2014
24	Julie D. SIONE SC S061766	BR 3.5 Reciprocal Discipline Reprimand	RD	Sct	6/12/2014	6/12/2014	8.1(a)(2), 8.4(a)(4)	Aug/Sept 2014
25	Alan K. WOOD	BR 7.1 suspension	--	DB	6/18/2014	6/18/2014		NA
26	W. Blake SIMMS	BR 7.1 suspension	--	DB	6/25/2014	6/25/2014		NA

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27	11-52 Michael L. SPENCER 355 Or 679, 330 P3d 538 (2014) SC S060977 28 DB Rptr 143	30-day suspension	CC	Sct	6/26/2014	8/25/2014	1.8(a)	Aug/Sept 2014
28	14-01 Karl W. KIME SC S062241	BR 3.5 Reciprocal Discipline 1-year suspension	RD	Sct	6/26/2014	6/26/2014	8.4(a)(2), ORS 9.527(2)	Aug/Sept 2014
29	14-51 14-52 14-53 14-54 14-55 14-59 14-60 Steven M. MCCARTHY	BR 7.1 suspension	--	DB	6/27/2014	6/27/2014		NA
30	14-56 14-57 14-58 Justin E. THRONE	BR 7.1 suspension	--	DB	6/30/2014	6/30/2014		NA
31	14-37 Philip A. HINGSON 28 DB Rptr 144	60-day suspension, all stayed, 2-year probation	Stip	DB	7/1/2014	7/1/2014	1.5(a), 8.4(a)(4)	Aug/Sept 2014
32	14-62 Diarmuid Yaphet HOUSTON	BR 7.1 suspension	--	DB	7/3/2014	7/3/2014		NA
33	14-63 David Stanley AMAN	BR 7.1 suspension	--	DB	7/23/2014	7/23/2014		NA
34	14-64 Matthew A. WILSON	BR 7.1 suspension	--	DB	7/23/2014	7/23/2014		NA
35	14-18 B. Todd BAILEY SC S062430	Form B Resignation	--	Sct	8/7/2014	8/7/2014	1.1, 8.4(a)(4)	October 2014
36	14-80 Andrew J. LOPATA	BR 7.1 suspension	--	DB	8/12/2014	8/12/2014		NA
37	12-78 Jeff Wilson RICHARDS 28 DB Rptr 152	90-day suspension	CC	DB	6/20/2014	8/20/2014	1.4(a), 1.16(c), 1.16(d)	October 2014
38	13-119 Brandon G. W. CALHEIM 28 DB Rptr 157	90-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	8/19/2014	8/19/2014	1.8(j), 1.16(a)(1)	November 2014
39	10-60 Daniel J. GATTI SC S061105 356 Or 32, 333 P3d 994 (2014) 28 DB Rptr 164	90-day suspension	CC	Sct	8/21/2014	10/20/2014	1.4(b), 1.7(a)(1), 1.8(g) NG – 8.4(a)(3)	November 2014

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
40	13-109 13-110 13-111 13-112 13-113 13-106 Debbe J. VON BLUMENSTEIN SC N004698	BR 3.1 suspension	--	S Ct	8/25/2014	8/25/2014	1.3, 1.4(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(a)(2), 8.4(a)(3), 1.3, 1.4(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(a)(2), 8.4(a)(3), 8.4(a)(4)	NA
41	Jennifer L. PEREZ 26 DB Rptr 166	1-year suspension	CC	DB	6/24/2014	8/26/2014	1.1, 1.3, 1.4(a), 8.1(a)(2), 8.4(a)(3)	November 2014
42	Justin E. THRONE	BR 7.1 suspension	--	DB	9/2/2014	9/2/2014		NA
43	Eric M. BOSSE	BR 7.1 suspension	--	DB	9/2/2014	9/2/2014		NA
44	12-118 12-119 12-120 Eric KAUFMAN 28 DB Rptr 174	Disbarment	CC	DB	7/8/2014	9/9/2014	1.3, 1.4(a), 1.15-1(d), 1.16(d), 8.1(a)(2)	December 2014
45	13-70 Nathan D. SANDERS 28 DB Rptr 183	120-day suspension, w/BR 8.1 reinstatement	Stip	DB	9/5/2014	9/15/2014	3.4(c), 8.4(a)(4)	November 2014
46	13-17 13-18 13-19 13-27 13-28 13-29 13-57 Gary B. BERTONI 28 DB Rptr 196	6-month suspension	Stip	DB	9/9/2014	11/21/2014	1.4(a), 1.4(b), 1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	November 2014
47	14-85 Brett Corey JASPERS 28 DB Rptr 211	Reprimand	Stip	DB	9/10/2014	9/10/2014	3.3(d), 3.5(b), 8.4(a)(4)	October 2014
48	14-01 Karl W. KIME SC S062550	Form B resignation	--	S Ct	9/11/2014	9/11/2014	8.1(a)(1)	November 2014
49	13-04 13-05 13-72 Debbe J. von BLUMENSTEIN 28 DB Rptr 217	2-year suspension	CC	DB	7/17/2014	9/16/2014	1.1, 1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(c), 1.16(a)(2), 8.1(a)(2), 8.4(a)(4)	November 2014
50	14-94 Jeffrey DICKEY	BR 7.1 suspension	--	DB	9/24/2014	9/24/2014		NA
51	12-143 12-144 Justin E. THRONE 28 DB Rptr 226	Probation revoked-- 1-year suspension	--	DB	10/17/2014	10/27/2014	8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	NA
52	14-95 C. Michael McLEAN SC S062584	BR 3.2 transfer to involuntary inactive status	--	S Ct	10/23/2014	10/23/2014		NA

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53	14-115 Travis W. HUISMAN	BR 7.1 suspension	--	DB	10/27/2014	10/27/2014		NA
54	14-02 Donald R. SLAYTON 28 DB Rptr 227	120-day suspension, all stayed, 2-year probation	Stip	DB	11/3/2014	11/10/2014	1.4(a), 8.1(a)(2)	December 2014
55	13-49 Jeffrey G. ROBERTSON 28 DB Rptr 237	120-day suspension	Stip	DB	11/4/2014	11/7/2014	1.7(a)(2), 8.4(a)(4)	Feb/Mar 2015
56	14-87 James L. McGEHEE 28 DB Rptr 245	Reprimand	Stip	DB	11/4/2014	11/4/2014	1.3, 1.4(a)	January 2015
57	14-120 Larry WRIGHT	BR 7.1 suspension	--	DB	11/5/2014	11/5/2014		NA
58	12-142 13-98 13-99 Eric EINHORN SC S062307 28 DB Rptr 251	1-year suspension	Stip	S Ct	11/6/2014	12/6/2014	1.1, 1.3, 1.4(a), 1.7(a)(2), 1.15-1(d), 8.1(a)(2)	Feb/Mar 2015
59	14-05 Melissa N. KENNEY 28 DB Rptr 269	30-day suspension	Stip	DB	11/17/2014	1/16/2015	5.5(a), 5.5(b)(2), 7.1	Feb/Mar 2015
60	14-03 14-68 14-69 14-70 14-71 14-72 Sara Lynn ALLEN 28 DB Rptr 275	6-month suspension, all stayed, 3-year probation	Stip	DB	11/17/2014 amended 12/29/2014	11/24/2014	1.3, 1.4(a), 1.4(b), 1.16(c), 1.16(d), 8.1(a)(2)	January 2015
61	14-67 John J. KOLEGO 28 DB Rptr 289	90-day suspension	Stip	DB	11/17/2014	2/1/2015	1-102(A)(2), 8.4(a)(2)	January 2015
62	14-09 14-10 Matthew R. AYLWORTH SC S062572	BR 3.5 Reciprocal Discipline Reprimand	Stip	S Ct	11/20/2014	11/20/2014	1.3, 3.3(a)(3), 5.3(b), 7.1	Feb/Mar 2015
63	14-96 14-97 14-98 14-99 14-100 14-101 Susan R. GERBER SC S062656	BR 3.2 transfer to involuntary inactive status	--	S Ct	11/20/2014	11/20/2014		NA
64	14-74 Foster A. GLASS 28 DB Rptr 295	30-day suspension	Stip	DB	12/1/2014	12/15/2014	8.4(a)(4)	Feb/Mar 2015
65	14-35 14-112 Steven M. CYR SC S062687	BR 3.4 suspension	--	S Ct	12/3/2014	12/3/2014		NA

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
66 13-95 13-96 13-97 14-51 14-52 14-53 14-54 14-55 14-60 14-102 14-135	Steven M. McCarthy SC S062641	Form B resignation	--	Sct	12/11/2014	12/11/2014	1.1, 1.3, 1.4(a), 1.8(a), 1.15-1(a), 1.15-1(d), 1.16(d), 3.3(a)(1), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4), ORS 9.160	Feb/Mar 2015
67 13-20	Daniel H. KOENIG 28 DB Rptr 301	Reprimand	Stip	DB	12/22/2014	12/22/2014	1.3, 1.4(a), 1.4(b), 1.16(a)(1)	Feb/Mar 2015
68 14-73	Scott P. BOWMAN 28 DB Rptr 308	180-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	12/23/2014	2/21/2015	8.4(a)(2)	Feb/Mar 2015
69 13-109 13-110 13-111 13-112 13-113	Debbe J. von BLUMENSTEIN SC S062773	Form B resignation	--	Sct	12/24/2014	12/24/2014	1.3, 1.4(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(a)(2), 8.4(a)(3), 8.4(a)(4)	Feb/Mar 2015
70 14-125	Robert ROSENTHAL 28 DB Rptr 317	Reprimand	Stip	DB	12/30/2014	12/30/2014	8.4(a)(2)	Feb/Mar 2015

APPENDIX D

OREGON STATE BAR DISCIPLINARY PROCESS



