

Oregon  State Bar

2016 **Disciplinary
Counsel's Office**
Annual Report

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I. INTRODUCTION

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2016. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload and dispositions in 2016, 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 in person 8 times in 2016, approximately every six weeks, considering approximately 233 case-specific agenda items during the year. In addition, the SPRB has, upon occasion, discussed policy matters pertaining to its functioning and interaction with participants in Oregon's lawyer discipline system.

The Bar was fortunate to have the following individuals on the SPRB in 2016:

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

The terms of E. Bradley Litchfield and Blair Henningsgaard expired at the end of 2016. The new appointments for 2017 are Christine Meadows (Tigard) and Amanda Walkup (Eugene). Justin N. Rosas is the SPRB Chairperson for 2017.

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 382 files opened in 2016.

Files Opened by Disciplinary Counsel					
Month	2012	2013	2014	2015	2016
January	49	21	31	19	30
February	27	23	25	28	38
March	39	30	45	22	30
April	38	43	47	17	26
May	20	37	24	24	30
June	40	31	24	31	39
July	22	30	44	27	42
August	35	36	21	29	28
September	22	27	24	21	25
October	23	26	25	39	39
November	18	26	19	25	27
December	26	19	23	20	28
TOTAL	359	349	352	302	382

Of the 382 files opened in 2016, 281 were referrals from the Client Assistance Office and 70 were trust account overdraft notices from financial institutions that came directly to DCO. Another 31 matters were opened by DCO on its own initiative, which includes matters arising out of discipline of a lawyer's license in another jurisdiction and a lawyer's conviction. In addition to the files opened during 2016, 169 investigatory files were already in process as of January 1. This compares with a caseload that carried forward into 2015 of 154, into 2014 of 206, and into 2013 of 159.

For 2016, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2015 is found in Appendix B for comparison purposes.

Every complaint DCO received in 2016 was acknowledged in writing by staff, and analyzed and investigated to varying degrees depending on the nature of the allegations and the extent to which additional documentation was deemed necessary. 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. See BR 7.1. Nineteen lawyers were administratively suspended in 2016 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. See BR 2.6(b). During 2016, an average of 146 days elapsed between when a file was opened and when it was dismissed. Complainants may appeal a DCO dismissal to the SPRB. The SPRB considered 4 such appeals in 2016.

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 2016, the SPRB reviewed 179 of these probable cause investigations. An average of 221 days elapsed between the opening of a file and when it was presented to the SPRB for a determination of probable cause. This compares with a 226-day average in 2015, a 267-day average in 2014, and a 245-day average in 2013.

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; 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 advance 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. See BR 2.6(e). In 2016, an average of 124 days elapsed between an SPRB vote to find probable cause and the filing of a formal complaint.

In 2016, the SPRB made probable cause decisions on 172 matters investigated by DCO. Action taken by the SPRB in recent years and in 2016 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2012	90	47	46	73	7
2013	86	20	20	43	13
2014	105	19	19	40	17
2015	83	39	39	34	7
2016	114	26	26	20	12

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 2016.

C. Special Local Investigators

During 2016, all complaints were investigated in-house by DCO. BR 2.2 permits the appointment of persons by Disciplinary Counsel to act as a special investigator. No matters were referred to special local investigators in 2016.

D. Formal Proceedings

(1) Prosecution Function

After the SPRB authorizes formal proceedings in a given matter, DCO drafts a formal complaint that is filed with the Disciplinary Board Clerk and served upon the respondent attorney. On occasion, a volunteer bar counsel selected from a panel of lawyers appointed by the Board of Governors is asked to serve as co-counsel. During 2016, Richard J. Braun served as bar counsel in a matter that resulted in the Form B resignation of Jacob Wieselmann, and Richard A. Weill served as bar counsel in a matter involving Robert S. Simon that resulted in a 185-day suspension imposed by a trial panel.

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

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

(2) Adjudicative Function

Members of the Disciplinary Board, appointed by the Supreme Court, sit in panels of three (two lawyers, one non-lawyer) and are selected for each disciplinary case by the 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.

Twelve disciplinary cases were tried in 2016. Some were single-day hearings; others were multi-day hearings extending over several weeks; still others went by default and did not require a full evidentiary hearing at all.

E. Dispositions Short of Trial

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

In circumstances in which there is no dispute over material fact and DCO and the respondent attorney agree on the violations committed and appropriate sanction, a stipulation setting forth the terms of the agreement, including factual recitations, rule violations, and the agreed-upon sanction is drafted. 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 Disciplinary Board in cases where sanctions do not exceed a 6-month suspension, or from the Supreme Court for cases involving greater sanctions. Judicial approval is not always given, in which case the parties must provide additional information to support the stipulated resolution, negotiate further, or proceed to trial.

Form B resignation (a resignation that takes place while disciplinary matters are under investigation) does not require an admission of guilt by an accused lawyer but, because charges are pending, is treated like a disbarment such that the lawyer is not eligible for reinstatement in the future. Twelve lawyers submitted Form B resignations in 2016, thereby eliminating the need for further prosecution in those cases. While a resignation ends a formal proceeding, it is often obtained only after a substantial amount of investigation, discovery, and trial preparation.

F. Appellate Review

The Supreme Court does not automatically review discipline cases in Oregon. Trial panel decisions, even those imposing disbarment, are final unless either the Bar or the accused lawyer seeks Supreme Court review. The SPRB on behalf of the Bar decides whether to seek Supreme Court review.

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

When there is an appeal, DCO prepares the record for submission to the Court, drafts and files the Bar's briefs, and presents oral argument before the Court. In 2016, the Supreme Court rendered no discipline opinions in contested cases. The Court also approved 4 stipulations for discipline, imposed reciprocal discipline in 2 cases, suspended 1 lawyer following notice of a felony conviction, suspended 3 lawyers on an interim basis while disciplinary proceedings were pending, and transferred 2 lawyers to involuntary inactive status.

A noteworthy opinion in 2016 was *In re Sanai*, 360 Or 497, 383 P.3d 821 (2016), a reciprocal discipline case predicated upon Mr. Sanai's disbarment in Washington. The case represents a relatively unusual circumstance in which the Oregon Supreme Court referred a reciprocal discipline case to the Disciplinary Board for an evidentiary hearing to determine whether Washington's disciplinary proceeding involving Mr. Sanai lacked in notice or opportunity to be heard and whether Mr. Sanai should be disciplined in Oregon. After the record of the Disciplinary Board was submitted, briefs were filed, and oral argument held, the Court answered no to the first question and yes to the second question and disbarred Mr. Sanai, based upon its own independent determination of the appropriate sanction.

Regarding the disciplinary system overall, 58 disciplinary proceedings were concluded in 2016: 10 by decision in a contested case; 32 by stipulation; 12 by Form B resignation; 2 by reciprocal discipline order; and 2 by transfers to involuntary inactive status. The average length of time between the opening of a file and a final decision for cases concluded during 2016 was 383 days. This compares with averages of 501, 397, 467, and 400 days in 2015, 2014, 2013, and 2012, respectively.

G. Contested Admissions/Contested Reinstatements

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

When a lawyer seeks reinstatement from either an administrative or a disciplinary suspension, DCO is responsible for processing and investigating all applications. Recommendations are then made to either the Bar's Executive Director or the

Board of Governors, at the request of the Executive Director. Many reinstatements are approved without any further level of review. For reinstatement applicants who have had significant prior disciplinary problems, or have been away from active membership status for more than five years, the Board of Governors makes a recommendation to the Oregon Supreme Court. In cases when the Board of Governors recommends against reinstatement of an applicant, the Court may refer the matter to the Disciplinary Board for a hearing before a three member panel (much like a lawyer discipline matter), or may direct that a hearing take place before a special master appointed by the Court. DCO has the same responsibilities for prosecuting these contested cases as with disciplinary matters and handles the appeal of these cases, which is automatic, before the Court. During 2016, one reinstatement case was referred to the Board of Governors by the Executive Director, which recommended reinstatement to the Court. The Court approved that reinstatement application. One case that had been referred by the Board of Governors to the Supreme Court with an approval recommendation in 2015 remained pending at the Supreme Court at the end of 2016.

V. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2016. The following table summarizes dispositions in recent years:

Sanction Type	2012	2013	2014	2015	2016
Disbarment	2	6	3	2	5
Form B Resignation	13	4	5	3	12
Suspension	20	21	19	18	13
Suspension stayed/probation	3	3	12	12	12
Reprimand	17	14	7	14	14
Involuntary inactive Transfer	0	0	2	1	2
TOTAL Lawyer Sanctions	55	48	48	50	58
Dismissals after Adjudication	2	2	2	1	0
Dismissed as moot	0	2	2	0	0
Diversion	6	4	4	7	11
Admonitions	46	20	20	39	27

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 24 lawyers on probation at the end of 2016, along with 13 lawyers on 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.

The types of conduct for which a disciplinary sanction was imposed in 2016, or a Form B resignation was submitted, varied widely. The following table identifies

the misconduct most often implicated in proceedings that were concluded by decision, stipulation, order, or resignation in 2016:

Type of misconduct	% of cases in which type of misconduct was present
Inadequate client communication	38.2%
Neglect of legal matter	29.1%
Failure to return property or funds	32.7%
Failure to respond to OSB	23.6%
Dishonesty or misrepresentation	36.4%
Conduct prejudicial to justice	18.2%
Trust account violation	40%
Improper withdrawal	16.4%
Criminal conduct	9.1%
Incompetence	10.9%
Multiple client conflicts	16.4%
Excessive or illegal fees	36.4%
Self-interest conflicts	7.3%
Unauthorized practice	10/9%
Inadequate accounting records	25.4%
Disregarding a court rule or ruling	9.1%
Improper communication	3.6%
Advertising	0%
Disclosing confidential information	1.8%
Other	30.9%

VI. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2016 follows:

Investigations pending.....	208
Pending special local investigations.....	0
Pending formal proceedings.....	56*
Probation/diversion matters.....	37
Contested admission/contested reinstatement matters.....	0
TOTAL.....	301

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated 162 reinstatement applications in 2016; processed approximately 839 membership status changes (inactive and active pro bono transfers and

voluntary resignations); issued 1,036 certificates of good standing; and responded to 2,076 public record requests during the year.

VII. STAFFING/FUNDING

In 2016, Disciplinary Counsel's Office employed sixteen staff members (16.0 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. A single lawyer is responsible for pursuing enforcement actions flowing from probationary judgments as a part of her caseload of formal proceedings. The investigator, the paralegal, and the diversion and probation coordinator/legal secretary work for all lawyers, as needed. The secretarial support staff each work with several lawyers. The office manager oversees the support staff, coordinates SPRB agendas and meetings, manages all aspects of recordkeeping and statistical reporting, monitors office expenditures, and provides support to the Disciplinary Counsel. The regulatory services coordinator interfaces primarily with members seeking reinstatement. The public records coordinator responds to records requests from lawyers and members of the public pertaining to disciplinary records. Staff members at the end of 2016 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, *Discipline Investigator/Litigation Assistant*
Nik Chourey, *Assistant Disciplinary Counsel*
Susan R. Cournoyer, *Assistant Disciplinary Counsel*
Courtney Dippel, *Assistant Disciplinary Counsel*
Karen L. Duncan, *Diversion and Probation Coordinator/Discipline Legal Secretary*
Sergio Hernandez, *Public Records Coordinator*
Angela McCracken, *Discipline Legal Secretary*
Brandi Norris, *Regulatory Services Coordinator*
Stacey Owen, *Assistant Disciplinary Counsel*
Theodore Reuter, *Assistant Disciplinary Counsel*
Emily Schwartz, *Discipline Paralegal*
Jerri Shay, *Discipline Legal Secretary*

DCO is funded out of the Bar's general fund. Revenue is limited (roughly \$82,700 for 2016) 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 2016 were \$2,026,841 with an additional \$378,267 assessed as a support services (overhead) charge. Of the actual program expenses, 89%

consisted of salaries and benefits. An additional 7.4% 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 3.6% 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 2016, 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 40 persons attended ethics school in 2016.

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 50 banks have 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 suggested an ethics violation, the matter is referred to the SPRB. A minor violation leading to an overdraft with no prior similar conduct typically results in a letter of admonition issued to the lawyer. 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 2016, the Bar received notice of 70 trust account overdrafts. A summary of the disposition of trust account overdrafts received in 2016 is as follows:

2016 Trust Account Overdrafts	
Dismissed by staff	30
Dismissed by SPRB	3
Referred to LPRC for further investigation	0
Closed by admonition letter	10
Diversion agreement	10
Formal charges authorized	8
Closed by Form B resignation	6
Pending (as of 1/2017)	3
Total Received During 2016	70

C. Public Records

In Oregon, lawyer discipline files are public records with very limited exceptions. DCO responds to (on average) more than 170 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 10 years ago are destroyed. Retained records have been scanned and are maintained in electronic format, thereby reducing the physical file storage needs of the Bar.

D. *Pro Hac Vice* Admission and Arbitration Registration

Uniform Trial Court Rule 3.170 (UTCRC) 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 2016). DCO is responsible for reviewing each application and supporting documents (good standing certificate, evidence of professional liability coverage, etc.) for compliance with the UTCRC. The filing fees collected are used to help fund legal service programs in Oregon, after deduction of a nominal administrative fee.

In 2016, the Bar received and processed 504 *pro hac vice* applications, collecting \$252,000 for legal services.

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

E. Custodianships

ORS 9.705, *et seq.*, provides a mechanism by which the Bar may petition a circuit court for the appointment of a custodian to take over the law practice of a lawyer who has abandoned the practice or otherwise is incapable of carrying on. No such proceedings were initiated in 2016.

F. Continuing Legal Education Programs

Throughout 2016, 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. Changes to the Rules of Procedure

In March 2016, the Board of Governors reviewed recommendations for changes to the Bar Rules made by the Disciplinary System Review Committee ("DSRC"). The DSRC was an ad hoc committee appointed to study a report issued by the American Bar Association's Standing Committee on Professional Discipline in January 2015, which had studied Oregon's attorney discipline system in 2014. The Board of Governors accepted some recommendations and rejected others. During the remainder of 2016, drafting the language necessary to effectuate the recommended changes proceeded.

IX. CONCLUSION

In 2016, 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

APPENDICES

APPENDIX A - 2016

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Accused (self-reported)	11	2.9%
Client	164	42.9%
Judge	5	1.3%
Opposing Counsel	27	7.1%
Opposing Party	40	10.5%
Third Party	38	9.9%
Unknown	2	0.5%
OSB	95	24.9%
TOTAL	382	100.0%
COMPLAINT SUBJECT MATTER		
Adoption	1	0.26%
Advertisement	1	0.26%
Arbitration	1	0.26%
Bankruptcy	7	1.83%
Business	6	1.57%
Civil dispute (general)	24	6.28%
Conservatorship	3	0.79%
Criminal	66	17.28%
Domestic Relations	78	20.42%
Estate Planning	6	1.57%
Guardianship	3	0.79%
Immigration	3	0.79%
Juvenile	1	0.26%
Labor Law	1	0.26%
Litigation (general)	38	9.95%
Land Use	0	0.0%
Other	23	6.02%
Paternity	1	0.26%
Personal injury	11	2.88%
Probate	9	2.36%
Real Estate	10	2.61%
Social Security	4	1.04%
Tenant/landlord	5	1.31%
Tax	1	0.26%
Trust Account Overdraft	70	18.33%
Workers Comp.	3	0.79%
Unknown	6	1.57%
TOTAL	382	100.0%

APPENDIX B - 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%

OSB DISPOSITION LIST
2016

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRS ORS	Bulletin Summary
1	15-50 Rene Erm, II 30 DB Rptr 1	30-day suspension	Stip	DB	1/13/2016	2/1/2016	1.3, 1.4(a), 1.4(b), 1.16(c), 1.16(d)	April 2016
2	15-116 Brenda S. WHITELEY SC S063748	Form B resignation	--	S Ct	1/14/2016	1/14/2016	8.1(b)	May 2016
3	16-01 Jessica S. CAIN	BR 7.1 suspension	--	DB	1/20/2016	1/20/2016		NA
4	15-105 William GHIORSO 30 DB Rptr 10	Reprimand	Stip	DB	1/20/2016	1/20/2016	5.5(a), ORS 9.160(1)	April 2016
5	14-120 Larry WRIGHT 30 DB Rptr 15	120-day suspension, w/formal reinstatement	CC	DB	12/4/2015	2/3/2016	8.1(a)(2)	April 2016
6	14-12 14-94 14-118 14-144 Jeffrey DICKEY 30 DB Rptr 19	Disbarment	CC	DB	12/7/2015	2/6/2016	1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.1(a)(1), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	April 2016
7	15-67 Howard HUDSON 30 DB Rptr 40	120-day suspension, 60 days stayed, 1-year probation	Stip	DB	2/8/2016	3/1/2016	1.4(b), 1.16(a)(1), 1.16(d)	May 2016
8	15-25 Carolyn R. SMALE 30 DB Rptr 51	60-day suspension, all stayed, 2-year probation	Stip	DB	2/8/2016	2/18/2016	1.3, 1.4(a), 1.4(b)	April 2016
9	15-102 Michael G. ROMANO 30 DB Rptr 61	60-day suspension	Stip	DB	2/8/2016	3/1/2016	1.4(b), 1.7(a)(2)	April 2016
10	15-104 Curtis Charles CALDWELL 30 DB Rptr 67	Reprimand	Stip	DB	2/18/2016	2/18/2016	4.4(a)	May 2016
11	14-103 14-104 15-50 Kirk TIBBETTS 30 DB Rptr 73	30-month suspension	CC	DB	12/21/2015	2/20/2016	1.16(d), 8.1(a)(2), 8.4(a)(3)	Aug/Sept 2016
12	16-05 Jennifer L. LUPTON 30 DB Rptr 80	6-month suspension, all stayed, 1-year probation	Stip	DB	2/16/2016	2/23/2016	8.4(a)(2), 8.4(a)(3), ORS 9.527(1)	May 2016
13	15-47 15-48 15-68 15-96 15-97 15-98 15-100 Timothy J. VANAGAS SC S063864	Form B resignation	--	S Ct	3/3/2016	3/3/2016	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.7(a)(2), 1.15-1(a), 1.15-1(b), 1.15-1(c), 1.15-1(d), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a)(3), ORS 9.160(1)	May 2016
14	15-86 Christian V. DAY SC S063846	BR 3.4 suspension	--	S Ct	3/3/2016	3/3/2016		NA
15	16-42 Matthew C. DAILY	BR 7.1 suspension	--	DB	3/23/2016	3/23/2016		NA

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16	Jacob WIESELMAN SC S063915	Form B resignation	--	Sct	3/24/2016	3/24/2016	1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 5.3(a), 5.3(b)(2), 5.5(a), 8.4(a)(3)	May 2016
17	Jason GORE SC S063910	Form B resignation	--	Sct	3/24/2016	3/24/2016	1.5(a), 8.4(a)(3)	June 2016
18	John P. ECKREM SC N005837	BR 3.1 suspension	--	Sct	3/24/2016	3/24/2016		NA
19	Mary E. LANDERS 30 DB Rptr 89	Disbarment	CC	DB	2/1/2106	4/2/2016	1.3, 1.4(a), 1.5(a), 1.15-1(a), 1.15-1(d), 8.1(a)(2), 8.4(a)(3)	June 2016
20	Franco Dorian FERRUJA 30 DB Rptr 99	181-day suspension, plus restitution	CC	DB	3/9/2016	5/10/2016	1.3, 1.4(a), 1.5(a), 1.5(c), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.4(a)(4)	July 2016
21	Gerald NOBLE SC S063906 30 DB Rptr 116	4-year suspension, 2 years stayed, 2-year probation	Stip	Sct	4/7/2016	6/6/2016	1.8(a), 1.15-1(a), 1.15-1(c), 3.4(b), 8.1(a)(1), 8.4(a)(3), 8.4(a)(4)	July 2016
22	Lynn Earl SMITH 30 DB Rptr 134	Reprimand	Stip	DB	4/10/2016	4/10/2016	1.5(a)	June 2016
23	John P. ECKREM SC S063928	Form B resignation	--	Sct	4/21/2016	4/21/2016	1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(a), 1.15-1(c), 1.16(d), 5.5(a), 5.5(b)(2), 8.4(a)(3), ORS 9.160(1)	June 2016
24	Rick INOKUCHI	BR 7.1 suspension	--	DB	4/18/2016	4/18/2016		NA
25	Dirk D. SHARP	BR 7.1 suspension	--	DB	4/26/2016	4/26/2016		NA
26	C. Fredrick BURT 30 DB Rptr 139	Reprimand	Stip	DB	5/2/2016	5/2/2016	1.4(a), 1.6(c), 1.15-1(d)	June 2016
27	Gregory P. OLIVEROS 30 DB Rptr 145	60-day suspension, all stayed, 3-year probation	Stip	DB	5/5/2016	5/15/2016	1.1, 1.7(a)(1), 1.7(a)(2)	July 2016
28	Scott P. BOWMAN 30 DB Rptr 157	Reprimand	Stip	DB	5/5/2016	5/5/2016	1.5(c)(3), 8.1(a)(2)	July 2016

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29	16-39 Charles P. MORTIMER SC S064007	Form B resignation	--	Sct	5/5/2016	5/5/2016		July 2016
30	15-86 Christian V. DAY SC S064013 30 DB Rptr 162	36-month suspension	Stip	Sct	5/26/2016	5/26/2016	1.7(a)(2), 1.8(j), 8.4(a)(2), 8.4(a)(4), 8.4(a)(7)	July 2016
31	16-41 Richard P. SCHULZE, III SC S064035	1-year suspension Reciprocal Discipline (Nevada)	RD	Sct	5/26/2016	5/26/2016	1.7(a)(1), 1.7(a)(2), 3.3(a), 3.3(b), 3.3(c), 3.3(d), 8.4(a)(3), 8.4(a)(4)	Aug/Sept 2016
32	13-36 16-20 David Brian WILLIAMSON SC S064038 SC S063931	Form B resignation	--	Sct	5/26/2016	5/26/2016	1.1, 1.2(c), 1.3, 1.4(a), 1.4(b), 1.5(a), 1.7(a)(2), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.15-1(e), 3.3(a)(1), 3.4(c), 5.3(a), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	Aug/Sept 2016
33	14-25 James R. DOWELL 30 DB Rptr 168	Reprimand	Stip	DB	5/27/2016	5/27/2016	1.5(a)	Aug/Sept 2016
34	15-71 Mariel Marjorie ETTINGER 30 DB Rptr 173	Disbarment	CC	DB	3/31/2016	6/1/2016	1.15-1(c), 1.15-1(d), 1.16(d), 8.4(a)(3)	Aug/Sept 2016
35	14-130 Sydney E. BREWSTER 30 DB Rptr 181	Reprimand	Stip	DB	6/3/2016	6/3/2016	1.1, 8.4(a)(4)	Aug/Sept 2016
36	16-33 Lindsay H. FOWLER 30 DB Rptr 190	Reprimand	Stip	DB	6/15/2016	6/15/2016	1.4(a), 1.5(c)(3), 1.15-1(a), 1.15-1(c)	Aug/Sept 2016
37	16-74 Eric EINHORN	BR 7.1 suspension	--	DB	7/8/2016	7/8/2016		NA
38	13-92 15-123 G. Jefferson CAMPBELL SC S064125	Form B resignation	--	Sct	7/14/2016	7/14/2016	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.5(c), 1.8(a), 1.16(a), 1.16(d), 4.1, 8.4(a)(3), 8.4(a)(4)	Aug/Sept 2016
39	16-88 Paul Lars HENDERSON, III	BR 7.1 suspension	--	DB	7/19/2016	7/19/2016		NA
40	15-111 15-134 15-135 15-140 15-143 15-144 15-145 15-146 16-19 16-22 Jonah MORNINGSTAR SC S064250	BR 3.2 transfer to inactive status	--	Sct	7/27/2016	7/27/2016		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
41	16-82 16-83 16-84 16-85 16-86 16-87	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/3/2016		NA
42	16-79	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/3/2016		NA
43	16-106 16-107 16-108	Jason C. HAWES	BR 7.1 suspension	--	DB	8/5/2016		NA
44	16-81	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/8/2016		NA
45	16-109	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/22/2016		NA
46	16-110	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/23/2016		NA
47	14-17 14-41 14-42 14-43 14-44 14-105 14-106 14-107 16-14 16-15 16-16	Alan K. WOOD SC S064295	Form B resignation	--	S Ct	8/25/2016	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)(1), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a)(3)	Nov 2016
48	16-111	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/26/2016		NA
49	16-112	Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	8/26/2016		NA
50	15-132	Steven FISHER 30 DB Rptr 196	30-day suspension	Stip	DB	8/29/2016	1.5(a), 1.7(a)(2), 1.8(h)(2)	Oct 2016
51	16-113	Mark O. GRIFFITH	BR 7.1 suspension	--	DB	8/31/2016		NA
52	15-53 16-13	Ronald M. HELLEWELL 30 DB Rptr 204	30-day suspension, all stayed, 18-month probation	Stip	DB	9/2/2016	1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(c)	Oct 2016

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRS ORS	Bulletin Summary
53	16-114 Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	9/13/2016	9/13/2016		NA
54	16-115 Jeffrey Scott MILSTEIN	BR 7.1 suspension	--	DB	9/13/2016	9/13/2016		NA
55	16-46 16-75 16-76 16-77 16-78 Jeffrey Scott MILSTEIN SC N006228	BR 3.1 suspension	--	S Ct	9/15/2016	9/15/2016		NA
56	16-116 Mark O. GRIFFITH	BR 7.1 suspension	--	DB	9/20/2016	9/20/2016		NA
57	13-58 Robert S. SIMON 30 DB Rptr 214	185-day suspension	CC	DB	7/25/2016	9/24/2016	1.5(a), 1.9(a), 8.4(a)(3)	Oct 2016
58	15-78 15-79 Shannon M. KMETIC 30 DB Rptr 250	6-month suspension, all but 30 days stayed, 2-year probation	Stip	DB	10/5/2016	11/1/2016	1.15-1(a), 1.15-1(c), 8.1(a)(2)	Nov 2016
59	15-34 Kenneth R. TOLLIVER SC S064332	BR 3.2 transfer to inactive status	--	S Ct	10/6/2016	10/6/2016		NA
60	16-99 16-100 Gerald NOBLE 30 DB Rptr 264	60-day suspension	Stip	DB	10/12/2016	6/7/2018	1.15-1(a), 1.15-1(c), 1.8(a)	Nov 2016
61	16-67 Michael R. SANDOVAL 30 DB Rptr 272	Reprimand	Stip	DB	10/14/2016	10/14/2016	3.5(b)	Jan 2017
62	16-90 Marianne G DUGAN 30 DB Rptr 277	Reprimand	Stip	DB	10/20/2016	10/20/2016	1.3, 1.4(a)	Jan 2017
63	15-63 Eric EINHORN 30 DB Rptr 283	Disbarment	CC	DB	8/22/2016	10/22/2016	1.5(a), 1.15-1(a), 1.15-1(c), 1.15-1(d), 8.4(a)(3)	Jan 2017
64	16-135 Mark O. GRIFFITH	BR 7.1 suspension	--	DB	10/26/2016	10/26/2016		NA
65	13-100 Rick SANAI SC S063514	Disbarment Reciprocal Discipline (Washington)	CC	S Ct	10/27/2016	12/26/2016	3.1, 3.4(c), 4.4(a), 8.4(a)(1), 8.4(a)(4)	Feb/Mar 2017
66	15-130 Shawn E. ABRELL 30 DB Rptr 289	1-year suspension	CC	DB	9/2/2016	11/2/2016	3.3(a)(1), 3.4(c), 5.5(a), 8.1(a)(2), 8.4(a)(3)	Jan 2017
67	13-75 Lane D. LYONS SC S064370	Form B resignation	--	S Ct	11/3/2016	11/3/2016	1.2(c), 8.4(a)(2), 8.4(a)(3), ORS 9.527(2)	Jan 2017

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Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
68	Jeffrey Scott MILSTEIN SC S064252	Form B resignation	--	Sct	11/3/2016	11/3/2016	1.3, 1.5(a), 3.3(a)(1), 3.4(g), 3.5(b), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2), 8.4(a)(2), 8.4(a)(3), 8.4(a)(4),	Dec 2016
69	Rankin JOHNSON IV SC S064371 30 DB Rptr 300	4-year suspension, 30 months stayed, 3-year probation	Stip	Sct	11/3/2016	11/13/2016	1.1, 1.2(a), 1.3, 1.4(a), 1.16(d), 8.4(a)(4)	Feb/Mar 2017
70	Eric M. BOSSE SC S064124 30 DB Rptr 311	24-month suspension	No Contest Plea	Sct	11/4/2016	11/21/2016	1.3, 1.4(a), 1.5(a), 1.15-1(d), 8.1(a)(1), 8.1(a)(2), 8.4(a)(4)	Jan 2017
71	Rick INOKUCHI 30 DB Rptr 321	60-day suspension	Stip	DB	11/4/2016	11/21/2016	1.4(a), 1.4(b), 5.5(a), 8.1(a)(2)	Jan 2017
72	Sarah A. BALDWIN 30 DB Rptr 328	Reprimand	Stip	DB	11/14/2016	11/14/2016	1.5(c)(3), 1.15-1(c)	Jan 2017
73	Gary I. GRENLEY 30 DB Rptr 333	Reprimand	Stip	DB	11/14/2016	11/14/2016	1.7(a)	Jan 2017
74	Alex WEST SC S064422	Form B resignation	--	Sct	11/17/2016	11/17/2016	1.15-1(a), 1.15-1(c), 8.4(a)(3)	Dec 2016
75	Edward T. LeCLAIRE 30 DB Rptr 338	120-day suspension, all but 30 days stayed, 2-year probation	Stip	DB	11/18/2016	11/28/2016	1.4(a), 1.15-1(d), 8.1(a)(2)	Jan 2017
76	Theodore C. CORAN 30 DB Rptr 350	120-day suspension, all but 30 days stayed, 3-year probation	Stip	DB	11/18/2016	12/1/2016	1.7(a)(2), 1.8(e)	Jan 2017
77	Sara Lynn ALLEN 30 DB Rptr 362	60-day suspension, formal reinstatement, restitution	CC	DB	9/26/2016	11/29/2016	1.3, 1.4(a), 1.4(b), 1.5(a), 1.16(d)	Jan 2017
78	Timothy MPM PIZZO 30 DB Rptr 371	Reprimand	Stip	DB	11/28/2016	11/28/2016	1.3, 1.4(a)	Feb/Mar 2017

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Case No.	Case Name/Cite	Disposition	CC/Stip	S Ct/ DB	Date of Action	Effective Date	DRs ORS	Bulletin Summary
79	16-101 16-125 16-127 16-128 Dale Maximiliano ROLLER SC N006300	BR 3.1 suspension	--	S Ct	11/29/2016	12/6/2016		NA
80	16-118 Rose L. HUBBARD 30 DB Rptr 378	Reprimand	Stip	DB	11/30/2016	11/30/2016	1.15-1(d), 1.15-1(e)	Jan 2017
81	16-102 Cole CHASE 30 DB Rptr 384	6-month suspension, all stayed, 18-month probation	Stip	DB	12/5/2016	12/5/2016	8.4(a)(2), ORS 9.527(2)	Feb/Mar 2017

APPENDIX D



