

Oregon  State Bar

2011

**Disciplinary
Counsel's Office**

Annual Report

April 2012

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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 2011. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2011, 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 creation of Region 7 effective January 2011, increased the size of the SPRB from nine to ten.)

The SPRB met 12 times in 2011. With regular meetings and conference calls combined, the SPRB considered approximately 250 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 2011:

Jana Toran (Portland) – Chairperson
Chelsea Dawn Armstrong (Salem)
Peter R. Chamberlain (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 term of Jana Toran expired at the end of 2011. The new appointment for 2012 was Whitney Patrick Boise (Portland). Peter R. Chamberlain is the SPRB Chairperson for 2012.

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 459 files opened in 2011.

Files Opened by Disciplinary Counsel					
Month	2007	2008	2009	2010	2011
January	30	30	43	29	20
February	49	39	25	25	36
March	42	36	39	26	25
April	30	26	40	30	42
May	19	35	21	119*	146*
June	29	30	142*	26	20
July	31	37	16	34	28
August	23	38	35	25	23
September	16	125*	31	36	29
October	38	27	34	33	23
November	46	15	31	21	27
December	23	29	26	24	40
TOTAL	376	467	483	428	459

*includes IOLTA compliance matters

The breakdown of the open files for 2011 was: 260 referrals from the Client Assistance Office, 86 trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel's Office, 91 inquiries concerning lawyer compliance with the IOLTA rules, and 22 other matters opened by Disciplinary Counsel on the office's initiative.

For 2011, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2010 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel's Office received in 2011, 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 20 such appeals in 2011, affirming all but one 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 2011, the SPRB reviewed 150 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 2011, the SPRB made probable cause decisions on 13 reports submitted by investigative committees and 171 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2011 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2007	133	40	40	77	2
2008	123	31	30†	90	2
2009	128	29	28†	59	5
2010	72	34	34	38	5
2011	98	34	34	46	4

† 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 five (5) such matters in 2011.

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 52.

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). Thirteen (13) matters were referred to LPRCs in 2011.

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.

Seventeen (17) disciplinary cases were tried in 2011, 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. Seven (7) lawyers submitted Form B resignations in 2011, 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 2011, but only after trial on the bar’s petition for the lawyer’s interim suspension, a decision on the petition and submission of the decision to the Supreme Court.

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 2011, 55 formal proceedings were concluded: 14 by decision in a contested case; 28 by stipulation; 7 by Form B resignation; and 4 by diversion. Another two matters resulted in the Supreme Court imposing reciprocal discipline by court order.

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 2011, the Supreme Court rendered five (5) discipline opinions in contested cases. The court also approved two (2) stipulations for discipline, revoked a probation, imposed reciprocal discipline in two (2) cases, and issued orders in two (2) other cases suspending lawyers on an interim basis while the disciplinary proceedings against them were pending.

Among the noteworthy court decisions were:

In re Groom, 350 Or 113, 249 P3d 976 (2011). In this case, the court identified factors that it will consider in deciding whether, under RPC 1.4, a lawyer reasonably communicates with a client and provides sufficient information to allow the client to make informed decisions in a legal matter. The lawyer represented a client on appeal in a habeas corpus matter. Another lawyer

represented the same client in a related civil action for unlawful imprisonment. Concerned that the outcome in the habeas appeal would adversely affect the civil action, the lawyer in the civil matter asked Groom to file a particular motion with the appellate court. Groom advised he would consider doing so, but later decided against it and did not advise either the civil lawyer or the client of this decision until the habeas appeal was dismissed. In assessing whether Groom failed to keep the client reasonably informed under RPC 1.4, the court looked at the length of time between his decision not to file the requested motion and when he ultimately told the client about it, whether Groom failed to respond promptly to reasonable requests for information from the client, and whether he knew or should have foreseen that a delay in communicating with the client would have prejudiced the client. After considering these factors, the court dismissed the charges of misconduct in this case.

In re Lopez, 350 Or 192, 252 P3d 325 (2011). This was a reciprocal discipline case, initiated after the lawyer was disciplined in California for multiple rule violations in several client matters in that state. The California Supreme Court suspended Lopez for one year, but stayed all but 90 days of the suspension pending completion of a one-year probation. However, the Oregon Supreme Court determined that it was not bound by the sanction imposed in California and that the California sanction was not sufficient to protect Oregon clients and the public, given the nature of the misconduct and the lawyer's prior disciplinary history. Therefore, the court suspended Lopez in Oregon for nine months, with none of the suspension stayed.

In re Lawrence, 350 Or 480, 256 P3d 1070 (2011). The bar charged this lawyer with conduct prejudicial to the administration of justice, RPC 8.4(a)(4), when he had the official audio recording of a controversial juvenile hearing transcribed and then released the transcript to the press without court permission. Oregon law restricts the public release of certain information and documents from a juvenile proceeding without consent of the court. In the discipline case, the court determined that, even if the lawyer violated state law by releasing the hearing transcript, the bar made an insufficient showing that the release was prejudicial to the administration of justice. The judge who presided at the hearing had permitted members of the media to attend the proceedings, the judge was not overly concerned about the release of the transcript, and there was no evidence that the release harmed the interests of the juveniles, the victims of the juveniles' conduct or the state.

The Supreme Court also considered three cases in which the accused lawyers timely filed petitions for review, but then failed to file opening briefs or otherwise appear in the appeals. The court determined that, although its review of disciplinary appeals is *de novo*, the court is free to circumscribe the extent of its review in the absence of any briefs or arguments challenging a trial panel opinion and that the court will generally affirm the trial panel under these circumstances. The court did, in fact, affirm the trial panels in these three cases: *In re Oh*, 350 Or 204, 252 P3d 325 (2011) (disbarment); *In re Richardson*, 350 Or 237, 253 P3d 1029 (2011) (disbarment); *In re Castanza*, 350 Or 293, 253 P3d 1057 (2011) (60-day suspension).

G. CONTESTED ADMISSIONS/CONTESTED REIN-STATEMENTS

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. The Supreme Court issued one admissions opinion in 2011, denying admission to that applicant.

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 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. A number of these proceedings were in progress in 2011.

IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2011. The following table summarizes dispositions in recent years:

SANCTION TYPE	2007	2008	2009	2010	2011
Disbarment	1	5	1	2	5
Form B Resignation	10	18	8	7	7
Suspension	35	22	18	23	19
Suspension stayed/probation	0	2	0	5	1
Reprimand	20	23	12	16	15
Involuntary inactive Transfer	0	1	0	0	0
TOTAL Lawyer Sanctions	66	71	39	53	47
Dismissals after Adjudication	0	2	0	2	4
Dismissed as moot	0	1	1	0	0
Diversion	2	2	5	4	4
Admonitions	42	30	28	34	34

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 seven (7) lawyers on probation at the end of 2011, along with seven (7) 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. One probation was revoked by the Supreme Court in 2011, after the lawyer reoffended and stipulated that he had violated his probationary terms.

The types of conduct for which a disciplinary sanction was imposed in 2011, 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 2011:

Type of misconduct	% of cases in which misconduct present
Inadequate client communication	40%
Failure to respond to OSB	30%
Dishonesty or misrepresentation	28%
Neglect of legal matter	21%
Trust account violation	19%
Criminal conduct	17%
Improper withdrawal	17%
Conduct prejudicial to justice	15%
Failure to return property or funds	15%
Excessive or illegal fees	13%
Multiple client conflicts	11%
Inadequate accounting records	9%
Incompetence	9%
Self-interest conflicts	9%
Disregarding a court rule or ruling	9%
Unauthorized practice	4%
Improper communication	4%
Advertising	2%
Other	15%

V. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel’s Office at the end of 2011 follows:

New complaints pending.....	213
Pending LPRC investigations.....	5
Pending formal proceedings	73*
Probation/diversion matters.....	14
Contested admission/contested reinstatement matters.....	3
TOTAL.....	308

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated approximately 134 reinstatement applications in 2011; processed approximately 535 membership status changes (inactive and active pro bono transfers and voluntary resignations); issued 931 certificates of good standing; and responded to roughly 2,800 public record requests during the year.

VI. STAFFING/FUNDING

In 2011, Disciplinary Counsel's Office employed fifteen staff members (14 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 \$58,500 for 2011) 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 2011 were \$1,675,000 with an additional \$383,600 assessed as a support services (overhead) charge. Of the actual program expenses, 90% consisted of salaries and benefits. An additional 6.4% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses and related items. 3.1% 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. Ethics School

Bar Rule 6.4 became effective in 2011. That rule requires lawyers who have been reprimanded or suspended to attend a oneday course of study presented by the Bar on topics of legal ethics, professional responsibility, and law office management. The first such program was offered in November 2011. Presenters included staff from the Client Assistance Office, Disciplinary Counsel's Office, and the Professional Liability Fund. It is anticipated the program will be offered 2 to 3 times per year.

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 65 banks have entered into notification agreements with the Bar.

In 2011, the Bar received notice of 86 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 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 2011 follows:

2011 Trust Account Overdrafts	
Dismissed by staff	75
Dismissed by SPRB	0
Referred to LPRC for further investigation	0
Closed by admonition letter	6
Closed by diversion	1
Formal charges authorized	2
Closed by Form B resignation	0
Pending (as of 3/2011)	2
Total Received	86

C. IOLTA Compliance

Related to trust accounts was the obligation under RPC 1.152(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.

By April 2011, approximately 760 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 four (4) lawyers ultimately were charged with a violation of RPC 1.152(m) from 2011.

Effective in 2012, the requirement to file an annual IOLTA certification has been removed from the Rules of Professional Conduct (RPC 1.152(m) was repealed) and now is a statutory obligation. ORS 9.675. Non-compliance will result in an administrative suspension, rather than disciplinary action.

D. 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 2011, 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.

E. 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 2011, the Bar received and processed 445 *pro hac vice* applications, collecting \$105,688 for legal services.

In addition, RPC 5.5(e) became effective in 2011. That rule 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.

F. 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 2011, the Bar did not initiate any custodianship, although facts coming to the Bar's attention in late 2011 resulted in a custodianship proceeding in early 2012.

G. Continuing Legal Education Programs

Throughout 2011, 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 2011, 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 - 2011

COMPLAINANT TYPE	NUMBER	PERCENTAGE
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%
COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
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%

APPENDIX B - 2010

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	19	4.4%
Client	121	28.3%
Judge	16	3.7%
Opposing Counsel	37	8.7%
Opposing Party	26	6.1%
Third Party	27	6.3%
Unknown	0	0%
OSB	93	21.7%
OSB (IOLTA Compliance)	89	20.8%
TOTAL	428	100.0%
COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	2	0.5%
Advertisement	0	0%
Arbitration	2	0.5%
Bankruptcy	18	4.2%
Business	10	2.3%
Civil dispute (general)	22	5.1%
Conservatorship	2	0.5%
Criminal	57	13.3%
Domestic Relations	40	9.3%
Estate Planning	2	0.5%
Guardianship	4	0.9%
Immigration	5	1.2%
Juvenile	4	0.9%
Labor Law	2	0.5%
Litigation (general)	23	5.4%
Land Use	0	0%
Other	30	7.0%
Paternity	0	0%
Personal injury	13	3.0%
Probate	7	1.6%
Real Estate	8	1.9%
Social Security	3	0.7%
Tenant/landlord	1	0.2%
Tax	0	0%
Trust Account (IOLTA)	89	20.8%
Trust Account Overdraft	77	18.0%
Workers Comp.	5	1.2%
Unknown	2	0.5%
TOTAL	428	100.0%

OSB Disposition List 2011

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	10-147 Ginger Genevieve Mooney	Diversion	-	SPRB	1/15/11	4/1/11	1.15-1(a), 1.15-1(b), 1.15-1(c)	No
2	09-145 J. Stefan Gonzalez 25 DB Rptr 1	60-day suspension	CC	DB	11/28/10	1/28/11	3.4(c), 8.4(a)(4)	April 2011
3	10-127 Arthur P. Slininger 25 DB Rptr 8	Reprimand	Stip	DB	1/27/11	1/27/11	1.3, 1.4(a)	April 2011
4	09-131 Joseph J. Hanna SC S059078	Form B resignation	-	S Ct	2/3/11	2/3/11	1-102A3, 5-101A1, 5-105E, 5f08A, 1.7, 1.8(f), 8.4(a)(3)	April 2011
5	10-148 Scott J. Rubin 25 DB Rptr 13	Reprimand	Stip	DB	2/16/11	2/16/11	3.4(c), 8.4(a)(4)	May 2011
6	09-35 10-78 A.E. Bud Bailey 25 DB Rptr 19	Reprimand	Stip	DB	2/16/11	2/16/11	1.2(a), 1.4	May 2011
7	09-40 Marsha M. Morasch SC S059134 25 DB Rptr 25	1-year suspension, 6 months stayed, 2-year probation	Stip	S Ct	2/17/11	2/17/11	8.1(a)(2), 8.1(c)	May 2011
8	10-137 Jack Levy 25 DB Rptr 32	Reprimand	Stip	DB	2/24/11	2/24/11	ORS 9.527(2)	May 2011
9	10-80 Lynn E. Ashcroft 25 DB Rptr 36	60-day suspension	Stip	DB	3/3/11	3/17/11	8.4(a)(4)	May 2011
10	10-06 Antonio Porras, Jr. 25 DB Rptr 42	Disbarment	CC	DB	1/5/11	3/8/11	8.4(a)(2), 8.4(a)(3)	May 2011
11	11-13 Conrad E. Yunker 25 DB Rptr 50	Reprimand	Stip	DB	3/16/11	3/16/11	1.3, 1.4(a)	June 2011
12	10-36 Meg Reinhold SC S059091	BR 3.1 suspension	CC	S Ct	3/21/11	3/21/11	1.15-1(a), 1.15-1(b), 1.15-1(c), 8.4(a)(3)	No
13	08-105 David E. Groom 350 Or 113, 249 P3d 976	Dismissal	CC	S Ct	3/25/11	5/12/11	NG - 1.4	May 2011
14	10-38 James R. Dole 25 DB Rptr 56	Reprimand	Stip	DB	3/25/11	3/25/11	1.4(a), 1.7(a), 1.9(a), 1.9(c)	June 2011
15	09-132 09-133 09-134 Lance E. Erickson 25 DB Rptr 64	90-day suspension	Stip	DB	4/4/11	5/4/11	1.3, 1.4(a), 1.16(d), 8.4(a)(4)	June 2011

APPENDIX C-1

OSB Disposition List 2011

	Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
16	10-64	Anthony Robert Lopez, Jr. 350 Or 192, 252 P3d 312	BR 3.5 reciprocal discipline 9-month suspension	CC	S Ct	4/7/11	6/6/11	1.1, 1.4(a), 1.4(b), 1.5, 1.15-1(d), 7.1(a)(2), 8.4(a)(4)	July 2011
17	08-118 08-119 08-120 08-156 08-157 09-27 09-70 09-71 09-88 09-89	John H. Oh 350 Or 204, 252 P3d 325	Disbarment, with restitu- tion	CC	S Ct	4/7/11	6/6/11	1.3, 1.4(a), 1.5(a), 1.8(a), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a) (3)	June 2011
18	10-131	Derrick E. McGavic SC S059280	Form B resignation	-	S Ct	4/7/11	4/7/11	3.3(a)(1), 8.4(a)(3), 8.4(a)(4)	June 2011
19	10-77	Arthur P. Klosterman 25 DB Rptr 76	Disbarment	CC	DB	2/10/11	4/13/11	5.5(a), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4), ORS 9.160	June 2011
20	07-154	Randy R. Richardson 350 Or 237, 253 P3d 1029	Disbarment	CC	S Ct	4/21/11	6/20/11	1.1, 1.2(c), 1.7(a)(1), 1.7(a)(2), 8.4(a) (2), 8.4(a)(3)	July 2011
21	09-25	Jason D. Castanza 350 Or 293, 253 P3d 1057	60-day suspension	CC	S Ct	5/5/11	7/4/11	1.16(d)	July 2011
22	10-97 10-98 10-99 10-121 11-20 11-21	G. Victor Tiscornia II SC S059351	Form B resignation	-	S Ct	5/5/11	5/5/11	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.151(a), 1.15-1(d), 3.1, 3.3(a)(1), 3.3(a)(4), 3.4(c), 4.4(a), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3), 8.4(a)(4)	July 2011
23	10-36	Meg Reinhold SC S059091	Form B resignation	-	S Ct	5/5/11	5/5/11	1.15-1(a), 1.15-1(b), 1.15-1(c), 8.4(a) (3)	July 2011

OSB Disposition List 2011

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
24	10-62 10-65 10-66 10-111 J. Stephan Gonzalez 25 DB Rptr 88	4-month suspension, plus BR 8.1 reinstatement	Stip	DB	5/10/11	5/10/11	1.4(a), 4-2, 8.1(a)(2)	July 2011
25	09-22 Barry E. Garley 25 DB Rptr 97	Dismissed	CC	DB	3/17/11	5/17/11	1.15-1(d), 1.15-1(e), 8.4(a)(3)	July 2011
26	09-140 Angela Stewart 25 DB Rptr 106	Reprimand	Stip	DB	5/24/11	5/24/11	1.4(a), 1.4(b), 1.7	July 2011
27	11-23 Steven B. Johnson SC S059275	BR 3.5 reciprocal discipline Disbarment	CC	S Ct	5/26/11	5/26/11	3.3(a)(1), 8.1(a)(1), 8.1(a)(2), 8.4(a)(1), 8.4(a)(3)	July 2011
28	08-29 08-116 James C. Jagger 25 DB Rptr 113	6-month suspension, plus restitution	CC	DB S Ct	12/4/10 5/26/11	8/1/11	9-101A, 1.5(a), 1.15-1(c), 1.151(d), 1.16(d), 8.1(a)(2) NG – 1.3	Aug/Sept 2011
29	09-66 10-53 Kevin T. Lafky 25 DB Rptr 134	4-month suspension	Stip	DB	5/27/11	8/27/11	1.7(a)(2), 1.8(a), 1.15-1(a), 1.151(b), 1.15-1(c)	July 2011
30	09-129 Rick Klingbeil 25 DB Rptr 142	Dismissed	CC	DB	4/11/11	6/14/11	NG – 3.3(a)(1), 8.4(a)(2), 8.4(a)(3), 8.4(a)(4)	July 2011
31	08-115 J. Mark Lawrence 350 Or 480, 256 P3d 1070	Dismissed	CC	S Ct	6/30/11		NG – 8.4(a)(4)	Aug/Sept 2011
32	09-28 09-29 09-104 09-105 David E. Groom SC S059011, 25 DB Rptr 154	180-day suspension	CC/ Stip	DB/ S Ct	6/30/11	6/30/11	1.4(a), 1.15-1(a), 1.15-1(d)	Aug/Sept 2011
33	10-100 Thomas K. Okai SC S059585	Form B resignation	-	S Ct	7/28/11	7/28/11	1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	Aug/Sept 2011
34	11-24 Steven D. Bryant 25 DB Rptr 167	Reprimand	Stip	DB	8/1/11	8/1/11	1.3, 1.4(a)	Oct 2011
35	10-84 Anthony R. Lopez SC S059624	Form B resignation	-	S Ct	8/18/11	8/18/11	8.1(a)(2), 8.1(b)	Oct 2011
36	11-11 Charles Z. Edelson 25 DB Rptr 172	90-day suspension	Stip	DB	8/22/11	8/22/11	1.3, 1.4(a), 1.16(a)(1), 8.1(a)(2)	Nov 2011

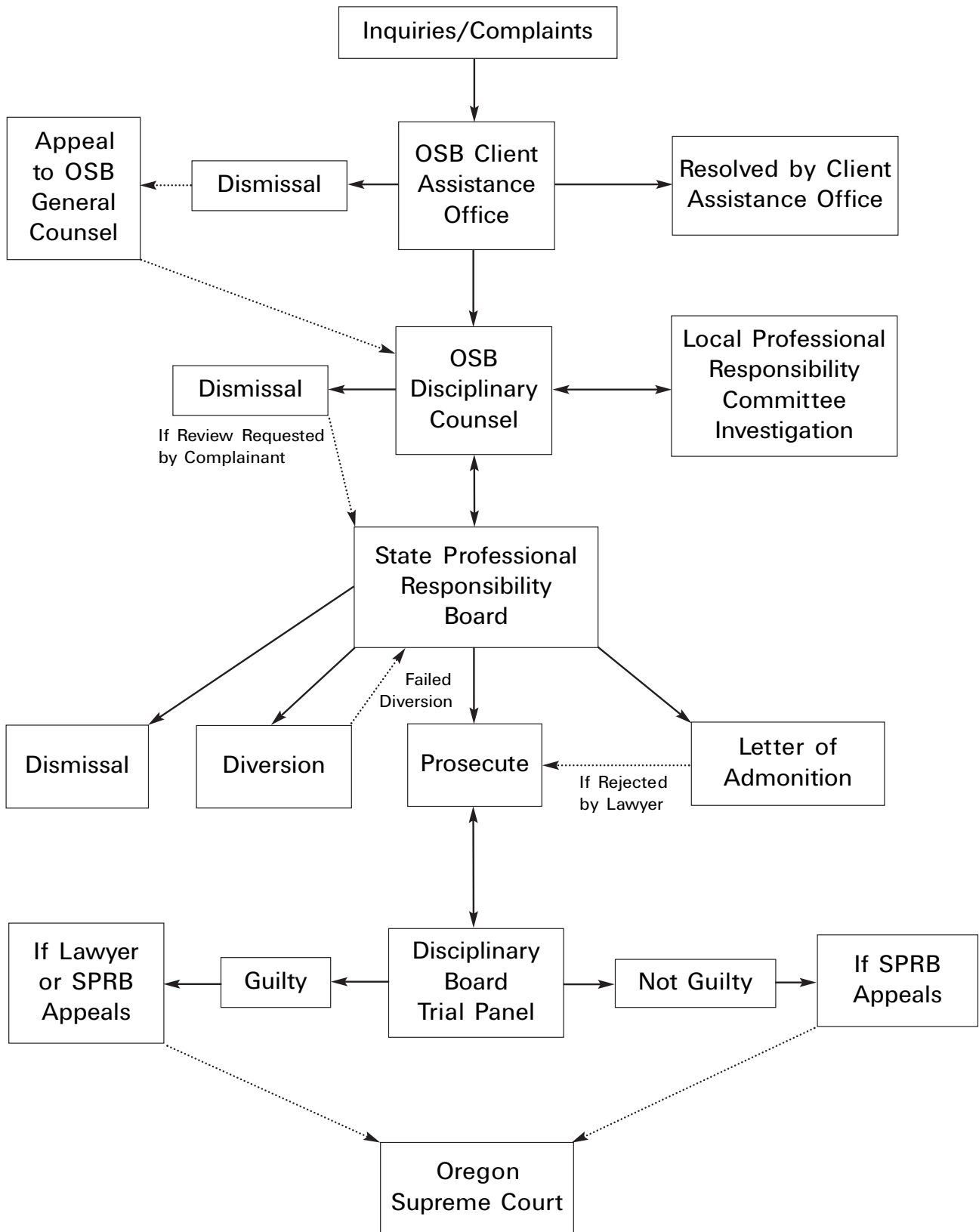
OSB Disposition List 2011

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
37	10-133 Thomas K. Ono 25 DB Rptr 180	Reprimand	Stip	DB	8/25/11	8/25/11	1.15-2(m), 8.1(a)(2)	Oct 2011
38	11-16 Rand E. Overton 25 DB Rptr 184	60-day suspension	Stip	DB	8/25/11	8/25/11	8.4(a)(2), ORS 9.527(2)	Nov 2011
39	10-70 Amy L. McCaffrey 25 DB Rptr 190	60-day suspension	Stip	DB	8/25/11	9/4/11	1.3, 1.4(a), 1.4(b), 1.5(a), 1.16(a)(2), 1.16(d), 8.4(a)(3)	Oct 2011
40	09-80 Timothy E. Nielson 25 DB Rptr 196	120-day suspension	CC	DB	6/24/11	8/30/11	1.15-2(m), 8.1(a)(2)	Nov 2011
41	11-65 Brent C. Foster 25 DB Rptr 201	30-day suspension	Stip	DB	9/2/11	9/3/11	8.4(a)(3)	Nov 2011
42	09-107 Roger L. Clark 25 DB Rptr 207	Reprimand	CC	DB	7/7/11	9/7/11	9-101C3, 1.7(a) NG – 1.9(c)(1)	Nov 2011
43	11-76 Edgar J. Steele SC S059625	BR 3.4 suspension	CC	S Ct	9/16/11	9/16/11	8.4(a)(2), ORS 9.527(2)	No
44	11-87 Ryan Robert Corbridge	Diversion	-	SPRB	8/12/11	10/1/11	1.15-1(a), 1.15-1(c)	No
45	11-50 Franco A. Lucchin	Diversion	-	SPRB	8/12/11	9/17/11	4.3	No
46	S059555 Justin Robert Steffen 351 Or 106, 261 P3d 1254	Admission denied	CC	S Ct	9/22/11	9/22/11	ORS 9.220(2)	Dec 2011
47	09-127 James Dodge 25 DB Rptr 218	90-day suspension	Stip	DB	9/27/11	12/1/11	1.3, 1.4(a)	Dec 2011
48	10-134 10-135 Michael D. Long	Diversion	-	SPRB	10/14/11	10/14/11	1.4(a), 1.15-1(c), 1.15-1(d), 1.16(d), 3.4(c), 8.1(a)(2), 8.4(a)(4)	No
49	11-83 Thomas P. McElroy 25 DB Rptr 224	Reprimand	Stip	DB	10/18/11	10/18/11	1.15-1(a), 1.15-1(c)	Dec 2011
50	10-132 Theodora H. Lenihan 25 DB Rptr 229	60-day suspension	Stip	DB	10/25/11	10/25/11	1.15-2(m), 8.1(a)(2)	Dec 2011
51	11-10 J. Kevin Hunt 25 DB Rptr 233	Reprimand	Stip	DB	11/1/11	11/1/11	1.4(a), 1.4(b)	Dec 2011

OSB Disposition List 2011

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
52	C. Fredrick Burt 25 DB Rptr 238	Reprimand	Stip	DB	12/5/11	12/5/11	8.1(a)(2)	January 2012
53	Mary J. Grimes 25 DB Rptr 242	Reprimand	Stip	DB	12/14/11	12/14/11	1.5(a), 1.15-1(a), 1.15-1(c)	Feb/Mar 2012
54	William E. Carl SC S058149, 25 DB Rptr 248	Probation revoked – 335-day suspension	Stip	S Ct	12/15/11	12/15/11	8.4(a)(2), ORS 9.527(2)	No
55	Robert D. Dames, Jr. SC S059850	Form B resignation	-	S Ct	12/15/11	12/15/11	1.1, 1.2(a), 1.3, 1.4(a), 1.4(b), 1.151(c), 1.15-1(d), 1.16(d), 3.3(a)(1), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3), 8.4(a) (4)	Feb/Mar 2012
56	Gary F. Deal 25 DB Rptr 251	Reprimand	Stip	DB	12/19/11	12/19/11	1.4(a)	April 2012
57	Justin E. Throne 25 DB Rptr 255	30-day suspension	Stip	DB	12/22/11	12/29/11	1.4(a), 1.15-1(d)	Feb/Mar 2012
58	Sharon T. Oberst DeFala SC S059822	BR 3.5 reciprocal dis- cipline – no discipline imposed	CC	S Ct	12/29/11	12/29/11	Conn. RPC 1.5(a)	No
59	Robert E. Hill 25 DB Rptr 260	8-month suspension	CC	DB	10/19/11	1/4/12	3.4(c), 3.5(d), 4.2, 5.5(a), 8.4(a)(4), ORS 9.160	Feb/Mar 2012

OREGON STATE BAR DISCIPLINARY PROCESS



APPENDIX D

