

Oregon State Bar

2009 **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 2009. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2009, 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 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 12 times in 2009. With regular meetings and conference calls combined, the SPRB considered approximately 315 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 2009:

Liz Fancher (Bend) – Chairperson
Peter R. Chamberlain (Portland)
Jonathan P. Hill (Roseburg) – Public Member
David W. Hittle (Salem)
William B. Kirby (Beaverton)
Jolie Krechman (Portland) – Public Member
James A. Marshall (Albany)
Martha J. Rodman (Eugene)
Jana Toran (Portland)

The terms of Liz Fancher and James Marshall expired at the end of 2009. The new appointments for 2010 include: Greg Hendrix (Bend) and Timothy L. Jackle (Medford). David Hittle is the SPRB Chairperson for 2010.

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. In 2009, Disciplinary Counsel opened 466 files (involving 483 Oregon lawyers).

Files Opened by Disciplinary Counsel

Month	2005	2006	2007	2008	2009
January	34	28	30	30	43
February	29	40	49	39	25
March	30	41	42	36	39
April	30	53	30	26	40
May	42	22	19	35	21
June	47	23	29	30	142*
July	35	29	31	37	16
August	32	36	23	38	35
September	22	21	16	125 [†]	31
October	31	38	38	27	34
November	41	23	46	15	31
December	31	29	23	29	26
Total	404	383	376	467	483

[†]97 IOLTA compliance matters

*98 IOLTA compliance matters

The breakdown of the open files for 2009 is: 272 referrals from the Client Assistance Office, 100 trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel's Office, 97 inquiries concerning lawyer compliance with the IOLTA rules, and 14 other matters opened by Disciplinary Counsel on the office's initiative.

For 2009, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2008 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel's Office received in 2009, 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 28 such appeals in 2009, affirming all of the dismissals.

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 2009, the SPRB reviewed 177 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 2009, the SPRB took action on 15 reports submitted by investigative committees and 205 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2009 is summarized in the following table:

Action Taken by SPRB

Year	Pros.	Admonition Offered	Admonition Accepted	Dismissed	Diversion
2005	131	43	43	122	3
2006	94	33	33	85	4
2007	133	40	40	77	2
2008	123	31	30 [†]	90	2
2009	128	29	28 [†]	59	5

[†] 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. 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 have abandoned their practice, 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 seven (7) such matters in 2009.

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 65. 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.

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). Thirteen (13) matters were referred to LPRCs in 2009.

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 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 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.

Fourteen (14) disciplinary cases were tried in 2009, although some of these matters went by default and did not require full evidentiary hearings.

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. Eight (8) lawyers submitted Form B resignations in 2009, 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 2009, but only after a trial panel issued its decision and an appeal to the Supreme Court was about to commence.

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 2009, 44 formal proceedings were concluded: 8 by decision in a contested case; 23 by stipulation; 8 by Form B resignation; and 5 by diversion.

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 2009, the Supreme Court rendered four (4) discipline opinions in contested cases. The court also approved three (3) stipulations for discipline and issued orders in three (3) other cases suspending lawyers on an interim basis while the disciplinary proceedings against them were pending.

Among the noteworthy court decisions were:

In *In re G. Jefferson Campbell, Jr.*, 345 Or 670, 202 P3d 871 (2009), this Jackson County lawyer was suspended for 60 days for charging an excessive fee in violation of former DR 2-106(A), and for a conflict of interest in violation of former DR 5-105(C). On the fee issue, the lawyer charged his client for late fees in excess of the legal rate of interest when there was no written agreement requiring the client to pay any such fees at all. Regarding the conflict issue, the lawyer represented a debtor in a bankruptcy proceeding for which the lawyer was owed attorney fees. During the administration of the estate, the bankruptcy trustee retained the lawyer as special counsel to oppose a claim made by another creditor. Ultimately, the trustee settled with this other creditor against the lawyer's advice. The lawyer, believing that the settlement would preclude his ability to collect his attorney fees from the estate, opposed and then appealed the settlement on his own behalf and as counsel for two other creditors. The Bar alleged and the court found that the lawyer committed a former client conflict of interest when he opposed the settlement entered into by his former client, the trustee.

The case of *In re R. Kevin Hendrick*, 346 Or 98, 208 P3d 488 (2009), was not decided by the Supreme Court on the substantive merits. Instead, the court remanded the case back to the Disciplinary Board for hearing before a new trial panel after finding that it was error to deny this Marion County lawyer's procedural challenge to a member of the panel that heard his case. Two justices dissented, opining that the procedural error in this case was not shown to have affected the lawyer's ability to create a record or the court's ability to correct the error with its *de novo* review of that record.

In *In re Lauren J. Paulson*, 346 Or 676, 216 P3d 859 (2009), *recon*, 347 Or 529 (2010), the Supreme Court disbarred this Washington County lawyer after finding numerous disciplinary rule violations. Some violations arose out of the lawyer's handling of an estate that, according to the court, should have been a straightforward matter for all concerned. Instead, the lawyer engaged in obstreperous conduct that delayed, frustrated and actively interfered with efforts to settle the estate, in violation of former DR 1-102(A)(4) and RPC 8.4(a)(4) [conduct prejudicial to the administration of justice] and former DR 2-106(A) [charging an excessive fee]. The court also found that, in other client matters, the lawyer: failed to take reasonable steps to protect client interests upon the termination of the lawyer's representation, in violation of RPC 1.16(d); practiced law during a period when he was suspended, in violation of RPC 5.5 and RPC 1.16(a)(1); made false statements to the court, in violation of RPC 3.3(a)(1), RPC 8.4(a)(3) and RPC 8.4(a)(4); and failed to respond to numerous inquiries by the

Bar, in violation of RPC 8.1(a)(2). The court determined that disbarment was the appropriate sanction, in part, because of the lawyer's prior disciplinary history.

In *In re Jay R. Jackson*, 347 Or 426, 223 P3d 387 (2009), this Linn County lawyer was found to have: neglected a client's legal matter, in violation of RPC 1.3; caused delay and additional burden on a trial court, in violation of RPC 8.4(a)(4); and made misrepresentations to the trial court to cover for his neglectful conduct, in violation of RPC 3.3(a)(1) and RPC 8.4(a)(3). The Supreme Court suspended the lawyer for 120 days.

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 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.

IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2009. The following table summarizes dispositions in recent years:

Sanction Type	2005	2006	2007	2008	2009
Disbarment	2	3	1	5	1
Form B Resignation	9	6	10	18	8
Suspension	34	36	35	22	18
Suspension Stayed/probation	1	0	0	2	0
Reprimand	22	14	20	23	12
Involuntary Inactive Transfer	0	0	0	1	0
Total Lawyer Sanctions	68	59	66	71	39
Dismissals After Adjudication	1	5	0	2	0
Dismissed as Moot	1 [†]	0	0	1	1
Diversion	3	4	2	2	5
Admonitions	43	33	42	30	28

† 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 eight (8) lawyers on probation at the end of 2009, along with six (6) 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.

The types of conduct for which a disciplinary sanction was imposed in 2009, 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 2009:

Type of misconduct	% of cases in which misconduct present
Neglect of legal matter	38%
Improper withdrawal	36%
Failure to respond to OSB	31%
Conduct prejudicial to justice	31%
Dishonesty or misrepresentation	28%
Excessive or illegal fees	28%
Trust account violation	28%
Failure to return property or funds	20%
Multiple client conflicts	15%
Criminal conduct	13%
Self-interest conflicts	13%
Inadequate accounting records	8%
Incompetence	8%
Unauthorized practice	5%
Disregarding a court rule or ruling	3%
Improper communication	3%
Other	13%

V. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2007 follows:

New complaints pending	150
Pending LPRC investigations	4
Pending formal proceedings	70*
Probation/diversion matters	14
Contested admission/contested reinstatement matters	1
Total	239

* 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 2009; processed approximately 616 membership status changes (inactive, active emeritus, and active pro bono transfers and voluntary resignations); and responded to roughly 2,770 public record requests during the year.

VI. STAFFING/FUNDING

In 2009, Disciplinary Counsel's Office employed fifteen staff members (13.95 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
Anita B. Erickson
Sandy L. Gerbish
Vickie R. Hansen
R. Lynn Haynes

Disciplinary Counsel's Office is funded out of the Bar's general fund. Revenue is limited (roughly \$81,400 for 2009) 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 2009 were \$1,635,000 with an additional \$382,500 assessed as a support services (overhead) charge. Of the actual program expenses, 88.3%

consisted of salaries and benefits. An additional 7.6% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses and related items. 4.1% 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 2009, the Bar received notice of 100 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 2009 follows:

2009 Trust Account Overdrafts

Dismissed by staff	84
Dismissed by SPRB	0
Referred to LPRC for further investigation	2
Closed by admonition letter	12
Closed by diversion	0
Formal charges authorized	2
Closed by Form B resignation	0
Pending (as of 3/2009)	0
Total Received	100

B. IOLTA COMPLIANCE

Related to trust accounts is the obligation under RPC 1.15-2(m) for Oregon lawyers to certify annually that they are in compliance with the trust account disciplinary rules, identifying the financial institutions and account numbers in which Interest on Lawyer Trust Account (IOLTA) trust funds are held. The annual certification is distributed to each lawyer with the yearly invoice for membership dues.

By April 2009, approximately 1,519 lawyers still had not filed their IOLTA certifications, and their names were turned over to Disciplinary Counsel's Office. Further notices from DCO prompted substantial compliance such that only two (2) lawyers ultimately were charged with a violation of RPC 1.15-2(m) from 2009.

C. PUBLIC RECORDS

In Oregon, lawyer discipline files are public record with very limited exceptions. Disciplinary Counsel staff responds to an average of 230 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.

During 2009, the Bar followed its established document management and retention policies. Ethics complaints dismissed for lack of probable cause more than ten (10) years ago were 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.

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 2009, the Bar received and processed 442 *pro hac vice* applications, collecting \$110,500 for legal services.

E. CUSTODIANSHIPS

ORS 9.705, *et. seq.*, provides a mechanism by which the Bar may petition the 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 2009, the Bar took preliminary steps to initiate a custodianship, but the filing was not necessary because the lawyer ultimately turned over her files voluntarily.

F. CONTINUING LEGAL EDUCATION PROGRAMS

Throughout 2009, 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 2009, 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 2009

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	22	4.5%
Client	151	31.3%
Judge	8	1.6%
Opposing Counsel	27	5.6%
Opposing Party	28	5.8%
Third Party	52	10.8%
Unknown	0	-
OSB	98	20.3%
OSB (IOLTA Compliance)	97	20.1%
TOTAL	483	100%

COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	5	1.0%
Advertisement	0	-
Arbitration	0	-
Bankruptcy	22	4.6%
Business	5	1.0%
Civil dispute (general)	20	4.2%
Conservatorship	2	.4%
Criminal	60	12.4%
Domestic Relations	44	9.1%
Estate Planning	4	.8%
Guardianship	1	.2%
Immigration	8	1.7%
Juvenile	1	.2%
Labor Law	3	.6%
Litigation (general)	31	6.4%
Land Use	0	-
Other	26	5.4%
Paternity	0	-
Personal injury	11	2.3%
Probate	8	1.7%
Real Estate	13	2.7%
Social Security	2	.4%
Tenant/landlord	2	.4%
Tax	0	-
Trust Account (IOLTA)	97	20.1%
Trust Account Overdraft	102	21.1%
Workers Comp.	12	2.5%
Unknown	4	.8%
TOTAL	483	100%

APPENDIX B 2008

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	13	2.8%
Client	135	28.9%
Judge	8	1.7%
Opposing Counsel	45	9.6%
Opposing Party	41	8.8%
Third Party	33	7.1%
Unknown	2	.4%
OSB	92	19.7%
OSB (IOLTA Compliance)	98	21%
TOTAL	467	100%

COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	0	-
Advertisement	0	-
Arbitration	0	-
Bankruptcy	8	1.7%
Business	6	1.3%
Civil dispute (general)	28	6.0%
Conservatorship	2	.4%
Criminal	51	10.9%
Domestic Relations	61	13.1%
Estate Planning	4	.9%
Guardianship	4	.9%
Immigration	10	2.1%
Juvenile	4	.9%
Labor Law	2	.4%
Litigation (general)	26	5.6%
Land Use	1	.2%
Other	42	9.0%
Paternity	0	-
Personal injury	11	2.4%
Probate	13	2.8%
Real Estate	2	.4%
Social Security	8	1.7%
Tenant/landlord	2	.4%
Tax	1	.2%
Trust Account (IOLTA)	98	21.0%
Trust Account Overdraft	81	17.3%
Workers Comp.	2	.4%
Unknown	0	-
TOTAL	467	100%

OSB DISPOSITION LIST – 2009

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs , RPCs, BRs, ORS	Bulletin Summary
1	08-12, 13, 14 Vincent J. Bernabei 23 DB Rptr ___	Reprimand	CC	DB	11/4/08	1/5/09	ORS 9.527(2) NG – 8.4(a)(2)	Feb/Mar 2009
2	06-52 M. Christian Bottoms 23 DB Rptr ___	Reprimand	Stip	DB	1/16/09	1/16/09	1.4(a), 1.4(b), 1.16(a)(2)	April 2009
3	08-28 Colette Boehmer 23 DB Rptr ___	60 day suspension	Stip	DB	1/28/09	3/1/09	1.15-1(a), 8.1(a)(1), 8.1(a)(2)	April 2009
4	08-104, 08-139, 08-140 Jacqueline L. Koch SC S056881	Form B resignation	--	S Ct	1/29/09	1/29/09	9-101A, 9-101C3, 1.3, 1.4(a), 1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.15-1(e), 1.15-2(m), 1.16(c), 1.16(d), 8.1(a)(2), 8.4(a)(3)	April 2009
5	07-44, 07-45 John H. Oh 23 DB Rptr ___	Eight month suspension	CC	DB	12/4/08	2/3/09	9-101A, 1.3, 1.15-1(a), 1.15-1(c), 1.16(d), 8.1(a)(2)	April 2009
6	06-14, 06-127 G. Jefferson Campbell, Jr. 345 Or-670, 202 P3d 871	60 day suspension	CC	S Ct	2/5/09	4/6/09	2-106A, 5-105C NG – 5-101A1	June 2009
7	08-80 Bruce Matsuo Nishioka 23 DB Rptr ___	Reprimand	Stip	DB	2/23/09	2/23/09	1.5(a), 5.3(a), 5.5(a)	May 2009
8	08-103 Daniel N. Gordon 23 DB Rptr ___	Reprimand	Stip	DB	2/23/09	2/23/09	8.4(a)(4)	May 2009
9	08-159 John M. Petshow 23 DB Rptr ___	Reprimand	Stip	DB	2/23/09	2/23/09	1.3, 1.4(a), 1.7(a)	May 2009
10	08-62 Colette Cameron	Diversion	--	SPRB	3/14/09	3/14/09	1.3, 1.4(a), 1.4(b), 1.16(c), 1.16(d)	No
11	08-25 Arthur E. Coyne SC S056067	Form B resignation	--	S Ct	4/2/09	4/2/09	1.16(d), 8.1(a)(2)	June 2009
12	06-110 R. Kevin Hendrick 346 Or-98, 208 P3d 488	Remand for new trial	CC	S Ct	4/2/09	4/23/2009	BR 2.4(g)	No
13	07-01, 08-98 Brian J. Sunderland SC S057211	Three year suspension, consecutive to previous suspension	Stip	S Ct	4/8/09	7/8/09	1-102A4, 2-106A, 5-105E, 6-101A, 9-101C3, 1.1, 1.3, 1.4(a), 1.5(a), 1.7(a), 1.15-1(a), 1.15-1(d), 1.16(d), 8.4(a)(3), 8.4(a)(4)	Aug/Sept 2009
14	09-15 Larry Reeves SC S057230	Form B resignation	--	S Ct	4/17/09	4/17/09	8.4(a)(2)	June 2009
15	07-31 to 07-35, 07- 101 Thomas K. Okai SC S057271	Four year suspension	Stip	S Ct	4/22/09	4/22/09	1.2(c), 1.3, 1.4(b), 1.5(a), 1.7(a)(2), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a)(2), 8.4(a)(4), ORS 9.527(2)	July 2009
16	08-75, 08-76 John P. Eckrem 23 DB Rptr ___	60 day suspension	Stip	DB	4/22/09	6/21/09	1.3, 1.4(a), 1.5(a), 1.15-1(c), 1.15-1(d), 1.16(d)	July 2009

OSB DISPOSITION LIST – 2009

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs, RPCs, BRs, ORS	Bulletin Summary
17	08-79 Britt Nelson	Diversion	--	SPRB	5/5/09	5/15/09	5.5(a), ORS 9.160	No
18	08-10 William S. Dames SC S057261	Form B resignation	--	S Ct	5/14/09	5/14/09	6-101B, 1.3, 8.4(a)(3), 8.4(a)(4)	July 2009
19	07-14 Charles N. Isaak 23 DB Rptr ___	Six month suspension	CC	DB	3/26/09	6/2/09	2-106A, 1.5(a), 1.7(a)(2)	Aug/Sept 2009
20	08-39, 08- 67, 08-81 Westly Allen Warner SC S057368	Form B resignation	--	S Ct	6/4/09	6/4/09	1.3, 1.4(a), 1.4(b), 1.5(a), 1.7(a)(2), 1.16(d), 3.3(a)(1), 8.4(a)(2), 8.4(a)(3), ORS 9.527(2)	Aug/Sept 2009
21	08-18 Richard T. Perry 23 DB Rptr ___	Six month suspension	Stip	DB	6/8/09	6/8/09	1.15-1(d), 1.16(d)	Aug/Sept 2009
22	SC S057392 Michael J. Bird SC S057392	Form B resignation	--	S Ct	6/17/09	6/17/09	1.7(a)(2), 1.8(a), 1.15-1(a), 1.15-1(c), 8.4(a)(3)	Aug/Sept 2009
23	08-153 Robert D. Dames 23 DB Rptr ___	Reprimand	Stip	DB	6/29/09	6/29/09	1.2(a), 1.3, 1.4(a), 1.4(b)	Oct 2009
24	07-94, 95; 08-09 Michael R. Shinn SC S056614	BR 3.1 suspension	CC	S Ct	7/8/09	7/8/09	1.3, 1.4(a), 1.15-1(a), 1.15-1(d), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	No
25	08-101 Sarah Brudi Creem 23 DB Rptr ___	30 day suspension	Stip	DB	7/14/09	7/14/09	1.16(a)(1), 8.4(a)(3), 8.4(a)(4)	Oct 2009
26	08-86 Kurt Carstens 23 DB Rptr ___	90 day suspension	Stip	DB	7/15/09	9/1/09	5-105E, 1.7(a)	Oct 2009
27	08-151 Scott A. Hodgess	Diversion	--	SPRB	7/18/09	9/1/09	5.5(a), 8.1(a)(2), ORS 9.160(1)	No
28	09-07 James A. Palmer	Diversion	--	SPRB	7/18/09	8/1/09	1.15-1(c)	No
29	09-62 Debbe J. Von Blumenstein, aka Debbe Stein	Diversion	--	SPRB	7/18/09	7/18/09	1.5(a), 1.15-1(a), 1.15-1(c), 3.4(c), 8.4(a)(2), 8.4(a)(4)	No
30	09-13 Matthew P. Zanolli 23 DB Rptr ___	Reprimand	Stip	DB	8/20/09	8/20/09	1.1, 1.7(a)	Nov 2009
31	08-144 Gregory W. Olson 23 DB Rptr ___	180 day suspension	Stip	DB	8/24/09	8/24/09	4.1, 8.1(a)(1), 8.4(a)(3), 8.4(a)(4)	Nov 2009
32	08-33 L. Ross Brown 23 DB Rptr ___	90 day suspension	CC	DB	6/25/09	9/1/09	1.15-1(c)	Nov 2009
33	05-187, 06-05, 07- 19 to 22 Lauren J. Paulson 346 Or 676, 216 P3d 859 recon 347 Or 529	Disbarment	CC	S Ct	9/3/09 1/22/10	11/02/09	1-102A4, 2-106A, 1.16(a)(1), 1.16(d), 3.3(a)(1), 5.5, 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	Nov 2009

OSB DISPOSITION LIST – 2009

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs, RPCs, BRs, ORS	Bulletin Summary
34	09-48 Amanda L. Stanley SC S058309	BR 3.4 suspension	Stip	S Ct	9/17/09	9/17/09	8.4(a)(2), ORS 9.527(2)	No
35	07-154 Randy Ray Richardson SC S057807	BR 3.4 suspension	CC	S Ct	9/23/09	9/23/09	8.4(a)(2), ORS 9.527(2)	No
36	08-112 Kevin J. Rank 23 DB Rptr ___	Reprimand	Stip	DB	9/28/09	9/28/09	1.3	Dec 2009
37	09-20 Lawrence L. Taylor 23 DB Rptr ___	Reprimand	Stip	DB	9/28/09	9/28/09	5.3(a), 5.3(b), 8.4(a)(4)	Nov 2009
38	08-15, 08-114 Jacob S. Johnston 23 DB Rptr ___	90 day suspension	Stip	DB	9/29/09	9/29/09	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.16(d)	January 2010
39	SC S057772 Larry K. Houchin SC S05772	Form B resignation	--	S Ct	10/7/09	10/7/09	8.4(a)(2)	Dec 2009
40	08-145 Timothy J. Vanagas 23 DB Rptr ___	60 day suspension	Stip	DB	10/17/09	10/20/09	1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(d)	Dec 2009
41	09-95, 09-96 William E. Carl SC S057861	BR 3.4 criminal conviction – No discipline imposed	--	S Ct	10/21/09	10/21/09	9.527(2)	No
42	09-98 Dale L. Smith 23 DB Rptr ___	Reprimand	Stip	DB	11/3/09	11/3/09	1.3, 1.4(a), 1.15-1(a), 1.15-1(c)	January 2010
43	08-73 R. Sande Tomlinson 23 DB Rptr ___	Reprimand	Stip	DB	11/19/09	11/19/09	5-101A	Feb/Mar 2010
44	07-132, 08-96 & 154; 09-38 T. Michael Ryan SC S057967	Form B resignation	--	S Ct	11/24/09	11/24/09	1.2(c), 1.3, 1.4(a), 1.15-1(a), 1.15-1(d), 1.16(d), 4.3, 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	January 2010
45	08-117, 09-01 Lawrence P. Cullen SC S057995, 23 DB Rptr ___	Nine month suspension	Stip	S Ct	11/24/09	12/1/09	1.3, 1.4(a), 1.4(b), 1.15-1(d), 8.1(a)(2), 8.4(a)(3)	January 2010
46	09-32 Philip R. Bennett 23 DB Rptr ___	120 day suspension, plus formal reinstatement	Stip	DB	12/14/09	12/14/09	8.1(a)(2), 8.1(c)	Feb/Mar 2010
47	09-103 Allen Bartfeld 23 DB Rptr ___	Reprimand	Stip	DB	12/16/09	12/16/09	1.15-2(m), 8.1(a)(2)	Feb/Mar 2010
48	07-54 Jay R. Jackson 347 Or 426, 223 P3d 387	120 day suspension	CC	S Ct	12/24/09	2/22/10	1.3, 3.3(a)(1), 8.4(a)(3), 8.4(a)(4)	Feb/Mar 2010
49	08-133 Arthur P. Klosterman 23 DB Rptr ___	Nine month suspension	CC	DB	10/28/09	12/28/09	1.15-2(m), 3.4(c), 8.1(a)(2), 8.4(a)(4),	Feb/Mar 2010

OREGON STATE BAR DISCIPLINARY PROCESS



