

Oregon  State Bar

2015 **Disciplinary
Counsel's Office**
Annual Report

March 2016

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I. INTRODUCTION

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2015. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload and dispositions in 2015, and a discussion of significant developments over the last year.

II. DISCIPLINARY COUNSEL'S OFFICE

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

III. STATE PROFESSIONAL RESPONSIBILITY BOARD

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

The SPRB met 13 times in 2015. Combining in-person and teleconference meetings, the SPRB considered approximately 229 case-specific agenda items during the year. In addition, the SPRB has, upon occasion, discussed policy matters pertaining to its functioning and interaction with participants in Oregon's lawyer discipline system. During 2015, current and past SPRB members participated in an examination of the disciplinary procedural rules conducted in response to a report issued by an American Bar Association Center for Professional Responsibility team, which had performed an onsite study in June of 2014 and issued its report in January of 2015.

The bar was fortunate to have the following individuals on the SPRB in 2015:

Whitney Patrick Boise (Portland) — Chairperson
Ankur Hasmukh Doshi (Portland)
Nathaline J. Frener (Eugene) — Public Member
Dr. Randy Green (Salem) — Public Member
Blair Henningsgaard (Astoria)
E. Bradley Litchfield (Eugene)
Justin N. Rosas (Medford)
Elaine D. Smith-Koop (Salem)

Richard Weill (Troutdale)
Valerie Wright (Bend)

The terms of Whitney Patrick Boise and Richard Weill expired at the end of 2015. The new appointments for 2016 are Carolyn Alexander (Portland) and Heather Bowman (Portland). E. Bradley Litchfield is the SPRB Chairperson for 2016.

IV. SYSTEM OVERVIEW

A. Complaints Received

The bar's Client Assistance Office (CAO) handles the intake of all oral and written inquiries and complaints about lawyer conduct. Only when the CAO finds that there is sufficient evidence to support a reasonable belief that misconduct may have occurred is a matter referred to DCO for investigation. See BR 2.5.

The table below reflects the number of files opened by DCO in recent years, including the 302 files opened in 2015.

Files Opened by Disciplinary Counsel					
Month	2011	2012	2013	2014	2015
January	20	49	21	31	19
February	36	27	23	25	28
March	25	39	30	45	22
April	42	38	43	47	17
May	146*	20	37	24	24
June	20	40	31	24	31
July	28	22	30	44	27
August	23	35	36	21	29
September	29	22	27	24	21
October	23	23	26	25	39
November	27	18	26	19	25
December	40	26	19	23	20
TOTAL	459	359[†]	349	352	302

*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 302 files opened in 2015, 196 were referrals from the Client Assistance Office and 62 were trust account overdraft notices from financial institutions that came directly to DCO. Another 44 matters were opened by DCO on its own initiative, which includes matters arising out of a lawyer's discipline in another jurisdiction where licensed and a lawyer's conviction.

For 2015, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2014 is found in Appendix B for comparison purposes.

Every complaint DCO received in 2015 was acknowledged in writing by staff, analyzed and investigated to varying degrees depending on the nature of the allegations. As warranted, staff corresponded with the complainant and the responding attorney and obtained relevant information from other sources in order to garner sufficient information upon which to base a decision to dismiss or recommend further action to the SPRB.

Since November 2013, DCO has had the ability 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. Thirteen (13) lawyers were administratively suspended in 2015 pursuant to this rule.

If, after investigation, staff determines that probable cause does not exist to believe that misconduct occurred, the matter is dismissed by DCO. BR 2.6(b). Complainants may appeal a DCO dismissal to the SPRB. The SPRB considered 5 such appeals in 2015, affirming dismissal in all 5 cases.

When DCO determines from an investigation that there is probable cause of misconduct by a lawyer, the matter is referred to the SPRB for review and action. Each matter is presented to the SPRB by means of a complaint summary (factual review, ethics analysis and recommendation) prepared by staff. Each file also is made available to the SPRB. In 2015, the SPRB reviewed 164 of these probable cause investigations. The following section describes that process of review in more detail.

B. SPRB

The SPRB reviews, considers, and votes upon each matter referred to it by DCO, determining whether probable cause of an ethics violation exists. Options available to the SPRB include dismissal if there is no probable cause of misconduct; referral of a matter back to DCO for additional investigation; issuing a letter of admonition if a violation has occurred but is not of a serious nature; offering a remedial diversion program to the lawyer; authorizing a formal disciplinary proceeding in which allegations of professional misconduct are litigated; or referring the lawyer to the State Lawyers Assistance Committee (SLAC). 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 of an offer of a letter of admonition 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. In order for the SPRB to reconsider the matter, the request must be supported by new evidence not previously available that would have clearly affected the SPRB's decision, or legal authority not previously known to the SPRB which establishes that the decision to prosecute is incorrect.

In 2015, the SPRB made probable cause decisions on 164† matters investigated by DCO. Action taken by the SPRB in recent years and in 2015 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2011	98	34	34	46	4
2012	90	47	46†	73	7
2013	86	20	20	43	13
2014	105	19	19	40	17
2015	83	39	39	34	7

† One matter was tabled, and returned for reconsideration in January of 2016.

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

In addition to the normal complaint review process, the SPRB also is responsible for making recommendations to the Supreme Court on matters of urgency including temporary and immediate suspensions of lawyers who have abandoned their practices, are suffering under some disability, have been convicted of certain crimes, or have been disciplined in another jurisdiction subjecting them to reciprocal discipline in Oregon. The SPRB reviewed 4 such matters in 2015.

C. Special Local Investigators

During 2015, all complaints were investigated in-house by DCO. Historically, such investigation was conducted by Local Professional Responsibility Committees (LPRCs), geographically-based committees of volunteer lawyers. More recently LPRCs were assigned to investigate when respondent attorneys were unresponsive to DCO inquiries. Since the inception of BR 7.1 (discussed above), usage of LPRCs for nonresponding respondent attorneys has curtailed. In the event there is DCO recognition that a locally-available special expertise would assist an in-depth field investigation, a local investigator from an LPRC can be appointed on an individual, as needed, basis. No matters were referred to special local investigators in 2015.

D. Formal Proceedings

(1) Prosecution Function

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

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

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 (DB), appointed by the Supreme Court, sit in panels of three (two lawyers, one non-lawyer), with one lawyer serving as chair, 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.

Seven (7) disciplinary cases were tried in 2015. Some were single-day hearings; others were multi-day hearings; still others were the result of a default, which in some cases included testimony directed toward the sanction sought.

E. Dispositions Short of Trial

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

In circumstances in which there is no dispute over material fact and the DCO and the respondent attorney agree on the violations committed and the appropriate sanction, a stipulation setting forth the terms of the agreement, including factual recitations, rule violations, and the agreed-upon sanction is drafted. The terms of a stipulation 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 DB in cases where sanctions do not exceed a 6-month suspension, or from the Supreme Court for cases involving greater sanctions.

Form B resignation (a resignation that takes place while disciplinary matters are under investigation) does not require an admission of guilt by an accused lawyer but, because charges are pending, is functionally equivalent to a disbarment, in that the lawyer is not eligible for reinstatement in the future. Three (3) lawyers submitted Form B resignations in 2015, thereby eliminating the need for further prosecution in those cases. While a resignation ends a formal proceeding, it is often obtained only after a substantial amount of investigation, discovery and trial preparation.

F. Appellate Review

The Oregon Supreme Court does not automatically review discipline cases. Trial panel decisions, even those imposing disbarment, are final unless either the bar

or the respondent lawyer seeks supreme court review. The SPRB on behalf of the bar decides whether to seek supreme court review or to cross-appeal.

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

When there is an appeal, DCO prepares the record for submission to the supreme court, drafts and files the bar's briefs, and presents oral argument before the supreme court. In 2015, the supreme court rendered 3 discipline opinions in contested cases. The supreme court also approved 7 stipulations for discipline, imposed reciprocal discipline in 2 cases, suspended 1 lawyer following notice of a felony conviction, suspended 2 lawyers on an interim basis while disciplinary proceedings were pending, and transferred 1 lawyer to involuntary inactive status.

A noteworthy opinion in 2015 was *In re Herman*, 357 Or 273 (2015), which discusses the application of RPC 8.4(a)(3) to a circumstance where a lawyer, acting both as an experienced business person and as an attorney in managing several corporations, engaged in conduct involving dishonesty and misrepresentation that reflected adversely on his fitness to practice law.

Regarding the disciplinary system overall, 52 disciplinary proceedings were concluded in 2015: 11 by decision in a contested case (including one dismissal); 35 by stipulation; 3 by Form B resignation; 2 by reciprocal discipline order; and 1 by transfer to involuntary inactive status.

G. Contested Admissions/Contested Reinstatements

DCO represents the Board of Bar Examiners (BBX) in briefing and arguing before the Oregon Supreme Court those cases in which the BBX has made an adverse admissions recommendation regarding an applicant and the applicant pursues supreme court review. The investigation and hearing that precede an admissions recommendation is handled by the BBX with the support and assistance of bar admissions staff under a procedure different from that applicable to lawyer discipline cases.

When a lawyer seeks reinstatement from either an administrative or a disciplinary suspension, DCO is responsible for processing and investigating all applications. Recommendations are then made to either the bar's executive director or the BOG, 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 BOG makes a recommendation to the supreme court. In cases when the BOG recommends against reinstatement of an applicant, the supreme court may refer the matter to the DB for a hearing before a three member panel (much like a lawyer discipline matter), or may direct that a hearing take place before a special master appointed by the supreme court. DCO has the same responsibilities for prosecuting these contested cases as with disciplinary matters and handles the appeal of these cases, which is automatic, before the supreme court.

V. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2015. The following table summarizes dispositions in recent years:

Sanction Type	2011	2012	2013	2014	2015
Disbarment	5	2	6	3	2
Form B Resignation	7	13	4	5	3
Suspension	19	20	21	19	18
Suspension stayed/probation	1	3	3	12	12
Reprimand	15	17	14	7	14
Involuntary inactive Transfer	0	0	0	2	1
TOTAL Lawyer Sanctions	47	55	48	48	50
Dismissals after Adjudication	4	2	2	2	1
Dismissed as moot	0	0	2	2	0
Diversion	4	6	4	4	7
Admonitions	34	46	20	20	39

In conjunction with a stayed suspension and, at times, as a condition of admission or reinstatement, a period of probation will be imposed upon a lawyer. DCO was monitoring 19 lawyers on probation at the end of 2015, along with 13 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 SLAC.

The types of conduct for which a disciplinary sanction was imposed in 2015, 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 2015:

Type of misconduct	% of cases in which type of misconduct was present
Inadequate client communication	34%
Neglect of legal matter	32%
Dishonesty or misrepresentation	28%
Failure to return property or funds	25%
Conduct prejudicial to justice	25%
Failure to respond to OSB	23%
Improper withdrawal	19%
Other	16%
Inadequate accounting records	15%
Multiple client conflicts	13%
Criminal conduct	13%

Type of misconduct <i>(cont'd)</i>	% of cases in which type of misconduct was present
Excessive or illegal fees	13%
Trust account violation	11%
Incompetence	8%
Disclosing confidential information	6%
Unauthorized practice	4%
Improper communication	4%
Advertising	4%

VI. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel’s Office at the end of 2015 follows:

Investigations pending.....	170
Pending special local investigations.....	0
Pending formal proceedings.....	77*
Probation/diversion matters.....	32
Contested admission/contested reinstatement matters.....	0
TOTAL.....	279

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

In addition to disciplinary matters, DCO processed and investigated 206 reinstatement applications in 2015 (which includes those pertaining to BR 8.1, 8.2, 8.3, 8.4, and 8.5); processed approximately 818 membership status changes (inactive and active pro bono transfers and voluntary resignations); issued 1079 certificates of good standing; and responded to 1,421 public record requests during the year.

VII. STAFFING/FUNDING

In 2015, DCO employed sixteen staff members (15.9 FTE). The lawyers work in two-person teams, with one lawyer reviewing and investigating complaints, determining to dismiss or recommend further action and, where possible, seeking a negotiated resolution. The other lawyer handles formal proceedings from filing through settlement or trial. The investigator, the paralegal, and the diversion and probation coordinator/legal secretary work with all of the lawyers, as needed. The secretarial support staff each work with several lawyers. The office manager oversees the support staff, coordinates SPRB agendas and meetings, manages all aspects of recordkeeping and statistical reporting, monitors office expenditures, and provides support to the Disciplinary Counsel. The regulatory services coordinator interfaces primarily with members seeking reinstatement. The public records coordinator responds to records requests from lawyers and members of the public pertaining to disciplinary records. Staff members at the end of 2015 included:

Dawn M. Evans, *Disciplinary Counsel and Director of Regulatory Services*
Amber Bevacqua-Lynott, *Chief Assistant Disciplinary Counsel and Deputy Director of Regulatory Services*
R. Lynn Haynes, *Discipline and Regulatory Services Office Manager*
Angela W. Bennett, *Assistant Disciplinary Counsel*
Lynn Bey-Roode, *Discipline Investigator/Litigation Assistant*
Brandi Norris, *Regulatory Services Coordinator*
Sergio Hernandez, *Public Records Coordinator*
Nik Chourey, *Assistant Disciplinary Counsel*
Susan R. Cournoyer, *Assistant Disciplinary Counsel*
Karen L. Duncan, *Diversion and Probation Coordinator/Discipline Legal Secretary*
Martha M. Hicks, *Assistant Disciplinary Counsel*
Kellie F. Johnson, *Assistant Disciplinary Counsel*
Jerri King, *Discipline Legal Secretary*
Angela McCracken, *Discipline Legal Secretary*
Theodore Reuter, *Assistant Disciplinary Counsel*
Emily Schwartz, *Discipline Paralegal*

DCO is funded out of the bar's general fund. Revenue is limited (roughly \$93,035 for 2015) and comes from cost bill collections, reinstatement fees, fees paid for good standing certificates and *pro hac vice* admissions, and photocopying charges for public records.

Expenses for 2015 were \$1,939,396 with an additional \$354,474 assessed as a support services (overhead) charge. Of the actual program expenses, 91.7% consisted of salaries and benefits. An additional 2.5% of the expense budget went to out-of-pocket expenses for court reporters, witness fees, investigative expenses, and related items. General and administrative expenses such as copying charges, postage, telephone and staff travel expense accounted for 3.9% of the expense budget.

VIII. OTHER DEVELOPMENTS

A. Ethics School

Lawyers who have been reprimanded or suspended are required to attend a one day course of study presented by the bar on topics of legal ethics, professional responsibility, and law office management. Two such programs were offered in 2015, one in May and one in November. Presenters included CAO and DCO staff, as well as staff from the Oregon Attorney Assistance Program. A total of 51 persons attended ethics school in 2015.

B. Trust Account Overdraft Notification Program

The Oregon State Bar has a Trust Account Overdraft Notification Program, pursuant to ORS 9.132 and RPC 1.15 2. Under the program, lawyers are required to maintain their trust accounts in financial institutions that have agreed to notify the bar of any overdraft on such accounts. Approximately 65 banks have entered into notification agreements with the bar.

For each overdraft notice received, DCO requests a written explanation and supporting documentation from the lawyer and makes follow-up inquiries as necessary. Many overdrafts are the result of bank error and, once confirmed as such, are dismissed by staff. If circumstances causing an overdraft suggest an ethics violation, the matter is referred to the SPRB. A minor violation leading to an overdraft with no prior similar conduct typically results in a letter of admonition issued to the lawyer. In some instances, the lawyer may agree to participate in a diversion program, which will typically require education about the ethical management of a trust account and monitoring of the lawyer's trust account management during the term of the diversion. More serious or ongoing violations may result in formal disciplinary action. In 2015, the bar received notice of 138 trust account overdrafts, resulting in the investigation of 62 lawyers. A summary of the disposition of trust account overdrafts received in 2015 is as follows:

2015 Trust Account Overdrafts	
Dismissed by staff	15
Dismissed by SPRB	17
Closed by admonition letter	15
Diversion agreement	7
Formal charges authorized	4
Pending (as of 1/2016)	4
Total Received During 2015	62

C. Public Records

In Oregon, lawyer discipline files are public records with very limited exceptions. DCO responds to (on average) more than 120 public records requests each month. These requests come from members of the public who inquire into a lawyer's background or from other bar members who have a need to examine these records.

Disciplinary history data is stored electronically such that many disciplinary record inquiries can be answered without a manual review of a lawyer's file. A significant number of requests, however, require the scheduling of appointments for file review.

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

D. *Pro Hac Vice* Admission and Arbitration Registration

Uniform Trial Court Rule 3.170 (UTCR) provides that all applications by out-of-state lawyers for admission in a single case in Oregon (*pro hac vice* admission) must first be filed with the Oregon State Bar, along with a fee of \$500 (in 2015). DCO is responsible for reviewing each application and supporting documents

(good standing certificate, evidence of professional liability coverage, etc.) for compliance with the UTCR. The filing fees collected, after a nominal administrative fee is deducted, are used to help fund legal service programs in Oregon.

In 2015, the bar received and processed 501 *pro hac vice* applications, collecting \$250,750 for legal services.

In addition, RPC 5.5(e) requires out of state lawyers who intend to participate in an Oregon arbitration to pay a fee and file a certificate with the bar similar to that required for *pro hac vice* admission. DCO 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. DCO sought custodianship in connection with the winding down of one lawyer's practice during 2015.

F. Continuing Legal Education Programs

Throughout 2015, DCO participated in numerous CLE programs dealing with ethics and professional responsibility issues. Staff spoke to law school classes, local bar associations, Oregon State Bar section meetings, specialty bar organizations, and general CLE audiences.

G. Disciplinary System Review Committee

During 2015, DCO assisted in the provision of staff support to the work of the Disciplinary System Review Committee ("DSRC"), an ad hoc committee appointed by the bar's president in November of 2014. The DSRC was charged with studying a report issued by the American Bar Association's Standing Committee on Professional Discipline in January 2015, as a result of a study of Oregon's attorney discipline system in 2014, and making recommendations to the BOG regarding implementation of the ABA proposals. The DSRC met most months of 2015 before issuing a report in December. The BOG will review the DSRC's recommendations in March of 2016.

IX. CONCLUSION

In 2015, the Oregon State Bar remained committed to maintaining a system of lawyer regulation that fairly but effectively enforces the disciplinary rules governing Oregon lawyers. Many dedicated individuals, both volunteers and staff, contributed significantly toward that goal throughout the year.

Respectfully submitted,

Dawn M. Evans
Disciplinary Counsel

APPENDIX A - 2015

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	12	4.0%
Client	123	40.7%
Judge	7	2.3%
Opposing Counsel	21	7.0%
Opposing Party	20	6.6%
Third Party	26	8.6%
Unknown	0	0.0%
OSB	93	30.8%
TOTAL	302	100.0%
COMPLAINT SUBJECT MATTER		
Adoption	0	0.0%
Advertisement	0	0.0%
Arbitration	0	0.0%
Bankruptcy	1	0.3%
Business	4	1.3%
Civil dispute (general)	26	8.6%
Conservatorship	4	1.3%
Criminal	66	21.9%
Domestic Relations	38	12.6%
Estate Planning	5	1.6%
Guardianship	2	0.7%
Immigration	8	2.7%
Juvenile	1	0.3%
Labor Law	1	0.3%
Litigation (general)	18	6.0%
Land Use	0	0.0%
Other	33	11.0%
Paternity	0	0.0%
Personal injury	8	2.7%
Probate	6	2.0%
Real Estate	6	2.0%
Social Security	1	0.3%
Tenant/landlord	4	1.3%
Tax	1	0.3%
Trust Account Overdraft	64	21.2%
Workers Comp.	1	0.3%
Unknown	4	1.3%
TOTAL	302	100.0%

APPENDIX B - 2014

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

**OSB DISPOSITION LIST
2015**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
1	14-94 14-118 Jeffrey DICKEY SC N004830	BR 3.1 suspension	--	S Ct	1/15/2015	1/15/2015		NA
2	14-145 14-146 J. Andrew KEELER	BR 7.1 suspension	--	DB	1/22/2015	1/22/2015		NA
3	15-13 Mary E. LANDERS	BR 7.1 suspension	--	DB	2/11/2015	2/11/2015		NA
4	14-123 Clifford I. LEVENSON SC S062940	Reprimand Reciprocal Discipline(AZ)	RD	S Ct	2/19/2015	2/19/2015	1.15-1(a), 1.15-1(c), 1.15-1(d)	April 2015
5	09-54 Barnes H. ELLIS SC S061385 29 DB Rptr	Dismissed	CC	S Ct	2/20/2015	2/20/2015	NG—1-102A3, 5-105E	April 2015
6	09-55 Lois O. ROSENBAUM SC S061385 29 DB Rptr	Dismissed	CC	S Ct	2/20/2015	2/20/2015	NG—1-102A3, 5-105E	April 2015
7	13-68 Susan E. SNELL 29 DB Rptr	60-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	3/16/2015	3/16/2015	1.3, 1.4(b), 1.7(a)(1)	May 2015
8	14-127 Vicki R. VERNON 29 DB Rptr	60-day suspension, all stayed, 2-year probation	Stip	DB	3/27/2015	4/26/2015	1.3, 1.4(a)	June 2015
9	13-24 Joseph R. SANCHEZ 29 DB Rptr	1-year suspensions	CC	DB	1/29/2015	3/31/2015	8.1(a)(1), 8.4(a)(3)	May 2015
10	14-04 Rosemary FOSTER 29 DB Rptr	30-day suspension	Stip	DB	4/20/2015	4/20/2015	5.5(b)(2), 7.1(a)(1), 8.1(a)(1)	June 2015
11	12-129 12-172 Robert H. SHEASBY 29 DB Rptr	4-year suspension	CC	DB	2/19/2015	4/21/2015	1.3, 1.4(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.1(a)(2)	June 2015
12	14-19 Samantha N. DANG SC S063042 29 DB Rptr	3-year suspension	Stip	S Ct	4/23/2015	4/23/2015	8.4(a)(2), 8.4(a)(3), 8.4(a)(4)	June 2015
13	13-122 13-123 13-124 13-125 13-126 13-127 13-129 14-45 Kelly E. IRELAND SC S063062 29 DB Rptr	8-month suspension	Stip	S Ct	4/23/2015	6/22/2015	1.3, 1.4(a), 1.4(b), 3.3(a)(1), 1.15-1(a), 1.15-1(c), 1.16(d), 8.1(a)(2), 8.4(a)(4)	July 2015
14	14-126 David P. MEYER 29 DB Rptr	Reprimand	Stip	DB	4/24/2015	4/24/2015	1.5(a), 1.16(d)	July 2015

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
15	James C. JAGGER SC S061978	90-day suspension	CC	S Ct	5/14/2015	7/13/2015	1.1, 1.2(c) NG - 8.1(a)(2), 1.15-1(d)	July 2015
16	David HERMAN SC S061840	Disbarment	CC	S Ct	5/14/2015	7/13/2015	8.4(a)(3)	July 2015
17	John C. MOORE 29 DB Rptr	Reprimand	Stip	DB	5/14/2015	5/14/2015	3.4(b), 8.4(a)(4)	Aug/Sept 2015
18	Timothy J. VANAGAS	BR 7.1 suspension	--	DB	5/26/2015	5/26/2015		NA
19	Mark O. COTTLE 29 DB Rptr	60-day suspension, all stayed, 2-year probation	Stip	DB	5/28/2015	6/1/2015	1.15-1(b), 1.15-1(c), 5.3(a)	Aug/Sept 2015
20	Steven M. CYR SC S063187	Form B resignation	--	S Ct	6/4/2015	6/4/2015	3.1, 8.4(a)(2), 8.4(a)(3), 8.4(a)(4), ORS 9.527(2)	July 2015
21	Timothy J. VANAGAS	BR 7.1 suspension	--	DB	6/8/2015	6/8/2015		NA
22	Drew A. HUMPHREY 29 DB Rptr	Reprimand	Stip	DB	6/12/2015	6/12/2015	4.2	Aug/Sept 2015
23	Tami S. P. BEACH 29 DB Rptr	6-month suspension	Stip	DB	6/15/2015	7/15/2015	1.3, 1.4(a), 1.15-1(d), 8.4(a)(3)	October 2015
24	David R. AMBROSE 29 DB Rptr	Reprimand	Stip	DB	6/19/2015	6/19/2015	1.7(a)(1)	Aug/Sept 2015
25	Justin E. THRONE 29 DB Rptr	2-year suspension	CC	DB	4/14/2015	6/19/2015 susp eff 10/27/2015	1.3, 1.4(a), 1.4(b), 1.15-1(d), 1.16(a)(1), 1.16(d), 4.3, 8.1(a)(2), 8.4(a)(4)	Aug/Sept 2015
26	Michael Reuben STEDMAN	BR 7.1 suspension	--	DB	6/23/2015	6/23/2015		NA
27	Scott P. BOWMAN	BR 7.1 suspension	--	DB	6/24/2015	6/24/2015		NA
28	Garrett MAASS 29 DB Rptr	Reprimand	Stip	DB	6/25/2015	6/25/2015	8.4(a)(4)	Aug/Sept 2015
29	Eric EINHORN	BR 7.1 suspension	--	DB	6/25/2015	6/25/2015		NA
30	Eric J. FJELSTAD 29 DB Rptr	Reprimand	Stip	DB	6/29/2015	6/29/2015	7.1	Aug/Sept 2015
31	James J. KOLSTOE 29 DB Rptr	Reprimand	Stip	DB	6/29/2015	6/29/2015	1.15-1(a)	Aug/Sept 2015
32	W. Blake SIMMS 29 DB Rptr	120-day suspension	CC	DB	5/8/2015	7/8/2015	1.15-1(d), 1.16(d)	Aug/Sept 2015

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
33	14-83 William L. TUFTS 29 DB Rptr	120-day suspension	Stip	DB	7/13/2015	7/13/2015	8.1(a)(2), 8.1(c)	Aug/Sept 2015
34	15-49 Lois A. Albright 29 DB Rptr	Reprimand	Stip	DB	7/29/2015	7/29/2015	1.6(a)	November 2015
35	12-161 13-83 14-136 Mark G. OBERT SC S063329 29 DB Rptr	9-month suspension, all but 90 days stayed, 3-year probation	Stip	SCt	7/30/2015	7/1/2015	1.7(a)(2), 1.16(c), 1.16(d)	October 2015
36	14-77 John V. McVEA 29 DB Rptr	6-month suspension	Stip	DB	8/10/2015	8/10/2015	1.3, 1.4(a), 1.4(b), 1.7(a)(2), 8.4(a)(3)	October 2015
37	14-80 Andrew J. LOPATA 29 DB Rptr	90-day suspension, all stayed, 2-year probation	Stip	DB	8/10/2015	9/1/2015	1.3, 1.4(a), 1.5(a), 8.1(a)(2)	November 2015
38	15-85 Edward T. LeCLAIRE	BR 7.1 suspension	--	DB	8/14/2015	8/14/2015		NA
39	14-16 14-137 Siovhan SHERIDAN 29 DB Rptr	60-day suspension, all stayed, 3-year probation	Stip	DB	8/27/2015	8/27/2015	1.1, 1.16(a)(2), 1.16(d), 8.1(c)(3), 8.1(c)(4), 8.4(a)(4)	November 2015
40	14-90 Job VALVERDE 29 DB Rptr	Reprimand	Stip	DB	8/31/2015	8/31/2015	1.6(a)	November 2015
41	15-80 James F. LITTLE SC N005508	BR 3.1 suspension	--	SCt	9/10/2015	9/10/2015		NA
42	15-80 James F. LITTLE SC S063459	BR 3.4 suspension	--	SCt	9/10/2015	9/10/2015		NA
43	14-11 Andy MILLAR 29 DB Rptr	6-month suspension	Stip	DB	9/25/2015	11/1/2015	1-102(A)(2), 1-102(A)(3), 8.4(a)(2), 8.4(a)(3)	November 2015
44	14-27 James BAKER 29 DB Rptr	Reprimand	Stip	DB	10/5/2015	10/5/2015	1.16(c), 8.4(a)(4)	January 2016
45	15-96 15-97 15-98 Timothy J. VANAGAS	BR 7.1 suspension	--	DB	10/6/2015	10/6/2015		NA
46	13-105 15-81 15-82 15-83 M. Christian BOTTOMS SC S063513 29 DB Rptr	2-year suspension, 1 year stayed, 2-year probation	Stip	SCt	10/8/2015	12/7/2015	1.5(c)(3), 1.7(a)(2), 8.1(c), 8.4(a)(2)	December 2015
47	15-03 Raylynn J. PETERSON 29 DB Rptr	60-day suspension, all stayed, 2-year probation	Stip	DB	10/15/2015	10/15/2015	1.3, 1.4(b)	December 2015
48	15-77 Mark Austin CROSS 29 DB Rptr	Reprimand	Stip	DB	10/15/2015	10/15/2015	1.4(a)	January 2016
49	13-132 13-133 Robert H. SHEASBY 29 DB Rptr	Disbarment	CC	DB	8/20/2015	10/20/2015	1.3(a), 1.4(a), 1.4(b), 8.1(a)(2), 8.1(c), 8.4(a)(3)	December 2015

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
50	Diarmuid Yaphet HOUSTON 29 DB Rptr	150-day suspension w/formal reinstatement	CC	DB	8/20/2015	10/20/2015	1.4(a), 1.15-1(d), 1.16(a)(1), 1.16(d), 8.1(a)(2)	December 2015
51	Michael Reuben STEDMAN	BR 7.1 suspension	--	DB	10/12/2015	10/12/2015		NA
52	Jonah MORNINGSTAR	BR 7.1 suspension	--	DB	10/21/2015	10/21/2015		NA
53	Timothy J. VANAGAS	BR 7.1 suspension	--	DB	10/21/2015	10/21/2015		NA
54	Kevin E. MAYNE SC S063609	Form B resignation	--	S Ct	11/12/2015	11/12/2015	8.4(a)(2), 8.4(a)(3)	January 2016
55	Zachary Wayne LIGHT SC S063312 29 DB Rptr	7-month suspension, all but 30 days stayed, 3-year probation	Stip	S Ct	11/12/2015	11/1/2015	8.4(a)(2), ORS 9.527(2)	January 2016
56	Julie A. KRULL SC S063623	Form B resignation	--	S Ct	11/12/2015	11/12/2015	1.1, 1.3, 1.4(a), 1.5(a), 1.5(c)(3), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a)(3)	January 2016
57	Paul H. KRUEGER 29 DB Rptr	6-month suspension, 90 days stayed, 2-year probation	Stip	DB	11/9/2015	12/1/2015	1.5(a), 1.6(a), 1.8(g), 1.15-1(a), 1.15-1(c), 1.15-1(d), 3.3(a), 8.1(a)(1), 8.4(a)(3), 8.4(a)(4)	January 2016
58	John P. ECKREM 29 DB Rptr	Probation revoked— 60-day suspension	--	DB	11/9/2015	11/19/2015		NA
59	David C. NOREN 29 DB Rptr	30-day suspension	Stip	DB	11/12/2015	11/14/2015	1.3, 8.4(a)(4)	January 2016
60	Milton E. GIFFORD 29 DB Rptr	60-day suspension	Stip	DB	11/16/2015	12/1/2015	1.1, 3.3(a), 8.4(a)(3)	January 2016
61	Nick MERRILL 29 DB Rptr	120-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	11/18/2015	12/14/2015	1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(d), 1.16(a)(2), 1.16(d), 8.1(a)(2)	X
62	Tyler FRIESEN	BR 7.1 suspension	--	DB	11/23/2015	11/23/2015		NA
63	Nick MERRILL	BR 7.1 suspension	--	DB	11/25/2015	11/25/2015		NA
64	Michael James BUOKER 29 DB Rptr	Reprimand	Stip	DB	12/2/2015	12/2/2015	4.2	X
65	Jonah MORNINGSTAR	BR 7.1 suspension	--	DB	12/2/2015	12/2/2015		NA
66	Jonah MORNINGSTAR	BR 7.1 suspension	--	DB	12/2/2015	12/2/2015		NA

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
67	15-64 James F. LITTLE SC S063417	BR 3.2 transfer to inactive status	--	S Ct	12/2/2015	12/2/2015		NA
68	15-139 Edward T. LeCLAIRE	BR 7.1 suspension	--	DB	12/7/2015	12/7/2015		NA
69	15-137 John P. ECKREM	BR 7.1 suspension	--	DB	12/7/2015	12/7/2015		NA
70	15-138 John P. ECKREM	BR 7.1 suspension	--	DB	12/7/2015	12/7/2015		NA
71	14-78 William Bryan PORTER 29 DB Rptr	Reprimand	Stip	DB	12/7/2015	12/7/2015	8.4(a)(4)	X
72	15-84 Dirk D. SHARP SC S063548	1-year suspension RD (California)	RD	S Ct	12/10/2015	12/10/2015		X
73	15-140 Jonah MORNINGSTAR	BR 7.1 suspension	--	DB	12/10/2015	12/10/2015		NA
74	15-142 Kathleen Y. RINKS	BR 7.1 suspension	--	DB	12/14/2015	12/14/2015		NA
75	14-63 David Stanley AMAN SC S063647 29 DB Rptr	1-year suspension, all but 6 months stayed, 2-year probation	Stip	S Ct	12/10/2015	1/1/2016	1.3, 1.4(a), 1.4(b), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a)(3), ORS 9.160(1)	
76	15-141 Mary E. LANDERS	BR 7.1 suspension	--	DB	12/21/2015	12/21/2015		NA
77	13-50 13-51 13-116 14-38 14-39 14-40 15-12 Theodore F. SUMNER SC S063678 29 DB Rptr	3-year suspension	Stip	S Ct	12/24/2015	12/24/2015	1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(d), 5.5(a), 8.1(a)(2), 8.4(a)(4), ORS 9.160(1)	X
78	15-143 15-144 15-145 15-146 Jonah MORNINGSTAR	BR 7.1 suspension	--	DB	12/30/2015	12/30/2015		NA
79	12-52 12-53 13-06 Mary E. LANDERS	Probation revoked-- 30-day suspension	--	DB	12/30/2015	1/9/2016		NA

APPENDIX D

OREGON STATE BAR DISCIPLINARY PROCESS



