

Oregon State Bar

2017 **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 2017. The report provides an overview of Oregon's lawyer discipline system, an analysis of the caseload and dispositions in 2017, 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 7 times in 2017, considering approximately 228 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 2017:

Justin N. Rosas (Medford) — Chairperson
Carolyn Alexander (Portland – Multnomah County)
Heather Bowman (Portland – Multnomah County)
Ankur Hasmukh Doshi (Portland – Clackamas County)
Nathaline J. Frener (Eugene) — Public Member
Dr. Randy Green (Salem) — Public Member
Christine Meadows (Tigard)
Elaine D. Smith-Koop (Salem)
Amanda Walkup (Eugene)
Valerie Wright (Bend)

The terms of Justin N. Rosas, Nathaline J. Frener, and Valerie Wright expired at the end of 2017. The new appointments for 2018 are Joel C. Benton (Medford), Todd H. Grover (Bend), and Dr. Zena Polly (public member – Lake Oswego). Ankur Hasmukh Doshi is the SPRB Chairperson for 2018.

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 357 files opened in 2017.

Files Opened by Disciplinary Counsel					
Month	2013	2014	2015	2016	2017
January	21	31	19	30	17
February	23	25	28	38	49
March	30	45	22	30	20
April	43	47	17	26	22
May	37	24	24	30	51
June	31	24	31	39	20
July	30	44	27	42	31
August	36	21	29	28	27
September	27	24	21	25	15
October	26	25	39	39	37
November	26	19	25	27	40
December	19	23	20	28	28
TOTAL	349	352	302	382	357

Of the 357 files opened in 2017, 266 were referrals from the Client Assistance Office and 64 were trust account overdraft notices from financial institutions that came directly to DCO. Another 27 matters were opened by DCO on its own initiative, which may include 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 2017, 292 investigatory files were already in process as of January 1. This compares with a caseload that carried forward into 2016 of 169, into 2015 of 154, and into 2014 of 206.

For 2017, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2016 is found in Appendix B for comparison purposes.

Every complaint DCO received in 2017 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 respondent 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. Six lawyers were administratively suspended in 2017 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 2017, an average of 177 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 31 such appeals in 2017.

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 2017, the SPRB reviewed 126 of these probable cause investigations. An average of 284 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 221-day average in 2016, 226-day average in 2015, and a 267-day average in 2014.

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 2017, an average of 111 days elapsed between an SPRB vote to find probable cause and the filing of a formal complaint.

In 2017, the SPRB made probable cause decisions on 126 matters investigated by DCO. Action taken by the SPRB in recent years and in 2017 is summarized in the following table:

Action Taken by SPRB					
Year	Pros.	Admon. Offered	Admon. Accepted	Dismissed	Diversion
2013	86	20	20	4	13
2014	105	19	19	40	17
2015	83	39	39	34	7
2016	114	26	26	20	12
2017	75	16	16	26	9

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 two such matters in 2017.

C. Special Local Investigators

During 2017, 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 2017.

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. No volunteer bar counsel served as co-counsel in 2017.

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 if both parties agree to participate. One mediation took place in 2017.

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.

Ten disciplinary cases were tried in 2017. 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. Eight lawyers submitted Form B resignations in 2017, 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

Trial panel decisions are final unless either the Bar or the respondent 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 2017, the Supreme Court rendered two discipline opinions in contested cases. The Court also approved 4 stipulations for discipline, suspended 1 lawyer on an interim basis while disciplinary proceedings were pending, and transferred 2 lawyers to involuntary inactive status.

A noteworthy opinion in 2017 was *In re Kirchoff*, 361 Or 712, 399 P.3d 453 (2017), in which the lawyer received a two-year suspension for violation of RPC 3.3(a)(1) (making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer), RPC 3.4(b) (falsifying evidence), RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on the lawyer's fitness to practice law) and RPC 8.1(a)(1) (knowingly making a false statement of material fact in connection with a disciplinary matter). In the underlying case, the respondent sought to overturn a default taken against his client, using an email as evidence of contact with the other party's lawyer prior to the default. The trial panel concluded that the email the respondent presented as evidence to the court was fabricated, that the lawyer falsely represented to the court that he had given written notice of his intention to appear to the opposing counsel, and that the lawyer's testimony before the trial panel was not credible. The Supreme Court, upon *de novo* review of all of the evidence, agreed with the trial panel that the Bar had established each of the rule violations by clear and convincing evidence.

Regarding the disciplinary system overall, 51 disciplinary proceedings were concluded in 2017: 9 by decision in a contested case; 31 by stipulation; 8 by Form B resignation; 1 by revocation of a probationary term; and 2 by transfer to involuntary inactive status. Six lawyers were administratively suspended pursuant to BR 7.1 for nonresponsiveness during Disciplinary Counsel investigation. The average length of time between the opening of a file and a final decision for cases concluded during 2017 was 408 days. This compares with averages of 383, 501, 397, and 467 days in 2016, 2015, 2014, and 2013, 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 Chief Executive Officer (formerly known as the Executive Director) or the Board of Governors, at the request of the Chief Executive Officer. 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 2017, no reinstatement cases were referred to the Board of Governors by the Chief Executive Officer.

V. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2017. The following table summarizes dispositions in recent years:

Sanction Type	2013	2014	2015	2016	2017
Disbarment	6	3	2	5	3
Form B Resignation	4	5	3	12	8
Suspension	21	19	18	13	22
Suspension stayed/probation	3	12	12	12	4
Reprimand	14	7	14	14	11
Involuntary inactive Transfer	0	2	1	2	2
TOTAL Lawyer Sanctions	48	48	50	58	51
Dismissals after Adjudication	2	2	1	0	1
Dismissed as moot	2	2	0	0	0
Diversion	4	4	7	11	11
Admonitions	20	20	39	27	21

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 31 lawyers on probation at the end of 2017, along with 11 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 2017, 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 2017:

Type of misconduct	% of cases in which type of misconduct was present
Trust account violation	34%
Inadequate client communication	34%
Inadequate accounting records	30%
Neglect of legal matter	29%
Excessive or illegal fees	25%
Failure to return property or funds	25%
Failure to respond to OSB	20%
Other	19%
Conduct prejudicial to justice	15%
Dishonesty or misrepresentation	12%
Improper withdrawal	12%
Disregarding a court rule or ruling	10%
Incompetence	8%
Unauthorized practice	8%
Disclosing confidential information	8%
Multiple client conflicts	7%
Improper communication	5%
Criminal conduct	3%
Self-interest conflicts	3%
Advertising	0%

VI. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2017 follows:

New complaints pending.....	282
Pending special local investigations.....	0
Pending formal proceedings*.....	40
Probation/diversion matters.....	42
Contested admission/contested reinstatement matters.....	0
TOTAL.....	377

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

In addition to disciplinary matters, Disciplinary Counsel's Office processed and investigated 197 reinstatement applications in 2017; processed approximately 916 membership status changes (inactive, retired, and active pro bono transfers and voluntary resignations); issued 899 certificates of good standing; and responded to 2,364 public record requests during the year.

VII. STAFFING/FUNDING

In 2017, Disciplinary Counsel's Office employed sixteen staff members (16.0 FTE). Four lawyers focus the majority of their efforts on reviewing and investigating complaints, determining to dismiss or recommend further action and, where possible, seeking a negotiated resolution. Three lawyers handle 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. One lawyer handles appellate work in addition to other duties, with occasional assistance in the handling of individual appeals by a second lawyer. One lawyer handles contested reinstatement cases. 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 2017 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 \$106,500 for 2017) 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 2017 were \$1,975,254 with an additional \$413,816 assessed as a support services (overhead) charge. Of the actual program expenses, 93% consisted of salaries and benefits. An additional 3.5% 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 3.7% 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 2017, 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 47 persons attended ethics school in 2017.

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 2017, the Bar received notice of 64 trust account overdrafts. A summary of the disposition of trust account overdrafts received in 2017 is as follows:

2017 Trust Account Overdrafts	
Dismissed by staff	30
Dismissed by SPRB	5
Closed by admonition letter	3
Diversion agreement	7
Formal charges authorized	3
Pending (as of 1/2018)	16
Total Received During 2017	64

C. Public Records

In Oregon, lawyer discipline files are public records with very limited exceptions. DCO responds to (on average) more than 197 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 (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. 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 are used to help fund legal service programs in Oregon, after deduction of a nominal administrative fee.

In 2017, the Bar received and processed 586 *pro hac vice* applications, collecting \$293,000 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 of \$200 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. In 2017, 18 certificates of representation in Oregon arbitration were sought.

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 2017.

F. Continuing Legal Education Programs

Throughout 2017, 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

On January 6, 2017, the Board of Governors voted unanimously to approve for recommendation to the Supreme Court revisions to the Bar Rules of Procedure. A draft of the proposed changes, together with explanatory materials, was disseminated electronically to Oregon lawyers by members of the Board of Governors within their respective regions and publicized through the Bar's website for over 60 days, with a public comment period ending on March 20, 2017. The only substantive comments came from the 2017 Disciplinary Board Chair, William Blair. The draft was then reviewed and modified to correct identified errors, to insure consistency in format, to incorporate some of Mr. Blair's suggestions, to clarify that the Disciplinary Board Clerk distributes orders issued by the Adjudicator, and to replace "Executive Director" with "Chief Executive Officer," consistent with a then-anticipated statutory change. The Supreme Court held a public hearing on May 2, 2017, and thereafter entered an implementation order that authorized the hiring of the Adjudicator and implemented the rule changes effective January 1, 2018.

IX. CONCLUSION

In 2017, 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 - 2017

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Respondent (self-reported)	16	4.48%
Client	148	41.46%
Judge	5	1.40%
Opposing Counsel	27	7.56%
Opposing Party	43	12.05%
Third Party	36	10.08%
Unknown	5	1.40%
OSB	77	21.57%
TOTAL	382	100.0%
COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	0	0.00%
Advertisement	0	0.00%
Arbitration	0	0.00%
Bankruptcy	5	1.40%
Business	9	2.52%
Civil dispute (general)	14	3.92%
Conservatorship	4	1.12%
Criminal	50	14.01%
Domestic Relations	67	18.77%
Estate Planning	8	2.24%
Guardianship	4	1.12%
Immigration	4	1.12%
Juvenile	3	0.84%
Labor Law	4	1.12%
Litigation (general)	26	7.28%
Land Use	0	0.00%
Other	38	10.65%
Paternity	1	0.28%
Personal injury	20	5.60%
Probate	19	5.32%
Real Estate	8	2.24%
Social Security	2	0.56%
Tenant/landlord	2	0.56%
Tax	2	0.56%
Trust Account Overdraft	66	18.49%
Workers Comp.	1	0.28%
Unknown	0	0.00%
TOTAL	357	100.0%

APPENDIX B - 2016

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Respondent (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	NUMBER	PERCENTAGE
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	21.2%
Workers Comp.	3	0.79%
Unknown	6	1.57%
TOTAL	382	100.0%

**OSB DISPOSITION LIST
2017**

Case No.	Case Name/Cite	Disposition	CC/ Stip	S Ct/ DB	Date of Action	Effective Date	DRS ORS	Bulletin Summary
1	14-80 Andrew J. LOPATA 31 DB Rptr	Probation revoked -- 90-day suspension	--	DB	1/5/2017	1/15/2017		NA
2	15-119 Anthony A. ALLEN SC S064630 31 DB Rptr	1-year suspension	Stip	S Ct	2/3/2017	2/13/2017	3.4(b), 5.5(a), 8.4(a)(2), 8.4(a)(4)	April 2017
3	16-169 Andrew L. VANDERGAW 31 DB Rptr	Reprimand	Stip	DB	2/13/2017	2/13/2017	1.6(a)	May 2017
4	16-144 Angela T. LEE-MANDLIN 31 DB Rptr	Reprimand	Stip	DB	2/24/2017	2/24/2017	3.5(b), 8.4(a)(4)	May 2017
5	15-114 Tyler FRIESEN 31 DB Rptr	6-month suspension	Stip	DB	2/27/2017	3/9/2017	1.3, 1.4(a), 1.4(b), 1.16(d), 8.1(a)(2)	April 2017
6	16-178 Rebecca DOUGAN SC S064671	Form B resignation	--	S Ct	3/2/2017	3/2/2017	1.4(a), 1.15-1(a), 1.15-1(d), 1.15-1(e)	May 2017
7	14-06 14-142 14-143 15-37 Dale Maximiliano ROLLER SC S064359 31 DB Rptr	4-year suspension	CC	S Ct	3/9/2017	5/8/2017	1.3, 1.4(a), 1.15-1(d), 1.16(d), 8.1(a)(1), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	May 2017
8	16-166 Lynne B. MORGAN 31 DB Rptr	Reprimand	Stip	DB	3/16/2017	3/16/2017	1.15-1(a), 1.15-1(c), 1.15-1(d)	June 2017
9	17-12 Erika HUEBSCHMAN	BR 7.1 suspension	--	DB	3/16/2017	3/16/2017		NA
10	17-13 Erika HUEBSCHMAN	BR 7.1 suspension	--	DB	3/28/2017	3/28/2017		NA
11	16-165 Brendan ENRIGHT 31 DB Rptr	60-day suspension	Stip	DB	4/5/2017	4/5/2017	1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.16(d)	
12	16-06 Shane A. REED SC S064741 31 DB Rptr	1-year suspension, all but 6 months stayed, 2-year probation	Stip	S Ct	4/13/2017	4/13/2017	1.15-1(a), 8.4(a)(3), ORS 9.527(2)	June 2017
13	16-122 16-138 Dwight L. FAULHABER 31 DB Rptr	30-day suspension	Stip	DB	4/20/2017	4/30/2017	1.5(c)(3), 1.9(a), 1.15-1(c)	June 2017
14	15-38 Jonathan G. BASHAM 31 DB Rptr	1-year suspension	CC	DB	2/23/2017	4/25/2017	1.6(a), 1.9(a), 1.9(c)	June 2017
15	16-92 J. Kevin HUNT 31 DB Rptr	90-day suspension	Stip	DB	4/27/2017	4/27/2017	1.3, 1.4(a), 1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.15-1(d)	June 2017
16	16-155 Thomas P. McELROY 31 DB Rptr	Reprimand	Stip	DB	5/1/2017	5/1/2017	1.7(a)(2), 1.8(a)	July 2017
17	16-02 Willard MERKEL 31 DB Rptr	30-day suspension, all stayed, 1-year probation	Stip	DB	5/2/2017	5/12/2017	1.15-1(a), 1.15-2(b)	July 2017

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18	Paul Lars HENDERSON, III 31 DB Rptr	4-month suspension	CC	DB	3/9/2017	5/9/2017	1.3, 1.4(a), 1.16(a)(1), 1.16(d), 8.1(a)(2)	July 2017
19	Ryan M. SPRINGER	BR 7.1 suspension	--	DB	5/9/2017	5/9/2017		NA
20	Jessica S. CAIN 31 DB Rptr	Reprimand	Stip	DB	5/10/2017	5/10/2017	1.4(a), 1.4(b)	Aug/Sept 2017
21	Nick MERRILL SC S064819	Form B resignation	--	S Ct	5/11/2017	5/11/2017	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(d), 1.16(a)(1), 1.16(c), 1.16(d), 5.5(a), 8.1(a)(2), 8.4(a)(3)	July 2017
22	Carol J. FREDRICK	BR 7.1 suspension	--	DB	5/12/2017	5/12/2017		NA
23	Travis W. HUISMAN 31 DB Rptr	18-month suspension	CC	DB	3/13/2017	5/13/2017	1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(d), 1.16(d)	Aug/Sept 2017
24	Kathleen Y. RINKS 31 DB Rptr	Disbarment	CC	DB	3/17/2017	5/17/2017	8.1(a)(2), 8.4(a)(2), 8.4(a)(3)	Aug/Sept 2017
25	Jennifer BARRETT	BR 7.1 suspension	--	DB	5/18/2017	5/18/2017		NA
26	Matthew Curtis LACKEY SC S064830	BR 3.2 transfer to inactive status	--	S Ct	6/1/2017	6/1/2017		NA
27	Bryce R. JESSEN SC S064952	Form B resignation	--	S Ct	6/15/2017	6/15/2017	1.2(c), 1.9(a)	Aug/Sept 2017
28	Dana C. HEINZELMAN	BR 7.1 suspension	--	DB	6/20/2017	6/20/2017		NA
29	Conrad E. YUNKER 31 DB Rptr	60-day suspension, all stayed, 2-year probation	Stip	DB	6/20/2017	6/20/2017	1.3, 1.4(b)	Aug/Sept 2017
30	Michael E. HAGLUND 31 DB Rptr	Reprimand	Stip	DB	6/22/2017	6/22/2017	1.7(a), 1.16(a)(1)	Aug/Sept 2017
31	Kevin CAROLAN 31 DB Rptr	Dismissed	CC	DB	4/27/2017	6/27/2017	NG - 1.1, 1.3, 1.5(a), 1.5(d), 1.16(d), 8.4(a)(3)	Aug/Sept 2017
32	Matthew C. DAILY 31 DB Rptr	180-day suspension, with formal reinstatement	Stip	DB	6/30/2017	7/10/2017	1.4(a), 1.5(c), 1.15-1(a), 1.15-1(c), 8.1(a)(2), 8.1(c)(3), 8.1(c)(4)	Aug/Sept 2017

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33	17-40 Howard W. COLLINS 31 DB Rptr	Reprimand	Stip	DB	7/3/2017	7/3/2017	1.5(c)(3), 1.15-1(c), 1.15-1(d)	Aug/Sept 2017
34	16-70 Robert C. WILLIAMSON 31 DB Rptr	Reprimand	Stip	DB	7/14/2017	7/14/2017	1.5(c)(3), 1.6(a), 1.8(a)	October 2017
35	15-147 16-40 Dana C. HEINZELMAN SC S064971 31 DB Rptr	5-year suspension	Stip	S Ct	7/20/2017	9/18/2017	1.1, 1.3, 1.4(a), 1.15-1(c), 1.15-1(d), 1.16(a)(2)	October 2017
36	16-174 Gregory L. POWELL 31 DEB Rptr	90-day suspension	Stip	DB	7/31/2017	8/30/2017	1.5(a), 1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.15-1(d)	October 2017
37	17-10 James M. MONSEBROTEN 31 DB Rptr	Reprimand	Stip	DB	7/31/2017	7/31/2017	1.4(a), 1.4(b), 1.5(c)(3), 1.15-1(a), 1.15-1(c)	October 2017
38	16-106 16-107 16-108 Jason C. HAWES SC S065040	Form B resignation	--	S Ct	8/3/2017	8/3/2017	1.3, 1.4(a), 1.4(b), 1.15-1(c), 1.15-1(d), 1.16(d), 8.1(a)(2)	November 2017
39	15-05 James R. KIRCHOFF SC S064308 31 DB Rptr	2-year suspension	CC	S Ct	8/3/2017	10/2/2017	3.3(a)(1), 3.4(b), 8.1(a)(1)	November 2017
40	17-54 Robert Scott PHILLIPS	BR 7.1 suspension	--	DB	8/8/2017	8/8/2017		NA
41	16-123 James C. HILBORN 31 DB Rptr	90-day suspension	Stip	DB	8/14/2017	8/24/2017	3.1, 4.4(a)	October 2017
42	16-154 Sheryl S. McCONNELL 31 DB Rptr	90-day suspension	Stip	DB	8/14/2017	8/17/2017	3.1	October 2017
43	15-27 15-40 15-61 15-99 Michael Reuben STEDMAN 31 DB Rptr	Disbarment	CC	DB	6/15/2017	8/15/2017	1.3, 1.4(a), 1.4(b), 1.5(a), 1.15-1(a), 1.15-1(c), 1.16(c), 8.1(a)(2), 8.4(a)(3), 8.4(a)(4)	November 2017
44	15-128 Michael D. HOFFMAN SC S065145	Form B resignation	--	S Ct	8/24/2017	8/24/2017	1.7(a)(2), 3.3(a)(1), 3.4(d), 8.4(a)(3), 8.4(a)(4)	November 2017
45	16-69 17-46 Glenn SOLOMON SC S065148	Form B resignation	--	S Ct	8/24/2017	8/24/2017	1.2(c), 1.5(a), 1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.16(d), 3.1, 4.2	October 2017
46	15-129 Stephen R. RASMUSSEN 31 DB Rptr	6-month suspension, all but 60 days stayed, 2-year probation	Stip	DB	9/5/2017	9/5/2017	8.4(a)(4)	November 2017
47	17-03 17-04 Lawrence A. CASTLE 31 DB Rptr	Reprimand	Stip	DB	9/5/2017	9/5/2017	1.3, 1.4(a), 1.4(b)	December 2017

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48	15-108 16-96 16-97 16-98 Tomas Finnegan RYAN 31 DB Rptr	60-day suspension	Stip	DB	9/5/2017	9/7/2017	1.15-1(a), 1.15-1(b), 1.15-1(c)	November 2017
49	17-34 Dana C. HEINZELMAN	BR 7.1 suspension	--	DB	9/29/2017	9/29/2017		NA
50	16-49 Kyung Joon HAHM SC S065251	Form B resignation	--	S Ct	10/5/2017	10/5/2017	1.15-1(a), 1.15-1(d), 1.15-1(e), 8.1(a)(1), 8.4(a)(3)	December 2017
51	17-53 Eric J. FJELSTAD 31 DB Rptr	60-day suspension	Stip	DB	10/13/2017	10/20/2017	1.1, 1.3, 1.4(a), 1.16(a)(2), 1.16(d)	December 2017
52	14-79 16-93 16-145 Russell LIPETZKY 31 DB Rptr	6-month suspension, formal reinstatement	Stip	DB	10/30/2017	11/15/2017	1.3, 1.15-1(d), 5.5(a), 8.1(a)(2), 8.4(a)(4), ORS 9.160	January 2018
53	14-145 14-146 15-126 15-127 16-171 16-172 16-173 16-176 16-177 J. Andrew KEELER SC S065331 31 DB Rptr	1-year suspension	Stip	S Ct	11/9/2017	11/9/2017	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 1.5(c)(3), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(d), 5.3(a), 5.4(a), 5.5(a), 8.1(a)(2), 8.4(a)(4)	December 2017
54	16-104 17-17 Kenneth Stephen MITCHELL-PHILLIPS SC S065335	Form B resignation	--	S Ct	11/9/2017	11/9/2017	1.1, 1.3, 1.4(a), 1.4(b), 1.5(a), 4.2, 8.1(a)(2), 8.4(a)(4)	January 2018
55	16-101 16-125 16-127 16-128 Dale Maximiliano ROLLER SC S065235 31 DB Rptr	Disbarment	CC	DB	6/30/2017	6/30/2017	1.2(a), 1.3, 1.4(a), 1.4(b), 1.5(a), 1.5(c)(3), 1.15-1(c), 1.16(d), 8.1(a)(2)	January 2018
56	17-77 William M. KELLER SC S065360	BR 3.2 transfer to inactive status	--	S Ct	11/28/2017	11/28/2017		NA
57	17-104 Dana C. HEINZELMAN	BR 7.1 suspension	--	DB	11/30/2017	11/30/2017		NA
58	17-79 17-86 17-87 17-88 17-89 17-90 Andrew LONG SC N007129	BR 3.1 suspension	--	S Ct	12/20/2017	12/20/2017		NA

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59	M. Christian BOTTOMS 31 DB Rptr	30-day suspension	Stip	DB	12/21/2017	12/31/2017	1.5(c)(3), 1.15-1(a), 1.15-1(c)	Feb/Mar 2018
60	Jaculin L. SMITH 31 DB Rptr	6-month suspension, with formal reinstatement	Stip	DB	12/27/2017	1/6/2018	1.3, 1.4(a), 1.4(b), 1.15-1(a), 1.15-1(c), 1.15-1(d), 1.16(d)	Feb/Mar 2018
61	Richard G. COHN-LEE 31 DB Rptr	Reprimand	Stip	DB	12/28/2017	12/28/2017	5.5(a), ORS 9.160	Feb/Mar 2018

APPENDIX D



