

Oregon  State Bar

2013 **Disciplinary
Counsel's Office**
Annual Report

April 2014

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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 2013. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2013, and a discussion of significant developments over the last year.

II. STATE PROFESSIONAL RESPONSIBILITY BOARD (SPRB)

The principal responsibility of Disciplinary Counsel's Office is to serve as counsel to the State Professional Responsibility Board (SPRB), the body to which the investigative and prosecutorial functions within the discipline system are delegated by statute. The SPRB seeks to enforce the disciplinary rules in the Rules of Professional Conduct (the RPCs), while operating within the procedural framework of the Bar Rules of Procedure (the BRs). The SPRB is a ten-member board of unpaid volunteers, consisting of one lawyer each from Board of Governors (BOG) Regions 1 through 4, 6, and 7, two lawyers from Region 5 and two public members.

The SPRB met 15 times in 2013. With regular meetings and conference calls combined, the SPRB considered approximately 234 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 2013:

Greg Hendrix (Bend)—Chairperson
Chelsea Dawn Armstrong (Salem)
Whitney Patrick Boise (Portland)
Judy Clarke (Portland)—Public Member
Danna Fogarty (Eugene)
Michael G. Gentry (Lake Oswego)
Blair Henningsgaard (Astoria)
E. Bradley Litchfield (Eugene)
Timothy L. Jackle (Medford)
Dr. S. Michael Sasser (Medford)—Public Member

The terms of Greg Hendrix, Timothy L. Jackle, and Judy Clarke expired at the end of 2013. The new appointments for 2014 are Valerie Wright (Bend) Justin Rosas (Medford), and Nathaline Frener (Eugene)—Public Member. Michael Gentry is the SPRB Chairperson for 2014.

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 349 files opened in 2013.

Files Opened by Disciplinary Counsel					
Month	2009	2010	2011	2012	2013
January	43	29	20	49	21
February	25	25	36	27	23
March	39	26	25	39	30
April	40	30	42	38	43
May	21	119*	146*	20	37
June	142*	26	20	40	31
July	16	34	28	22	30
August	35	25	23	35	36
September	31	36	29	22	27
October	34	33	23	23	26
November	31	21	27	18	26
December	26	24	40	26	19
TOTAL	483	428	459	359[†]	349

*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 349 files opened in 2013, 247 were referrals from the Client Assistance Office and 80 were trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel's Office. Disciplinary Counsel opened another 22 matters on its own initiative.

For 2013, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2012 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel's Office received in 2013, 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.

Effective in November 2013, Disciplinary Counsel's Office is permitted to seek the administrative suspension of any lawyer who fails without good cause to timely respond to requests for information or records. BR 7.1. Three (3) lawyers were administratively suspended in 2013 pursuant to this rule.

If, after investigation, staff determined that probable cause did not exist to believe that misconduct had occurred, the matter was dismissed by Disciplinary Counsel. BR 2.6(b). Complainants have the right under the rules of procedure to contest or appeal a dismissal by Disciplinary Counsel staff. In those cases, the matters are submitted to the SPRB for review. The SPRB considered 24 such appeals in 2013.

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 SPRB 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 2013, the SPRB reviewed 143 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 special local investigator 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 2013, the SPRB made probable cause decisions on 9 reports submitted by special local investigators and 143 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2013 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2009	128	29	28†	59	5
2010	72	34	34	38	5
2011	98	34	34	46	4
2012	90	47	46†	73	7
2013	86	20	20	43	13

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

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

In addition to the normal complaint review process, the SPRB also is responsible for making recommendations to the Supreme Court on matters of urgency including temporary and immediate suspensions of lawyers who have abandoned their practices, are suffering under some disability, have been convicted of certain crimes, or have been disciplined in another jurisdiction subjecting them to reciprocal discipline here in Oregon. The SPRB reviewed 15 such matters in 2013.

C. Special Local Investigators

Most complaints are investigated in-house by Disciplinary Counsel staff. However, some matters that require in-depth field investigation, or present a potential conflict for in-house staff, are referred by staff or the SPRB to local investigators appointed on an individual, as needed, basis.

Under the applicable rules of procedure, Disciplinary Counsel staff arranges for an assignment to be made to an individual investigator, who conducts the requested investigation and reports back his or her findings. A special investigator is asked to complete an assignment in 90 days, with one extension of 60 days available. Three (3) matters were referred to special local investigators in 2013.

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 occasionally arrange for volunteer bar counsel to assist at trial. Bar Counsel are selected from a panel of lawyers appointed by the Board of Governors.

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

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

(2) Adjudicative Function

Members of the Disciplinary Board, appointed by the Supreme Court, sit in panels of three (two lawyers, one non-lawyer) and are selected for each disciplinary case by a regional chairperson. The panel chair rules on all pretrial matters and is responsible for bringing each case to hearing within a specific time frame established by the rules.

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

Eighteen (18) disciplinary cases were tried in 2013. Some were single-day hearings; others were multi-day hearings extending over several weeks; still others went by default and did not require a full evidentiary hearing at all.

E. Dispositions Short of Trial

Fortunately, many of the disciplinary proceedings authorized by the SPRB are resolved short of trial with resignations or stipulations. Form B resignation (resignation “under fire”) does not require an admission of guilt by an accused lawyer but, because charges are pending, is treated like a disbarment such that the lawyer is not eligible for reinstatement in the future. Four (4) lawyers submitted Form B resignations in 2013, 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 2013, but not until a mediator notified him that he was likely to be disbarred if he proceeded with the hearing scheduled before a trial panel.

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 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 the approver with additional information to support the stipulated resolution, negotiate further, or proceed to trial.

F. Appellate Review

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

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

In 2013, the Supreme Court rendered 3 discipline opinions in contested cases. The court also approved 2 stipulations for discipline, imposed reciprocal discipline in 8 cases, suspended 2 lawyers following notice of felony convictions, and suspended 3 lawyers on an interim basis while disciplinary proceedings were pending.

Regarding the disciplinary system overall, 57 disciplinary proceedings were concluded in 2013: 23 by decision in a contested case; 18 by stipulation; 4 by Form B resignation; 4 by diversion; and 8 by reciprocal discipline order.

G. Contested Admissions/Contested Reinstatements

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

For reinstatements, Disciplinary Counsel’s Office is responsible for processing and investigating all applications. Recommendations are then made to either the Bar’s Executive Director or the Board of Governors, 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 threemember panel (much like a lawyer discipline matter), or may direct that a hearing take place before a special master appointed by the court. Disciplinary Counsel’s Office has the same responsibilities for prosecuting these contested cases as with disciplinary matters and handles the appeal of these cases, which is automatic, before the Supreme Court. None of these proceedings occurred in 2013.

IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2013. The following table summarizes dispositions in recent years:

SANCTION TYPE	2009	2010	2011	2012	2013
Disbarment	1	2	5	2	6
Form B Resignation	8	7	7	13	4
Suspension	18	23	19	20	21
Suspension stayed/probation	0	5	1	3	3
Reprimand	12	16	15	17	14
Involuntary inactive Transfer	0	0	0	0	0
TOTAL Lawyer Sanctions	39	53	47	55	48
Dismissals after Adjudication	0	2	4	2	2
Dismissed as moot	1	0	0	0	2
Diversion	5	4	4	6	4
Admonitions	28	34	34	46	20

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 4 lawyers on probation at the end of 2013, along with 12 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. In 2013, Disciplinary Counsel’s Office dedicated a staff member to assist in monitoring diversion and probation matters.

The types of conduct for which a disciplinary sanction was imposed in 2013, 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 2013:

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

V. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2013 follows:

New complaints pending.....	207
Pending special local investigations.....	0
Pending formal proceedings.....	56*
Probation/diversion matters.....	16
Contested admission/contested reinstatement matters.....	0
TOTAL.....	279

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated 176 reinstatement applications in 2013; processed approximately 761 membership status changes (inactive and active pro bono transfers and voluntary resignations); issued 987 certificates of good standing; and responded to 1,813 public record requests during the year.

VI. STAFFING/FUNDING

In 2013, Disciplinary Counsel's Office employed fourteen staff members (13.65 FTE). In addition to Disciplinary Counsel, there were six staff lawyer positions. Support staff included one investigator, one office administrator, one regulatory services coordinator, one diversion/probation monitor, two legal secretaries, and one public records coordinator. Staff members at the end of 2013 included:

Disciplinary Counsel

John S. Gleason

Assistants Disciplinary Counsel

Amber Bevacqua-Lynott
Mary A. Cooper
Susan R. Cournoyer
Linn D. Davis
Martha M. Hicks
Kellie F. Johnson

Support Staff

Lynn Bey-Roode
Jennifer Brand
W. Matthew Campbell
Karen L. Duncan
Sandy L. Gerbish
R. Lynn Haynes
Christopher Ouellette

Disciplinary Counsel's Office is funded out of the Bar's general fund. Revenue is limited (roughly \$90,000 for 2013) 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 2013 were \$1,766,000 with an additional \$408,000 assessed as a support services (overhead) charge. Of the actual program expenses, 90.8% consisted of salaries and benefits. An additional 5.3% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative

expenses and related items. 3.8% of the expense budget was spent on general and administrative expenses such as copying charges, postage, telephone and staff travel expense.

VII. OTHER DEVELOPMENTS

A. Ethics School

Lawyers who have been reprimanded or suspended are required to attend a oneday course of study presented by the Bar on topics of legal ethics, professional responsibility, and law office management. Two such programs were offered in 2013, one in May and one in November. Presenters included staff from the Client Assistance Office, Disciplinary Counsel’s Office, and 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 1.152. Under the program, lawyers are required to maintain their trust accounts in financial institutions that have agreed to notify the Bar of any overdraft on such accounts. Approximately 63 banks have entered into notification agreements with the Bar.

In 2013, the Bar received notice of 80 trust account overdrafts. For each overdraft, Disciplinary Counsel staff requested a written explanation and supporting documentation from the lawyer, and made follow-up inquiries as necessary. Many overdrafts were the result of bank or isolated lawyer error and, once confirmed as such, were dismissed by staff. If circumstances causing an overdraft suggested an ethics violation, the matter was referred to the SPRB. A minor violation leading to an overdraft typically results in a letter of admonition issued to the lawyer. More serious or on-going violations result in formal disciplinary action. A summary of the disposition of trust account overdrafts received in 2013 follows:

2012 Trust Account Overdrafts	
Dismissed by staff	66
Dismissed by SPRB	0
Referred to LPRC for further investigation	0
Closed by admonition letter	2
Closed by diversion	1
Formal charges authorized	2
Closed by Form B resignation	0
Pending (as of 1/2014)	9
Total Received	80

C. Public Records

In Oregon, lawyer discipline files are public record with very limited exceptions. Disciplinary Counsel staff 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.

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

D. *Pro Hac Vice* Admission and Arbitration Registration

Uniform Trial Court Rule 3.170 provides that all applications by out-of-state lawyers for admission in a single case in Oregon (*pro hac vice* admission) must first be filed with the Oregon State Bar, along with a fee of \$250 (in 2013). 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 2013, the Bar received and processed 484 *pro hac vice* applications, collecting \$121,000 for legal services.

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

E. Custodianships

ORS 9.705, *et. seq.*, provides a mechanism by which the Bar may petition a circuit court for the appointment of a custodian to take over the law practice of a lawyer who has abandoned the practice or otherwise is incapable of carrying on. It was not necessary in 2013 for the Bar to utilize this process.

F. Continuing Legal Education Programs

Throughout 2013, 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 2013, 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,

John S. Gleason
Disciplinary Counsel

APPENDIX A - 2013

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

APPENDIX B - 2012

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

**OSB DISPOSITION LIST
2013**

Case No.	Case Name/Cite	Disposition	CC/Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	Karen E. READ 27 DB Rptr	Disbarment	CC	DB	10/31/2012	1/5/2013	1.1, 1.3, 1.4(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(a)(2), 1.16(c), 1.16(d), 3.3(a)(1), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	Feb/Mar 2013
2	Karen E. READ	Dismissed as moot	CC	DB	1/19/2013	1/19/2013	1.3, 1.4(a), 8.1(a)(2)	No
3	Christopher D. SCHWINDT SC S060906	BR 3.5 reciprocal discipline – Two-year suspension	CC	S Ct	2/7/2013	3/24/2013	WA – 1.2, 1.4(b), 1.7(a)(2), 1.7(b)(4), 1.8(a), 1.8(h)(1), 1.8(h)(2), 5.5(a), 8.4(c) OR – 1.2(b), 1.4(b), 1.7(a)(2), 1.7(b)(4), 1.8(a), 1.8(h)(1), 1.8(h)(2), 5.5(a), 8.4(a)(3)	April 2013
4	Mark KRAMER 27 DB Rptr	Reprimand	Stip	DB	2/8/2013	2/8/2013	4.2	April 2013
5	Frank WALL	Diversion	--	SPRB	2/14/2013	2/14/2013	1.1, 1.3, 1.16(a)(3), 3.4(d), 8.4(a)(4)	No
6	D. Rahn HOSTETTER SC S061028 27 DB Rptr	18-month suspension, all but 6 months stayed, 12-month probation	Stip	S Ct	2/21/2013	3/8/2013	1.7(a), 1.8(a), 5-105E	April 2013
7	Mark O. COTTLE 27 DB Rptr	30-day suspension	Stip	DB	3/17/2013	5/1/2013	1.3, 1.4(a), 1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.1(a)(2)	July 2013
8	Jeffrey F. RENSCHAW SC S059839 27 DB Rptr	Disbarment	CC	S Ct	3/28/2013	5/27/2013	8.4(a)(2), 8.4(a)(3)	May 2013
9	Anita C. SMITH 27 DB Rptr	90-day suspension	Stip	DB	3/28/2013	4/1/2013	1.4(a), 1.15-1(d), 8.1(a)(2)	May 2013
10	William E. PIERSON SC S061044	BR 3.5 reciprocal discipline – Reprimand	CC	S Ct	3/28/2013	3/28/2013	Wash RPC 1.15A(c), 1.15A(f), 1.15A(g), 1.15A(h)(1), 1.15A(h)(6), 1.15A(h)(7), 1.15A(h)(8)	June 2013
11	D. Scott SUMMER 27 DB Rptr	Disbarment	CC	DB	2/1/2013	4/3/2013	3.1, 3.3(a)(1), 3.4(c), 8.1(a)(1), 8.1(a)(2), 8.4(a)(4)	October 2013
12	Philip M. KLEINSMITH SC S061057	BR 3.5 reciprocal discipline – 90-day suspension	CC	S Ct	4/11/2013	6/10/2013	1.1, 1.4(a), 1.5(a), 1.16(d), 8.4(a)(4)	June 2013

OSB DISPOSITION LIST 2013

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
13	11-57 11-111 Paul H. KRUEGER 27 DB Rptr	Dismissed	CC	DB	2/12/2013	4/16/2013	NG – 1.3, 1.7(a)(2), 8.4(a)(4), & Wash 1.3	May 2013
14	11-58 12-151 Eric J. FIELSTAD 27 DB Rptr	30-day suspension	Stip	DB	4/18/2013	7/12/2013	1.4(a), 1.15-1(a), 1.15-1(d), 3.5(b), 5.3(a), 8.4(a)(4)	October 2013
15	11-123 11-124 12-58 Mariel Marjorie ETTINGER 27 DB Rptr	2-year suspension	CC	DB	2/26/2013	4/30/2013	1.3, 1.4(a), 1.16(d), 8.1(a)(2), 8.1(c), 8.4(a)(2), 8.4(a)(3)	July 2013
16	13-35 Robert T. SCHERZER 27 DB Rptr	Reprimand	Stip	DB	4/30/2013	4/30/2013	4.2	July 2013
17	12-19 Mark R. MALCO 27 DB Rptr	Reprimand	Stip	DB	5/1/2013	5/1/2013	1.4(a)	October 2013
18	13-14 Paul D. HANDY SC S061240	Form B resignation	--	S Ct	5/16/2013	5/16/2013	1.15-1(a), 8.4(a)(3)	Aug/Sept 2013
19	11-66 12-18 C. David HALL 27 DB Rptr	150-day suspension	CC	DB	3/26/2013	5/29/2013	1.3, 1.4(a), 8.4(a)(3), 8.4(a)(4)	July 2013
20	13-32 Mary J. GRIMES 27 DB Rptr	Reprimand	Stip	DB	6/1/2013	6/1/2013	1.4(a)	July 2013
21	13-16 Nancy Maria BRADY SC S061299	Form B resignation	--	S Ct	6/20/2013	6/20/2013	1.1, 1.3, 1.4(a), 1.4(b), 8.1(a)(2)	Aug/Sept 2013
22	13-55 Lan D. NGUYEN	Diversion	--	SPRB	6/14/2013	7/1/2013	1.15-1(a), 1.15-1(c)	NA
23	12-170 William L. GHIORSO 27 DB Rptr	Reprimand	Stip	DB	7/2/2013	7/2/2013	1.8(a), 1.8(e)	Aug/Sept 2013
24	11-76 Edgar J. STEELE 27 DB Rptr	Disbarment	CC	DB	5/14/2013	7/16/2013	8.4(a)(2), 9.527(2)	Aug/Sept 2013
25	12-79 Jon C. REALI 27 DB Rptr	120-day suspension	CC	DB	5/14/2013	7/16/2013	8.1(a)(2)	Aug/Sept 2013
26	12-98 Dwight P. BILLMAN 27 DB Rptr	30-day suspension	Stip	DB	7/26/2013	9/24/2013	1.2(a), 3.3(a)(1), 8.4(a)(3)	October 2013
27	12-60 David B. PETERS 27 DB Rptr	Dismissed	CC	DB	5/28/2013	7/30/2013	NG – 8.4(a)(4)	November 2013
28	13-04 13-05 13-72 Debbe J. von BLUMENSTEIN SC N003899	BR 3.1 suspension	CC	S Ct	8/7/2013	8/7/2013	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), 1.16(a)(2), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	NA
29	11-22 11-37 Frederick T. SMITH 27 DB Rptr	Dismissed as moot Deceased 5/3/2013	CC	DB	6/14/2013	8/14/2013		NA

**OSB DISPOSITION LIST
2013**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
30	Jeffrey E. BOLY 27 DB Rptr	1-year suspension	CC	DB	6/14/2013	8/14/2013	3-101B	November 2013
31	Thomas I FVERSEN 27 DB Rptr	1-year suspension	CC	DB	6/14/2013	8/14/2013	1.3, 1.4(a), 1.4(b), 8.1(a)(1), 8.4(a)(3)	October 2013
32	Peter J. CARINI 27 DB Rptr SC S060708	30-day suspension	CC	S Ct	8/15/2013	10/14/2013	8.4(a)(4)	October 2013
33	Rosemary FOSTER 27 DB Rptr	30-day suspension w/conditions	CC	DB	6/17/2013	8/17/2013	5.4(b), 5.4(d), 5.5(a), ORS 9.160	October 2013
34	Theodore C. CORAN 27 DB Rptr 13-82 13-93	30-day suspension, all stayed, 24-month probation	Stip	DB	9/6/2013	10/6/2013	1.5(c), 1.15-1(a), 1.15-1(c), 1.15-1(d)	January 2014
35	Terrance P. GOUGH 27 DB Rptr	Reprimand	Stip	DB	9/10/2013	9/10/2013	1.7(a)(2), 1.8(j)	December 2013
36	Theodore MAHR 27 DB Rptr SC S061496	BR 3.5 reciprocal discipline—disbarment	CC	S Ct	9/13/2013	11/12/2013	1.3, 1.4(a), 1.5(a), 1.5(b), 1.16(d), 3.3(a), 8.1(a), 8.4(b), 8.4(a)(3)	November 2013
37	George J. WALL	Diversion	--	SPRB				NA
38	Vicki R. VERNON 27 DB Rptr	90-day suspension	CC	DB	7/24/2013	10/1/2013	1.3, 1.4(a) NG – 8.4(a)(2)	November 2013
39	Rebecca Z. MAY 27 DB Rptr	Reprimand	Stip	DB	9/30/2013	9/30/2013	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a)	November 2013
40	W. Scott PHINNEY 27 DB Rptr SC S060529	Disbarment	CC	S Ct	10/3/2013	12/2/2013	8.4(a)(2), 8.4(a)(3)	November 2013
41	Robert A. BROWNING SC S061545	BR 3.4 suspension	--	S Ct	10/3/2013	10/3/2013	8.1(a)(2), 8.4(a)(2), 8.4(a)(3), ORS 9.527(2)	NA
42	Robert L. WOLF 27 DB Rptr	Reprimand	Stip	DB	10/7/2013	10/7/2013	3.4(b)	December 2013
43	Leodis C. MATTHEWS 27 DB Rptr SC S061272	BR 3.5 reciprocal discipline --reprimand	CC	S Ct	10/17/2013	10/17/2013	5-105(C)	January 2014
44	Earle A. PARTINGTON 27 DB Rptr SC S060387	BR 3.5 reciprocal discipline -- 60-day suspension	CC	S Ct	10/17/2013	12/16/2013	3.1, 3.3(a)(1), 8.4(a)(1), 8.4(a)(3)	January 2014

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2013**

Case No.	Case Name/Cite	Disposition	CC/Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
45	Des CONNALL SC S061623	Form B resignation	--	S Ct	10/17/2013	10/17/2013	1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(d), 5.1, 8.1(a)(1), 8.4(a)(3)	December 2013
46	Lane D. LYONS SC S061584	BR 3.4 suspension	--	S Ct	10/17/2013	10/17/2013	1.2(c), 8.4(a)(2), 8.4(a)(3), ORS 9.527(2)	NA
47	Jerry G. KLEEN 27 DB Rptr	Reprimand	Stip	DB	10/29/2013	10/29/2013	1.3, 1.4(a), 1.4(b), 1.16(d)	January 2014
48	Eric M. BOSSE 13-26	Diversion	--	SPRB	11/1/2013	11/1/2013	1.3, 8.1(a)(2), 8.4(a)(4)	NA
49	Timothy R. STRADER 27 DB Rptr	30-day suspensions	Stip	DB	11/4/2013	11/8/2013	1.15-1(a), 1.15-1(c), 5.3(a)	January 2014
50	Peter M. SCHANNAUER SC N004007	BR 3.1 suspension	--	S Ct	11/7/2013	11/7/2013		NA
51	Roy D. LAMBERT	Form B resignation	--	S Ct	11/7/2013	11/7/2013	1.6(a), 5-105C, 5-105E	January 2014
52	Howard HUDSON 27 DB Rptr	2-year suspension, all but 6 months stayed, 2-year probation	Stip	S Ct	11/14/2013	11/24/2013	1.1, 1.2(a) 1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(d), 1.16(c), 1.16(d), 3.3(a), 3.4(b), 8.1(a)(1), 8.4(a)(3), 8.4(a)(4)	January 2014
53	Carla A. ANDERSON 27 DB Rptr	90-day suspension	CC	DB	9/17/2013	11/19/2013	3.1, 4.4(a), 8.1(a)(2)	January 2014
54	Timothy J. VANAGAS 27 DB Rptr	Reprimand	CC	DB	9/17/2013	11/19/2013	1.5(a)	January 2014
55	Ellen J. KRIDER 27 DB Rptr	Reprimand	Stip	DB	11/25/2013	11/25/2013	1.7(a)(2), 4.3	Feb/Mar 2014
56	Thomas IVERSEN 27 DB Rptr	1-year suspension	CC	DB	9/24/2013	8/14/2014	1.3, 1.4(a), 1.4(b), 8.1(a)(1), 8.4(a)(3)	January 2014

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2013**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
57	13-98 13-99 Eric EINHORN SC N004087	BR 3.1 Suspension	--	S Ct	11/27/2013	11/27/2013	1.1, 1.7(a)(2), 8.1(a)(2)	NA
58	13-90 C. William REHM SC S061601	BR 3.5 reciprocal discipline --30-day suspension	CC	S Ct	11/27/2013	11/27/2013	1.3, 1.4(a), 1.15-1(d), 1.16(d)	Feb/Mar 2014
59	12-145 Susan Ford BURNS 27 DB Rptr	210-day suspension	CC	DB	9/30/2013	12/3/2013	1.3, 1.16(d), 8.1(a)(2)	Feb/Mar 2014
60	12-42 Christopher CAUBLE 27 DB Rptr	45-day suspension, w/conditions & restitution	CC	DB	10/11/2013	12/11/2013	1.7(a)(2), 1.15-1(a), 1.15-1(c)	Feb/Mar 2014
61	13-122 13-123 13-124 13-125 13-126 13-127 13-128 13-129 Kelly E. IRELAND 27 DB Rptr	BR 7.1 suspension	--	DB	12/2/2013	12/2/2013		NA
62	13-91 Blake SIMMS SC S061754 27 DB Rptr	BR 3.5 reciprocal discipline --60-day suspension	CC	S Ct	12/12/2013	12/12/2013	1.2(a), 1.3, 1.4(a), 1.4(b), 8.1(a)(2)	Feb/Mar 2014
63	13-130 Eric KAUFMAN 27 DB Rptr	BR 7.1 suspension	--	DB	12/16/2013	12/16/2013		NA
64	13-132 13-133 Robert H. SHEASBY 27 DB Rptr	BR 7.1 suspension	--	DB	12/16/2013	12/16/2013		NA
65	11-128 Alan G. SELIGSON 27 DB Rptr	Reprimand	CC	DB	10/16/2013	12/17/2013	1.7(a)(2), 1.8(a), 1.16(a)(3)	Feb/Mar 2014

APPENDIX D

OREGON STATE BAR DISCIPLINARY PROCESS



