

Oregon State Bar

2022 **Disciplinary
Counsel's Office**
Annual Report

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Disciplinary Counsel

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I. INTRODUCTION

This is the Annual Report of the Oregon State Bar Disciplinary Counsel's Office for 2022. The report and evaluation provides an overview of Oregon's lawyer discipline system, an analysis of the caseload within the system, along with the dispositions in 2022, and a discussion of significant developments over the last year.

Disciplinary Counsel's Office's primary goal is to administer an objective, efficient, consistent, and cost-effective system for the regulation of lawyers in order to serve the public interest, and promote public and member confidence in our regulatory system.

II. STATE PROFESSIONAL RESPONSIBILITY BOARD (SPRB)

Disciplinary Counsel's Office'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. The SPRB seeks to enforce the ethics rules in the Rules of Professional Conduct (the RPCs), while operating within the procedural framework of the Bar Rules of Procedure (the BRs). The SPRB is a ten-member board of unpaid volunteers, consisting of one lawyer each from Board of Governors (BOG) Regions 1 through 4, 6, and 7, two lawyers from Region 5, and two public members.

The SPRB met eight times in 2022 and considered approximately 145 casespecific items during the year.

The Bar was fortunate to have the following individuals on the SPRB in 2022:

David Carlson (Salem) – Chairperson
Harry Auerbach (Portland)
Megan Burgess (Bend)
Lillian Erwin (Public Member)
Jinoo Hwang (Eugene)
Mary Moffitt (Public Member)
Joshua Ross (Portland)
Matthew Rowan (Medford)
Thanh Tran (Clackamas)
Lauren Walchli (Hillsboro)

The terms of David Carlson, Mary Moffitt, and Thanh Tran expired at the end of 2022. The new appointments for 2023 are Katie Baker (Clackamas), Andrew Orf (Public Member), and Shannon Snow (Salem). Harry Auerbach is the SPRB Chairperson for 2023.

III. SYSTEM OVERVIEW

A. Complaints Received

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

The table below reflects the number of files opened by Disciplinary Counsel in recent years, including the 254 files opened in 2022.

Files Opened By Disciplinary Counsel					
Month	2018	2019	2020	2021	2022
January	34	13	24	22	11
February	25	20	25	21	18
March	33	24	11	37	15
April	32	44	12	27	30
May	39	36	22	27	29
June	37	20	16	25	29
July	42	25	18	19	25
August	14	25	16	30	23
September	19	41	16	19	20
October	36	39	27	16	19
November	24	31	32	30	18
December	14	9	37	19	17
TOTAL	349	327	256	292	254

Of the 254 files opened in 2022, 170 were referrals from the Client Assistance Office and 51 were trust account overdraft notices from financial institutions that came directly to Disciplinary Counsel’s Office. Disciplinary Counsel’s Office opened up 33 new matters on its own initiative.

For 2022, statistical information regarding complainant type and complaint subject matter is found in Appendix A to this report. Similar information for 2021 is found in Appendix B for comparison purposes.

Every complaint Disciplinary Counsel’s Office received in 2022, was acknowledged in writing by staff and analyzed and investigated to varying degrees depending on the nature of the allegations. As warranted, staff corresponded with the complainant and the responding attorney, and obtained relevant information from other sources, to develop a “record” upon which a decision on merit could be made.

If, after investigation, staff determined that probable cause did not exist to believe that misconduct had occurred, the matter was dismissed by Disciplinary Counsel. BR 2.6(b). In 2022, staff dismissed 133 new matters. Complainants have the right under the Rules of Procedure to contest or appeal a dismissal by Disciplinary Counsel staff.

In those cases, the matters are submitted to the SPRB for review. The SPRB considered 22 such appeals in 2022 and affirmed the dismissals in 21 of the cases. With regards to one dismissal appeal, after reviewing additional information, Disciplinary Counsel staff reversed its original dismissal decision and the SPRB issued a letter of admonition to the subject lawyer.

When Disciplinary Counsel determined from an investigation that there may have been probable cause of misconduct by a lawyer, the matter was referred to the SPRB for review and action. Each matter was presented to the board by means of a grievance summary (factual review, ethics analysis, and recommendation) prepared by staff. Each file also was made available to the SPRB. In 2022, the SPRB reviewed 93 of these probable cause investigations. The following section describes that process of review in more detail.

B. Interim Suspension Proceedings

In any given year, Disciplinary Counsel's Office receives several hundred new matters for investigation. With such a caseload, the department is responsible for prioritizing its work to best protect the public. At the outset of an investigation, Disciplinary Counsel's Office identifies any lawyers who may pose a substantial risk of imminent harm by their continued practice of law, either due to evidence of affirmative misconduct (e.g. theft, knowing conversion of client funds, practice abandonment), or because the lawyer has been adjudged to be incapacitated or appears to be suffering from some type of impairment that is precluding him/her/them from practicing law safely and competently.

In the first situation, Disciplinary Counsel moves for an immediate suspension of the lawyer's license pending adjudication of the formal disciplinary charges. Such proceedings are heard by the Disciplinary Board Adjudicator on an accelerated schedule. In the second situation, Disciplinary Counsel petitions the Oregon Supreme Court for an order transferring the attorney to inactive membership status if there has been an adjudication of incapacity, or may petition the court to determine whether the lawyer is disabled from continuing to practice law due to a personality disorder, mental infirmity or illness, diminished capacity, or addition to drugs, narcotics, or intoxicants. The court may refer such matters to the Disciplinary Board Adjudicator to fulfill the court's duties pursuant to BR 3.2(i).

In 2022, Disciplinary Counsel filed one petition for a lawyer's immediate suspension based on the intentional practice of law while suspended in multiple civil litigation matters pursuant to BR 3.1. The Adjudicator suspended the lawyer in the interim while the Disciplinary Board considers the charges and the sanction to impose.

Respondent's counsel also filed two petitions with the Oregon Supreme Court for an immediate transfer to involuntary inactive status based on the incapacity of the subject lawyers pursuant to BR 3.2. The Bar did not object to either petition and the court granted both petitions.

Additionally, the department also prioritizes any other cases in which a lawyer may present a significant risk by his/her/their continued practice due to the seriousness of the allegations (e.g. felony criminal conduct, false statements to a tribunal or under oath), or based on the number of referrals from CAO. While an immediate

suspension may not be warranted, staff quickly acts to expedite the investigation with the intent to refer the matter to the SPRB within three to six months from receipt. Disciplinary Counsel's Office did not receive any such referrals that warranted expedited investigation beyond the petitions referenced above.

C. SPRB

The SPRB acts as a grand jury in the disciplinary process, determining in each matter referred to it by Disciplinary Counsel whether probable cause of an ethics violation exists. Options available to the SPRB include dismissal if there is no probable cause of misconduct; referral of a matter back to Disciplinary Counsel for additional investigation; issuing a letter of admonition if a violation has occurred but is not of a serious nature; or authorizing a formal disciplinary proceeding in which allegations of professional misconduct are litigated. A lawyer who is offered a letter of admonition may reject the letter, in which case the Rules of Procedure require the matter to proceed to a formal disciplinary proceeding. Rejections are rare.

As an alternative to seeking authority from the SPRB to offer an attorney an admonition or to file a formal complaint, Disciplinary Counsel's Office has the option of offering an attorney to divert a grievance on the condition that the attorney enter into a diversion agreement through which the attorney agrees to participate in a remedial program. There are criteria for eligibility set forth in BR 2.10(b) related to the type of misconduct, the perceived causes of the misconduct, and the likelihood that a remedial program will prevent a recurrence. In 2022, five lawyers entered into such agreements with the Bar.

A lawyer who is notified that a formal disciplinary proceeding will be instituted against him, her, or they, may request that the SPRB reconsider that decision. Such a request must be supported by new evidence not previously available that would have clearly affected the board's decision, or legal authority not previously known to the SPRB which establishes that the decision to prosecute is incorrect.

In 2022, the SPRB made probable cause decisions on 93 matters investigated by Disciplinary Counsel staff. Action taken by the SPRB in recent years and in 2022 is summarized in the following table:

Actions Taken By The SPRB				
YEAR	PROS.	ADMON. OFFERED	ADMON. ACCEPTED	DISMISSED
2018	133	35	35	34
2019	58	34	34	16
2020	29	17	17	7
2021	54	33	33	12
2022	42	34	34	17

Forty-two cases 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.

D. Formal Proceedings

(1) Prosecution Function

After the SPRB authorizes formal proceedings in a given matter, attorneys in Disciplinary Counsel's Office draft and serve a formal complaint, and engage in appropriate discovery prior to trial.

Discovery methods in disciplinary proceedings are similar to those in civil litigation. Requests for admission, requests for production, and depositions are common. The Disciplinary Board Adjudicator, Mr. Mark Turner, resolves any discovery dispute.

Pre-hearing conferences to narrow the issues and to explore settlement are available at the request of either party. Upon request, the Adjudicator appoints a member of the Disciplinary Board to serve as the presiding member and conduct the conference.

(2) Adjudicative Function

The Adjudicator and two other members of the Disciplinary Board, appointed by the Supreme Court, sit in panels of three (two lawyers, one non-lawyer). The regional chairperson appoints the two other members to serve with the Adjudicator. The Adjudicator 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), make findings of fact, conclusions of law, and arrive at 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.

Four disciplinary cases were tried in 2022, including two contested matters that were tried before the Disciplinary Board, while the other matters went by default. Of the two contested matters that were tried before the Disciplinary Board, both hearings occurred over several days, and included numerous witnesses and exhibits.

E. Dispositions Short of Trial

Many of the disciplinary proceedings authorized by the SPRB are resolved short of trial with resignations or stipulations. A Form B resignation (resignation "under fire") does not require an admission of ethics violations by a respondent but, because charges are either under investigation or are pending, is treated like a disbarment such that the lawyer is not eligible for reinstatement in the future under the current rules. In 2022, the court accepted Form B resignations from three lawyers, thereby eliminating the need for further prosecution in those cases. While a resignation ends an investigation or formal proceeding, it is often obtained only after a substantial amount of investigation, discovery, and trial preparation.

A significant number of cases are resolved by stipulations for discipline in which there is no dispute over material facts and both the Bar and the respondent lawyer agree on the violations committed and appropriate sanction. Stipulations must be approved by the SPRB or its chairperson on behalf of the Bar. Once that approval is obtained, judicial approval is required from the Disciplinary Board Adjudicator in cases where sanctions do not exceed a 6-month suspension, or from the Supreme Court for cases

involving greater sanctions. Judicial approval is not always given, in which case the parties must negotiate further or proceed to trial.

In 2022, 29 stipulations were approved and one stipulation was rejected.

Finally, Disciplinary Counsel's Office also handles reciprocal discipline matters in which an attorney licensed in Oregon has been disciplined in another jurisdiction. Staff reviews the underlying discipline imposed in the original jurisdiction, and if appropriate, petitions the Disciplinary Board for reciprocal discipline. In 2022, two Oregon lawyers were reciprocally disciplined.

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 respondent lawyer seeks Supreme Court review. Appellate review by the court is mandatory if requested by a party.

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

In 2022, the Supreme Court rendered one discipline opinion in a contested cases, and found that the respondent had committed the charged violations and imposed a 120 day suspension.

Regarding the disciplinary system overall, 41 disciplinary proceedings were concluded in 2022: one by a Supreme Court decision; six by a final trial panel decision;¹ two by reciprocal discipline order; 29 by stipulation; and three by Form B resignation.

G. Contested Admissions/Contested Reinstatements

Disciplinary Counsel's Office also represents the Board of Bar Examiners (BBX) in briefing and arguing before the Supreme Court those cases in which the BBX has made an adverse admissions recommendation regarding an applicant. The actual investigation and hearing in these cases are handled by the BBX under a procedure different from that applicable to lawyer discipline cases. In 2022, the court did not issue any decisions in contested admissions matters.

For reinstatement applicants who have had significant, prior disciplinary problems, Disciplinary Counsel initially makes a recommendation to the Bar's Chief Executive Officer regarding reinstatement. If the Chief Executive Officer cannot favorably recommend the applicant for reinstatement, the Chief Executive Officer refers the application to the Board of Governors. After review, the Board of Governors makes a recommendation to the Supreme Court. In cases when the board recommends against reinstatement of an applicant, the Supreme Court may refer the matter to the Disciplinary Board for a character and fitness hearing before a three member panel

¹ Disciplinary Counsel's Office received six final trial panel opinions in 2022, but two of those opinions were for cases that were tried in 2021.

much like a lawyer discipline matter. Disciplinary Counsel's Office has the same responsibilities for prosecuting these contested cases as with disciplinary matters and handles the appeal of these cases before the Supreme Court. In 2022, the court did not consider any contested reinstatement matters.

IV. DISPOSITIONS

Attached as Appendix C is a list of disciplinary dispositions from 2022. The following table summarizes dispositions in recent years:

Disciplinary Dispositions from 2022					
SANCTION TYPE	2018	2019	2020	2021	2022
Disbarment	4	4	3	1	1
Form B Resignation	7	4	7	3	3
Suspension	16	22	13	15	26
Suspension stayed/probation	18	14	2	2	1
Reprimand	16	24	9	11	10
Involuntary inactive Transfer	2	1	0	1	2
TOTAL Lawyer Sanctions	63	68	34	33	43
Dismissals after Adjudication	1	2	1	1	1
Dismissed as moot	0	0	0	1	0
Diversion	13	5	3	3	5
Admonitions	37	34	17	33	37

As reflected in Appendix C, but not captured in the foregoing table, Disciplinary Counsel's Office obtained administrative suspensions of lawyers pursuant to BR 7.1 for lawyers' failure to respond to requests for information in 12 separate matters in 2022.

In conjunction with a stayed suspension or as a condition of admission or reinstatement, it is common for a period of probation to be imposed upon a lawyer. Disciplinary Counsel's Office was monitoring 20 lawyers on probation at the end of 2022, along with four lawyers in diversion. Most probations and diversions require some periodic reporting by the lawyer as well as active monitoring by a probation supervisor, typically another lawyer in the probationer's community.

The types of conduct for which a disciplinary sanction was imposed in 2022, 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 2022:

Type of misconduct	% of cases in which type of misconduct was present
Neglect of legal matter	32%
Dishonesty or misrepresentation	29%
Inadequate client communication	27%
Trust account violation	27%

Type of misconduct (continued)	% of cases in which type of misconduct was present
Improper withdrawal	27%
Failure to respond to OSB	17%
Conflicts of Interest	15%
Unauthorized practice of law	15%
Excessive or illegal fees	12%
Conduct prejudicial to justice	12%
Criminal conduct	10%
Contact with a represented party	10%
Fairness to opposing party/counsel	7%
Scope of representation	5%
Disclosure of client confidences	5%
Other	5%

V. SUMMARY OF CASELOAD

A summary of the pending caseload in Disciplinary Counsel's Office at the end of 2022 follows:

New complaints pending	191
Pending formal proceedings	18*
Probation/diversion matters	23
Contested reinstatement matters.....	1
TOTAL	233

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

VI. STAFFING/FUNDING

In 2022, Disciplinary Counsel's Office employed 15 staff members. In addition to Disciplinary Counsel, there were seven staff lawyer positions. Support staff included one investigator, one office administrator/manager, one paralegal, and three legal assistants. The staff members for 2022 include:

Disciplinary Counsel

Courtney C. Dippel

Assistants Disciplinary Counsel

Angela W. Bennett
Eric J. Collins
Matthew S. Coombs (for part)
Susan R. Cournoyer
Sam Leineweber
Stacy Owen
Rebecca M. Salwin (for part)
Alison F. Wilkinson (for part)

Support Staff

Lynn Bey
Emily Cheek
Carrie Daugherty
Emily Dougherty
Karen Duncan
R. Lynn Haynes

Disciplinary Counsel's Office is funded out of the Bar's general fund. Revenue is limited (roughly \$150,892 for 2022) and comes from cost bill collections, reinstatement fees, ethics school and trust account school.

Expenses for 2022 were approximately \$1,924,712 with an additional \$451,427 assessed as a support services (overhead) charge. Of the actual program expense, 95.5% consisted of salaries and benefits. An additional 3% of the expense budget went to direct program expenses for court reporters, witness fees, investigative expenses, and related items. Approximately 1.8% of the expense budget was spent on general and administrative expenses such as professional dues, copying charges, postage, telephone, and staff travel expenses.

VII. OTHER DEVELOPMENTS

A. Continuing Legal Education Programs

Throughout 2022, Disciplinary Counsel staff participated in numerous CLE programs dealing with ethics and professional responsibility issues.

B. Technology Improvements

During 2022, Disciplinary Counsel's Office staff continued to participate in the refinement and testing of components of the department's document management system, Net Documents. The department continues to enhance, through currently available technology and software, the extent to which documentation is stored and transmitted electronically, in order to reduce paper and postage costs and render records more readily accessible through means other than a paper file, working with IDT to make incremental refinements in the disciplinary database.

- (1) Files are now made available to the SPRB through secure links in our document management system saving us the cost of mailing these files and not having access to them while in the possession of the board members.
- (2) Additional enhancements include the ability to create sets of documents for exhibits, research, trial preparation, and other investigative mechanisms within the document management system saving time and money copying documents and creating numerous notebooks.
- (3) Cabinet home pages give everyone in the department tools to better manage cases and access to research tools.

VIII. CONCLUSION

In 2022, 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,
Courtney C. Dippel
Disciplinary Counsel

APPENDICES

APPENDIX A - 2022

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Respondent (self-reported)	14	5.5%
Client	81	31.9%
Judge	4	1.6%
Opposing Counsel	19	7.5%
Opposing Party	33	13%
Third Party	27	10.6%
Unknown	3	1.2%
OSB	73	28.7%
TOTAL	254	100.0%
COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	2	0.8%
Advertisement	0	0%
Arbitration	0	0%
Bankruptcy	0	0%
Business	9	3.5%
Civil dispute (general)	5	2%
Conservatorship	0	0%
Criminal	28	11%
Domestic Relations	34	13.4%
Estate Planning	4	1.5%
Guardianship	0	0%
Immigration	2	0.8%
Juvenile	1	0.4%
Labor Law	1	0.4%
Litigation (general)	17	6.7%
Land Use	3	1.2%
Other	46	18.1%
Paternity	0	0%
Personal injury	8	3.2%
Probate	17	6.7%
Real Estate	4	1.5%
Social Security	1	0.4%
Tenant/landlord	14	5.5%
Tax	2	0.8%
Trust Account Overdraft	51	20.1%
Workers Comp.	2	0.8%
Unknown	3	1.2%
TOTAL	327	100.0%

APPENDIX B - 2021

COMPLAINANT TYPE	NUMBER	PERCENTAGE
Respondent (self-reported)	7	2.4%
Client	110	37.7%
Judge	10	3.4%
Opposing Counsel	31	10.6%
Opposing Party	40	13.7%
Third Party	30	10.3%
Unknown	0	0%
OSB	64	21.9%
TOTAL	292	100.0%
COMPLAINT SUBJECT MATTER	NUMBER	PERCENTAGE
Adoption	1	0.34%
Advertisement	0	0%
Arbitration	0	0%
Bankruptcy	3	1.03%
Business	5	1.71%
Civil dispute (general)	17	5.82%
Conservatorship	1	0.34%
Criminal	52	17.81%
Domestic Relations	41	14.04%
Estate Planning	1	0.34%
Guardianship	4	1.37%
Immigration	5	1.71%
Juvenile	5	1.71%
Labor Law	2	0.69%
Litigation (general)	27	9.25%
Land Use	1	0.34%
Other	36	12.33%
Paternity	0	0%
Personal injury	15	5.14%
Probate	19	6.51%
Real Estate	4	1.37%
Social Security	1	0.34%
Tenant/landlord	5	1.71%
Tax	1	0.34%
Trust Account Overdraft	42	14.38%
Workers Comp.	0	0%
Unknown	4	1.37%
TOTAL	292	100.0%

OSB DISPOSITION LIST
2022

Case No.	Case Name/Cite	Disposition	CC/Stip	SCT/ DB	Date of Action	Effective Date	RPCs ORS	Bulletin Summary
1	21-38 21-59 Micah D. FARGEY	BR 3.1 suspension	--	DB	1/6/2022	1/6/2022		NA
2	21-101 Edward P. BERNARDI 36 DB Rptr	30-day suspension	Stip	DB	1/7/2022	1/14/2022	1.3, 1.16(a)(2)	April 2022
3	21-20 21-21 Shanon GRAY 36 DB Rptr	30-day suspension	Stip	DB	1/19/2022	1/21/2022	1.5(c)(3), 1.15-1(c), 1.16(a)	April 2022
4	21-36 21-37 21-65 Jia J. FENG SC S069086	Form B resignation	--	Sct	1/20/2022	1/20/2022	1.3, 1.4(a), 1.5(c)(3), 1.15-1(d), 1.16(d), 8.1(a)(2)	June 2022
5	21-86 21-106 Jennifer N. TOWNE 36 DB Rptr	Reprimand	Stip	DB	1/31/2022	1/31/2022	1.7(a)(2), 4.2	April 2022
6	22-01 Elizabeth LOHRKE	BR 7.1 suspension	--	DB	2/3/2022	2/3/2022		NA
7	21-17 Mark Austin CROSS 36 DB Rptr	150-day suspension with restitution and formal reinstatement	CC	DB	1/10/2022	2/10/2022 eff 3/12/2022	1.15-1(d), 1.16(d), 8.1(a)(2)	July 2022
8	21-50 Gary NELSON 36 DB Rptr	180-day suspension	Stip	DB	2/17/2022	2/18/2022	8.4(a)(3)	July 2022
9	22-08 Jesse MAANAO 36 DB Rptr	60-day suspension	Stip	DB	2/28/2022	7/1/2022	1.3, 1.4(a), 1.15-1(d)	June 2022
10	22-07 Angela Therese LEE-MANDLIN 36 DB Rptr	Reprimand	Stip	DB	3/8/2022	3/8/2022	1.6(a)	May 2022
11	21-54 Lara M. GARDNER 36 DB Rptr	Reprimand	Stip	DB	3/9/2022	3/9/2022	8.4(a)(3)	July 2022
12	19-125 D. Rahn HOSTETTER 36 DB Rptr	Dismissed	CC	DB	2/9/2022	3/12/2022	NG-1.1, 1.7(a)(2), 8.4(a)(4)	Aug/Sept 2022
13	22-16 Elizabeth LOHRKE	BR 7.1 suspension	--	DB	3/17/2022	3/17/2022		NA
14	22-17 Matthew A. C. U'REN	BR 7.1 suspension	--	DB	3/17/2022	3/17/2022		NA
15	22-11 Frank WALL 36 DB Rptr	60-day suspension	Stip	DB	3/21/2022	8/31/2022	1.3, 1.15-1(d)	May 2022
16	19-89 David J. KELLER SC S068805 36 DB Rptr	120-day suspension	CC	Sct	3/24/2022	5/23/2022	1.3, 8.1(a)(2), 8.4(a)(3)	June 2022
17	21-100 Robert M. SNEE SC S069206	Form B resignation	--	Sct	3/24/2022	3/24/2022	1.8(a), 1.15-1(a), 1.15-1(d), 8.4(a)(2), 8.4(a)(3)	May 2022

OSB DISPOSITION LIST
2022

Case No.	Case Name/Cite	Disposition	CC/Stip	Sct/ DB	Date of Action	Effective Date	RPCs ORS	Bulletin Summary
18	Karen M. W. Knauerhase SC S069401	BR 3.2 transfer to inactive status	--	Sct	3/30/2022	3/30/2022		NA
19	Edmund J. SPINNEY	BR 7.1 suspension	--	DB	4/4/2022	4/4/2022		NA
20	Micah D. FARGEY 36 DB Rptr	Disbarment	CC	DB	3/10/2022	4/12/2022	1.3, 1.15-1(a), 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)	June 2022
21	Jeffrey B. BROWN 36 DB Rptr	Reprimand	RD	DB	3/11/2022	4/12/2022	1.5(a), 7.3(b)	Aug/Sept 2022
22	Doug HAGEMAN	BR 7.1 suspension	--	DB	4/19/2022	4/19/2022		NA
23	Sean O'HALLORAN 36 DB Rptr	30-day suspension	Stip	DB	4/25/2022	6/15/2022	1.3, 1.15-1(d)	July 2022
24	Mark Thomas McLEOD 36 DB Rptr	Reprimand	Stip	DB	4/28/2022	4/28/2022	4.2	July 2022
25	Brett J. HALL 36 DB Rptr	30-day suspension	Stip	DB	5/9/2022	8/1/2022	8.1(c)(4)	July 2022
26	Donald R. SLAYTON 36 DB Rptr	30-day suspension	Stip	DB	5/24/2022	7/4/2023	3.4(c)	October 2022
27	Robert A. GRAHAM SC S069498 36 DB Rptr	1-year suspension	Stip	Sct	6/2/2022	6/3/2022	1.3, 1.4(a), 1.4(b), 1.16(d), 8.4(a)(4)	December 2022
28	Nicole E. SCHAEFFER 36 DB Rptr	30-day suspension	Stip	DB	6/2/2022	6/28/2022	5.5(b)(2), 7.1, ORS 9.160(1)	October 2022
29	Matthew HORGAN 36 DB Rptr	4-month suspension	RD	DB	5/5/2022	6/7/2022	3.3(a)91, 3.3(a)(4), 5.5(a)	Aug/Sept 2022
30	Drew WS CUTLER 36 DB Rptr	Reprimand	Stip	DB	6/16/2022	6/16/2022	5.5(a), ORS 9.160(1)	Aug/Sept 2022
31	David J. KELLER	BR 7.1 suspension	--	DB	6/28/2022	6/28/2022		NA
32	Rich BILLIN 36 DB Rptr	Reprimand	Stip	DB	6/28/2022	6/28/2022	1.4(a), 1.4(b)	Aug/Sept 2022
33	Hunter C. TONRY 36 DB Rptr	30-day suspension	Stip	DB	6/28/2021	6/28/2022	5.5(a), ORS 9.160(1)	Aug/Sept 2022
34	Michael GUZMAN 36 DB Rptr	30-day suspension	Stip	DB	6/30/2022	7/1/2022	8.4(a)(2)	Aug/Sept 2022
35	Jessica S. CAIN 36 DB Rptr	Reprimand	Stip	DB	7/5/2022	7/5/2022	1.8(a)	Aug/Sept 2022

OSB DISPOSITION LIST
2022

Case No.	Case Name/Cite	Disposition	CC/Stip	Sct/ DB	Date of Action	Effective Date	RPCS ORS	Bulletin Summary
36	Christopher W. BROWN	BR 7.1 suspension	--	DB	7/14/2022	7/14/2022		NA
37	Dwight L. FAULHABER	BR 7.1 suspension	--	DB	7/22/2022	7/22/2022		NA
38	Andy MILLAR 36 DB Rptr	60-day suspension	Stip	DB	7/22/2022	7/22/2022	1.2(b), 3.1, 1.4(a), 1.4(b)	November 2022
39	Scott Michael McNUTT SC S069618	Form B resignation	--	Sct	7/28/2022	7/28/2022	8.4(a)(2)	December 2022
40	William A. HENDERSON 36 DB Rptr	1-year suspension	CC	DB	6/28/2022	7/29/2022 eff 8/28/2022	1.2(a), 1.4(b), 1.6(a), 1.16(a)(3), 1.16(d), 8.1(a)(2)	October 2022
41	James R. TSCHUIDY 36 DB Rptr	60-day suspension	Stip	DB	8/23/2022	8/23/2022	1.3, 1.4(a), 1.5(c)(3), 1.15-1(c)	November 2022
42	Jay R. FAULCONER 36 DB Rptr	60-day suspension	Stip	DB	8/29/2022	10/3/2022	1.3, 1.4(a), 1.4(b), 1.16(a)(1)	November 2022
43	Thomas JOHNSON	BR 7.1 suspension	--	DB	8/29/2022	8/29/2022		NA
44	Louis Paul MARCANTI	BR 7.1 suspension	--	DB	9/8/2022	9/8/2022		NA
45	Amelia OSTHOLTHOFF 36 DB Rptr	5-month suspension	Stip	DB	9/16/2022	9/26/2022	1.4(b), 1.16(d), 5.5(a), 8.1(a)(1), ORS 9.160(1)	December 2022
46	Sandon M. DUNCAN 36 DB Rptr	60-day suspension	CC	DB	10/5/2022	10/5/2022	8.4(a)(3)	December 2022
47	Thomas JOHNSON	BR 7.1 suspension	--	DB	10/11/2022	10/11/2022		NA
48	Louis Paul MARCANTI	BR 7.1 suspension	--	DB	10/11/2022	10/11/2022		NA
49	James BAKER 36 DB Rptr	60-day suspension	CC	DB	9/26/2022	10/27/2022 eff 11/26/2022	8.4(a)(3)	X
50	Casey C. PENCE	Transfer to BR 3.2 status	--	DB	11/8/2022	11/8/2022		NA
51	Mark John HOLADY 36 DB Rptr	30-day suspension	Stip	DB	11/17/2022	12/3/2022	5.5(b), 7.1, 8.4(a)(3), 8.4(a)(4)	X

OSB DISPOSITION LIST
2022

Case No.	Case Name/Cite	Disposition	CC/Stip	SCt/ DB	Date of Action	Effective Date	RPCs ORS	Bulletin Summary
52	21-154 Gina Marie STEWART 36 DB Rptr	Reprimand	Stip	DB	11/17/2022	11/17/2022	3.4(d)	January 2023
53	21-82 21-83 Leonard R. BERMAN 36 DB Rptr	60-day suspension	Stip	DB	11/22/2022	1/16/2023	1.3, 1.16(d), 3.4(d), 8.4(a)(4)	X
54	21-64 21-103 21-104 22.69 22.114 David J. CELUCH SC S069837 36 DB Rptr	1-year suspension, all but 6 months stayed, 2-year probation	Stip	SCt	11/23/2022	1/31/2023	1.3, 1.4(a), 1.4(b), 1.5(c)(3), 1.8(f)(1), 1.15-1(c), 8.4(a)(3)	X
55	22-151 Clayton J. LANCE 36 DB Rptr	30-day suspension	Stip	DB	11/28/2022	12/17/2022	8.4(a)(4)	X
56	22-169 Doug HAGEMAN	BR 7.1 suspension	--	DB	11/28/2022	11/28/2022		NA
57	22-149 Virginia BOND 36 DB Rptr	Reprimand	Stip	DB	11/28/2022	11/28/2022	8.4(d)	X
58	22-26 Edmund J. SPINNEY 36 DB Rptr	1-year suspension	CC	DB	11/1/2022	12/17/2022 eff 12/31/2022	1.15-1(d), 1.16(d), 8.1(a)(2)	X
59	21-47 Claudia A. CULLISON 36 DB Rptr	90-day suspension	Stip	DB	12/8/2022	12/8/2022	1.3, 1.4(a), 1.4(b), 8.1(a)(2), 8.4(a)(3), 9.160(1)	x

APPENDIX D



