

The North Carolina State Bar
Office of Counsel

2008
Annual
Report

OFFICE OF COUNSEL STAFF

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A. Root Edmonson, Deputy Counsel	Ext. 229
Fern Gunn Simeon, Deputy Counsel	Ext. 258
David R. Johnson, Deputy Counsel	Ext. 230
Jennifer A. Porter, Deputy Counsel	Ext. 262
Nichole P. McLaughlin, Deputy Counsel	Ext. 238
Carmen K. Hoyme, Deputy Counsel	Ext. 283
Brian P.D. Oten, Deputy Counsel	Ext. 226
Leonor Bailey Hodge, Deputy Counsel	Ext. 299
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Melissa D. Donahue, Deputy Counsel	Ext. 298

INVESTIGATORS

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David Frederick, Investigator	Ext. 225
Edward White, Investigator	Ext. 263
Reginald Shaw, Investigator	Ext. 266
Walter Harlow, Investigator	Ext. 282
Tim Batchelor, Investigator	Ext. 274
Glenn Sexton, Investigator	Ext. 292
Roger Allen, Investigator	Ext. 265
Eddie Capel, Investigator	Ext. 294
Steve Annis, Investigator	Ext. 284
Bruno DeMolli, Auditor	Ext. 224

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Becky Carroll, Paralegal	Ext. 234
Wondella Payne, Paralegal	Ext. 296
Maria Brown, Paralegal	Ext. 235
Lori Reams, Administrative Assistant	Ext. 232
Dawn Whaley, Administrative Assistant	Ext. 278
Joshua Hoffman, Administrative Assistant	Ext. 295

ATTORNEY/CLIENT ASSISTANCE PROGRAM STAFF

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Krista Bathurst, Fee Dispute Mediator	Ext. 228
Sandra Saxton, Public Liaison	Ext. 264
Melanie Kincaid, Public Liaison	Ext. 233
Judy Treadwell, Public Liaison	Ext. 260
Diane Melching, Administrative Assistant	Ext. 287

OFFICE OF COUNSEL

The Office of Counsel is the legal department of the North Carolina State Bar. The office receives and handles complaints concerning lawyer misconduct and the unauthorized practice of law. The Office of Counsel consists of disciplinary staff, the authorized practice staff, the investigations department and the Attorney/Client Assistance Program (ACAP) staff. The disciplinary staff receives, investigates and, where necessary, litigates claims of professional misconduct and disability against North Carolina lawyers. The office assists the Authorized Practice Committee to investigate and resolve complaints concerning the unauthorized practice of law by non-lawyers. It also represents the State Bar in the federal and state trial courts and in federal and state appellate courts. The office provides legal counsel to the Client Security Fund Board of Directors, pursues subrogation actions for recovery of funds paid by the CSF and disburses funds from the trust accounts of deceased, disabled and disbarred lawyers. It also provides legal opinions on issues of interest to departments and committees of the State Bar.

The ACAP staff helps members of the public resolve problems with lawyers other than matters involving potentially serious violations of the Revised Rules of Professional Conduct. The ACAP staff also provides information about the grievance process, the courts and justice system and helps resolve fee disputes between lawyers and their clients.

The Office of Counsel includes twelve lawyers, one administrator, four paralegals, three administrative assistants and eleven investigators, including four financial auditors. The ACAP staff includes its director, who is also a fee dispute mediator, a second fee dispute mediator, an administrative assistant and three public liaisons.

The Office of Counsel is located in the State Bar Building, 208 Fayetteville Street, Raleigh, N.C. 27601. The Office of Counsel is open from 9 a.m. until 5 p.m. on weekdays and may be reached at 919-828-4620. Each staff person's telephone extension appears on pages two and three of this report.

2008 ANNUAL REPORT OFFICE OF COUNSEL THE NORTH CAROLINA STATE BAR

Attorney Client Assistance Program

The Attorney/Client Assistance Program ("ACAP") is comprised of six staff members; three public liaisons, two mediators and one administrative assistant. During 2008, the staff responded to a total of 19,452 calls from members of the general public, a slight decrease over the 21,110 received in 2007. As a result of those calls, 3,646 lawyers were contacted in an attempt to resolve a concern expressed by the client. Additionally, the ACAP staff responded to 2,416 letters from inmates and the general public regarding representation provided by a lawyer. Staff also responded to 596 email messages from the general public requesting information. A graph summarizing call data for the last several years appears on page 18.

This past year there were 785 fee dispute resolution files opened with the State Bar; 122 of these requests were sent to one of the four judicial districts that have fee dispute committees, 39 were filed locally and monitored by the State Bar, and the remaining 624 files were investigated and mediated, when appropriate, by ACAP mediators. A graph summarizing the number of fee dispute cases handled by the State Bar since 1994 appears on page 19.

Authorized Practice Committee

The Authorized Practice Committee opened 115 files in 2008, compared to the 120 files opened in 2007. The Committee resolved 131 files during 2008.

In March 2008, the State Bar obtained a permanent injunction against disbarred West Virginia lawyer P. Lee Clay to prevent him from practicing immigration law in North Carolina. Clay had been a long-time resident of North Carolina and handled only immigration matters before he was disbarred by the West Virginia State Bar.

The Office of Counsel completed the litigation initiated jointly by the State Bar and the Attorney General in Wake County Superior Court against American Family Legal Plans ("AFLP"). On July 1, 2008, the Wake County Superior Court entered a permanent injunction prohibiting AFLP from marketing a purported prepaid legal service plan that targeted seniors with a sales pitch to purchase revocable living trusts.

In September 2008, the Office of Counsel began negotiating a consent injunction against a Charlotte area real estate closing firm, Mid-Atlantic Title. During negotiations, the office learned that Mid-Atlantic Title had gone out of business. The office is still working with counsel for Mid-Atlantic to finalize a consent injunction.

Also in September 2008, the office began negotiating a consent injunction against a Florida business, Law's Specialty Group, that prepares deeds for real property transactions nationwide. Counsel hopes to complete negotiations in early 2009.

Grievance Committee Actions

During calendar year 2008, a total of 1,543 grievance files were opened by the State Bar and the district bar offices, compared with the 1,464 files opened in 2007. A chart summarizing grievances files opened each year since 1986 appears on page 20.

All grievances received by the State Bar must be considered and acted upon by one or more members of the Grievance Committee. The Committee considered a total of 1,663 grievances during 2008. Of those, 1,350 were dismissed. Twenty cases were dismissed and retained because the respondent lawyers are disbarred and one file was abated because the respondent lawyer has been transferred to disability inactive status. These numbers represent about 82 percent of the grievances considered by the Committee. In addition to the grievances that were dismissed outright in 2008, 30 grievances were dismissed with letters of caution and another 67 grievances were dismissed with letters of warning.

In 2008, the Grievance Committee issued admonitions in 39 cases, reprimands in 51 cases and censures in 12 cases. Fifty six cases were referred for trial before the Disciplinary Hearing Commission (DHC). For the year, a total of 255 grievances resulted in imposition of discipline by the Grievance Committee or referral to the DHC. That figure represents approximately 15 percent of the grievances considered by the Committee in 2008. The Chair of the Grievance Committee also disbarred one lawyer by reciprocal discipline and transferred four lawyers to disability inactive status. The Committee referred seven lawyers to the Lawyer's Assistance Program.

An itemized report detailing the disposition of grievances considered by the Committee in 2008 begins on page 15.

Disciplinary Hearing Commission Cases

1. Disciplinary and Disability Cases

The DHC is the independent tribunal which hears lawyer disciplinary cases. The 20-member Commission hears cases involving alleged violations of the Revised Rules of Professional Conduct, cases in which it is alleged that a lawyer is disabled, petitions from disbarred and suspended lawyers seeking reinstatement to the practice of law and show cause petitions alleging that a lawyer has violated a prior DHC order. Each case is heard by a panel of three consisting of two lawyers and one layperson.

During 2008, the Office of Counsel completed a total of 41 disciplinary, reinstatement and show cause cases before the DHC. Of those, 29 were resolved by trial and 11 by consent. One case was dismissed with prejudice. In 2007, the Office of Counsel completed 27 such cases. Of those, seven were resolved by consent and 20 were tried.

In 2008, the DHC entered seven orders of disbarment. In five of those cases, the lawyer misappropriated money from clients or from a law firm. One case involved neglect, failure to communicate and non-compliance with U.S. District Court discovery obligations. In the seventh case, the lawyer facilitated numerous fraudulent real estate transactions by making false representations on HUD-1 Settlement Statements.

In 2008, the DHC imposed three active suspensions, seven suspensions in which the lawyer could seek a stay after serving some period of active suspension and six suspensions entirely stayed upon compliance with various conditions. Three lawyers' stayed suspensions were activated after show cause hearings. The DHC censured two lawyers, reprimanded one lawyer and admonished one lawyer for less serious Rule violations. The DHC transferred four lawyers to disability inactive status.

2. Reinstatement Cases

In 2008, the DHC reinstated one lawyer from disability inactive status and reinstated two lawyers from active disciplinary suspension. The DHC denied one lawyer's petition to

stay the suspension of his license. Two petitions for reinstatement from disbarment were filed in 2008. The DHC denied both petitions.

Actions Before the State Bar Council

1. Tenders of Surrender of License

In 2008, two lawyers surrendered their law licenses to the Council and were disbarred. Both misappropriated entrusted funds. Three lawyers surrendered their law licenses and were disbarred by the Council during 2007.

2. Reinstatement Proceedings

The State Bar Council did not hear any reinstatement cases in 2008. The last time the Council considered a reinstatement case was in 2000.

Actions Before the Secretary

The Secretary receives reinstatement petitions from lawyers whose licenses are suspended for disciplinary violations and enters reinstatement orders in uncontested cases. Contested cases are referred to the DHC for trial.

Five lawyers filed reinstatement petitions with the Secretary in 2008. Three petitions were granted without opposition and without a hearing. Two were heard before the DHC.

Actions Before the State Trial Courts

1. Judicial Disbarments

In 2008, eight lawyers surrendered their law licenses and were disbarred by the Wake County Superior Court. Six misappropriated entrusted funds and two participated in fraudulent real estate transactions. In 2007, two lawyers surrendered their licenses to the Superior Court and were disbarred.

2. Judicial Suspensions

One lawyer was suspended by the Superior Court for one year. The lawyer was convicted of the felony offense of manufacturing, selling, delivering or possessing with the intent to manufacture, sell or deliver a Schedule 1 controlled substance. The State Bar has initiated a DHC action against that lawyer.

3. Injunction Proceedings

During 2008, the Office of Counsel obtained injunctions barring 14 lawyers from handling entrusted funds. The Office of Counsel obtained injunctions against five lawyers in 2007 and 10 lawyers in 2006.

4. Appointment of Trustees for Law Practices of Missing, Deceased, Disabled & Disbarred Attorneys

In 2008, the Office of Counsel petitioned the courts to appoint trustees to wind down the practices of seven lawyers. Of that number, one lawyer was missing or had abandoned her practice and six lawyers had died. The Office of Counsel also arranged an informal trusteeship for a disabled lawyer. The State Bar filed seven trustee petitions in 2007.

5. Disciplinary and Disability Cases in the State Trial Courts

On February 18-19, 2008, Gaston County Superior Court held a hearing to determine whether James Stroud should be reinstated to active practice. The court had transferred Stroud involuntarily to disability inactive status in 2007 due to a disastrous manic episode after he failed to take prescribed medications for bipolar disorder. Stroud's original petition for reinstatement was denied. Upon reconsideration, the court reinstated Stroud upon very specific conditions, including that Stroud is only permitted to practice law in New Hanover, Pender, Brunswick and Onslow Counties as an associate employed by Wilmington lawyer Bruce H. Jackson, Jr., who will closely supervise Stroud.

6. Miscellaneous

As usual, in 2008 the State Bar was a party to numerous actions in the State courts. The Office of Counsel represented the State Bar in many of these actions.

The State Bar intervened in *Shuford & Hunter, P.A. f/k/a Shuford, Hunter and Brown, P.A. v. Thomas and Jane Brown* in Cabarrus County Superior Court. Brown, who practiced in Charlotte but lived in Concord, was disbarred in March 2008, after he admitted misappropriating at least \$970,000.00 from his firm's trust account. Brown's former law partners filed a lawsuit to seize all of Brown's and his wife's assets. Those assets will be liquidated and the proceeds disbursed to Brown's wronged clients under the court's supervision. The Client Security Fund has already paid some claims and expects to pay others. The Office of Counsel intervened to position the CSF to receive reimbursement for CSF payments. Because more parties continue to join the action, pleadings are still open. A hearing on the addition of new parties is scheduled for February 16, 2009.

In 2008, the office filed nine cases in district and superior courts seeking reimbursement from disbarred lawyers for Client Security Fund payments.

The office appeared in Wake County Superior Court to obtain permission to disburse funds from the trust accounts of 12 disbarred, deceased or disabled lawyers.

The Attorney General represented the State Bar and the DHC in a Tort Claims Act action filed by Robert Talford. Talford contends the State Bar and the DHC acted wrongfully in disbaring him. The order of disbarment was later reversed on appeal. On October 7, 2008, the full Industrial Commission affirmed the deputy commissioner's dismissal of the claims

under the public duty doctrine. Talford's time to appeal recently expired. The case is therefore concluded.

The Attorney General also represented the State Bar in a Tort Claims Act action filed by Angela Dozier. Dozier sued the State Bar, Lawyers Mutual and her former lawyer for \$3 million, but did not articulate for what acts or omissions. The State Bar's motion to dismiss was allowed and Dozier did not appeal within the time allowed. The case is therefore concluded.

Special Deputy Attorney General Alec Peters represents the State Bar, Tom Lunsford and present and former members of the Administrative Committee in a lawsuit in Wake County Superior Court challenging the constitutionality of the \$50 surcharge. The case is captioned El-Khoury et al v. N.C. State Bar et al. The plaintiffs are three public defenders from Charlotte who challenged the surcharge unsuccessfully before the Administrative Committee. They seek refunds of their \$50 payments, interest, a declaratory judgment that the statute is unconstitutional, injunctive relief and attorney fees. Peters represented the State Bar in the federal \$50 surcharge litigation, Jackson et al v. Leake et al, which ended in September, 2007 with the State Bar defendants' dismissal as parties. In the present litigation, the State Bar defendants' motions to dismiss were denied in August. After discovery, Peters will move for summary judgment.

Actions Before the State Appellate Courts

In 2008, the Office of Counsel represented the State Bar in several appellate cases.

The office represented the State Bar in appellate proceedings involving Willie Gilbert. Gilbert, whose law license was suspended by the DHC in 2000, filed a lawsuit in state court seeking to enjoin the State Bar from proceeding with a second DHC case on a separate issue of misconduct. Gilbert alleged that the Bar had violated his constitutional rights by filing the second disciplinary action. The trial court entered a permanent injunction prohibiting the Bar from pursuing its disciplinary action and reserved judgment on monetary damages and attorneys' fees. The Court of Appeals dismissed the Bar's appeal as interlocutory. The Supreme Court allowed the Bar's petition for discretionary review and heard oral argument in the case on December 11, 2007. No decision has yet been issued.

On March 18, 2008, the Court of Appeals issued its opinion in Willie D. Gilbert's second appeal from a district court judgment in favor of the State Bar. The judgment awarded double damages for funds the CSF reimbursed to Gilbert's client. The opinion rejected all of Gilbert's contentions other than his contention that the interest was calculated incorrectly. The State Bar's petition for rehearing on the interest issue was denied. The Supreme Court denied Gilbert's petition for discretionary review on December 12, 2008. A proposed judgment has been sent to the presiding district court judge.

The State Bar filed a brief as *amicus curiae* in Johnson v. Schulz, a Court of Appeals case from Cumberland County. The seller in a residential real estate transaction sued the buyer contending that the buyer rather than the seller must bear the risk of loss suffered when the buyer's closing lawyer, now disbarred Donald Parker, embezzled the buyer's loan proceeds.

The Cumberland County Superior Court entered summary judgment in favor of the buyer. The COA decision could have significant impact both on the public and on the Client Security Fund. The case is scheduled for decision without oral argument.

James Ethridge appealed a DHC order of disbarment. In February 2008, the Court of Appeals affirmed the disbarment. Ethridge did not seek further appellate review.

The State Bar is defending the appeal of Michael McGee from an order of the DHC. McGee was suspended by the DHC for five years in 2004 with the provision that he could seek a stay of the final two years on enumerated conditions. In 2008, the DHC denied McGee's petition for a stay. The case has been scheduled for decision January 28, 2009 without oral argument.

The State Bar is defending the appeal of Creighton Sossomon. In March 2008, the DHC suspended Sossomon for one year. Sossomon appealed both the underlying disciplinary order and the DHC order dismissing his appeal for failure to file the record timely. Both parties have filed their briefs and an order scheduling oral argument is expected soon.

The State Bar is defending the appeal of Robert Talford. After Talford rejected the Grievance Committee's admonition, the DHC imposed a one year suspension, with the first 60 days active. Talford appealed. The parties are working on settling the record on appeal.

Actions Before the Federal Courts

The Office of Counsel was not involved in any federal litigation in 2008.

**SUMMARIES OF
DISCIPLINARY, DISABILITY & REINSTATEMENT ACTIONS**

Tenders of surrender of law license

COUNCIL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Dennis A. Whitling	08 BCS 1	07/18/2008
Adam M. Tyson	08 BSC 2	07/18/2008

JUDICIAL DISBARMENTS

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Anthony G. Young	08M00934	02/12/2008
Thomas D. Brown	08 CVS 003880	03/05/2008
Neil G. O'Rourke	08 CVS 005151	05/01/2008
Michelle T. Shepherd	08 CVS 06869	07/25/2008
Harold W. Beavers	08 CVS 11071	09/27/2008
Marsha B. Stone	08 CVS 57587	10/09/2008
Kevin J. Strickland	08 CVS 16228	12/31/2008
Roger S. Cardinal	08 CVS 19524	12/26/2008

RECIPROCAL DISCIPLINE BEFORE THE GRIEVANCE COMMITTEE

<u>Attorney Name</u>	<u>File No.</u>	<u>Date of Disbarment</u>
Barry Roberts	08G0367	11/06/2008

BEFORE THE DISCIPLINARY HEARING COMMISSION

Completed Discipline & Disability Cases

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Jeffrey Howle	07 DHC 20	Disbarred
Charles E. Robinson	07 DHC 22	Disbarred
Thomas P. Heller	07 DHC 24	Disbarred
Michelle V. Mallard	07 DHC 29	Disbarred
Tonya J. Crew	08 DHC 4	Disbarred
Amy Robinson	08 DHC 5	Disbarred
Charles L. Alston, Jr.	08 DHC 11	Disbarred

Completed Discipline & Disability Cases Continued

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Creighton W. Sossomon	07 DHC 9	Suspended 1 year (appealed)
Paul L. Erickson	07 DHC 17	Suspended 5 years
Amanda Smith	07 DHC 23	Suspended 5 years
Tamla T. Scott	07 DHC 4	Suspended 3 years, possible 2 year stay
Shonna R. Alexander	07 DHC 10	Suspended 3 years, possible 2 year stay
Robert M. Talford	07DHC12	Suspended 1 year, 60 days active (appealed)
Leroy R. Castle	07 DHC 15	Suspended 2 years, possible 18 month stay
Paul E. Hemphill	07 DHC 19	Suspended 5 years, possible 3 year stay
D. Bernard Alston	07 DHC 21	Suspended 5 years, possible 42 month stay
Frederick Pierce	08 DHC 3	Suspended 4 years; possible stay after 18 months
Clyde Gary Triggs	06 DHC 30	Suspended 5 years, stayed 5 years on extensive conditions
Sherry Morris	08 DHC 6	Suspended 2 years, stayed 2 years on numerous conditions
Scott W. Lamb	08 DHC 7	Suspended 2 years, stayed 2 years on numerous conditions
Scott Spransy	08 DHC 14	Suspended 6 months; stayed 3 years on numerous conditions
James Parker	08 DHC 15	Suspended 1 year; stayed 4 years on numerous conditions
Susan Hyatt	08 DHC 16	Suspended 3 years; stayed 3 years on numerous conditions

Completed Discipline & Disability Cases Continued

<u>Attorney</u>	<u>File No.</u>	<u>Outcome</u>
Rhonda R. Hipkins	07 DHC 30	Censure
Ernest Clark Dummit	08 DHC 1	Censure
Robert N. Weckworth	07 DHC 14	Reprimand
Christopher Livingston	06 DHC 11	Admonition
Ralph E. McLaurin, Jr.	05 DHC 39	Disability Inactive
Peter K. Gemborys	07 DHC 13	Disability Inactive
William Durham	07 DHC 25	Disability Inactive
Paul C. Pooley	08 DHC 2	Disability Inactive
Cheryl R. Washington	08 DHC 9	Dismissed with Prejudice

Completed Reinstatement Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Disposition</u>
Michael H. McGee	04 DHC 21	Denied by DHC
Melvin Wall	07 BSR 4	Reinstated by Secretary
Mark Key	08 BSR 1	Reinstated by Secretary
Leroy Castle	08 BSR 2	Reinstated by Secretary
Arch K. Schoch, V	08 BSR 3	Reinstated by DHC
Jonathan Mark Brooks	08 BSR 4	Reinstated by DHC
Bonnie Lee O'Neal	07 DR 2	Reinstated by DHC
Chloe Wellons	08 BCR 1	Denied by DHC
Gene Kendall	08 BCR 2	Denied by DHC

Completed Show Cause Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Disposition</u>
Randall Marsh	05 DHC 28	Activated 3 year Suspension
Robert C. Howes	06 DHC 7	Activated 2 year Suspension
Frederick Pierce	05 DHC 42	Activated 18 month Suspension

Pending Disciplinary & Disability Cases

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
William Butner	01 DHC 2	not scheduled (interim suspension)
Bonnie Lee C. O'Neal	04 DHC 33	not scheduled
Rick Shumate	05 DHC 56	reschedule (interim suspension)
Susanna Garza	07 DHC 27	March 6, 2009
Bradley Lamb	07 DHC 28	not scheduled (interim suspension)
Robert Brown	08 DHC 8	February 5, 2009
Thomas L. Nesbit	08 DHC 12	not scheduled (interim suspension)
Kenyan Stanford	08 DHC 13	February 18-20, 2009
Randy Carpenter	08 DHC 17	March 5-6, 2009
Max Ballinger	08 DHC 18	April 17, 2009
Matthew Marino	08 DHC 19	not scheduled (interim suspension)
Scott Zimmerman	08 DHC 20	March 27, 2009
Rachel Lee Hunter	08 DHC 21	March 20, 2009
Grey Holland McCormick	08 DHC 22	not scheduled (interim suspension)
Christopher Dean Johnson	09 DHC 1	not scheduled
Terry B. Richardson	09 DHC 2	not scheduled
Ivan N. Walters	09 DHC 3	no scheduled (interim suspension)

Pending Reinstatement Cases

<u>File Number</u>	<u>Case Caption</u>	<u>Hearing Date</u>
There are no reinstatement cases pending.		

Pending Show Cause Hearings

<u>Attorney Name</u>	<u>File No.</u>	<u>Trial Date</u>
There are no show cause hearings pending.		

BEFORE THE STATE TRIAL COURTS

Appointment of Trustees Completed in 2008

<u>Name of Attorney</u>	<u>Reason Trustee Sought</u>
Harvey E. Beech	Deceased
Marsha B. Stone	Abandonment
Kenneth E. Banks	Deceased
Charles A. Moore	Deceased
James C. Johnson, Jr.	Deceased
Robert A. Lockamy	Deceased
Bruce H. Hulse, Jr.	Deceased
Raymond M. Sykes Jr.	Disability (informal)

TROs and Preliminary Injunctions in 2008

<u>Name of Attorney</u>	<u>Date of Injunction</u>
Charles L. Alston, Jr.	01/28/2008
Dennis Whitling	02/19/2008
Thomas D. Brown	03/05/2008
Benita Gibbs	04/07/2008
Michelle Shepherd	04/24/2008
Marsha Stone	05/27/2008
Harold W. Beavers	06/24/2008
Adam M. Tyson	06/25/2008
David Vesel	07/16/2008
Kevin J. Strickland	09/16/2008
Susanna Garza	10/16/2008
Roger S. Cardinal	11/07/2008
David Curtis Smith	11/07/2008
Hilton Stuart Mitchell	11/19/2008

BEFORE THE GRIEVANCE COMMITTEE

Totals for 2008

Total Grievances Filed – 1,543
Total Cases Considered by Committee – 1,663

Dismissals – 1,350
Cases dismissed & retained – 20
Cases abated - 1
Dismissals with letters of caution – 30
Dismissals with letters of warning – 67
Referrals to LAP, LMAP or both – 7
Admonitions – 39
Reprimands – 51
Censures – 12
Cases referred to DHC – 56

Grievance Totals for January 2008

There were 327 cases considered this quarter.

- 248 Dismissed
- 8 Lawyers received Letters of Caution
- 15 Lawyers received Letters of Warning (one lawyer had 2 cases)
- 1 Lawyer received a Letter of Warning and Letter of Caution on 1 case
- 9 Lawyers received Reprimands (one lawyer had 3 cases, one lawyer had 2 cases)
- 8 Lawyers received Admonitions
- 2 Lawyers received Censures (one lawyer had 3 cases)
- 1 Lawyer's case was continued for further investigation
- 1 Lawyer's cases were deferred to the April 2008 Grievance Committee Meeting (one lawyer had 2 cases)
- 8 Lawyers were sent to the Disciplinary Hearing Commission (one lawyer 2 cases, one lawyer 8 cases)

Grievance Totals for April 2008

There were 417 cases considered this quarter.

- 341 Cases were Dismissed
- 1 Case was Dismissed and Retained
- 8 Lawyers received Letters of Caution
- 13 Lawyers received Letters of Warning
- 8 Lawyers received Reprimands
- 2 Lawyers received 1 reprimand for 2 cases each
- 1 Lawyer received 2 Reprimands for 3 cases
- 12 Lawyers received Admonitions
- 2 Lawyers received 1 Admonition for 2 cases each
- 2 Lawyers' cases were reconsidered and issued Admonitions
- 2 Lawyers received Censures
- 3 Lawyers were referred to LAP
- 2 Lawyers' cases were deferred to the July 2008 Grievance Committee Meeting (one lawyer had 2 cases)
- 6 Lawyers were sent to the Disciplinary Hearing Commission (one lawyer had 6 cases, one lawyer had 3 cases)

Grievance Totals for July 2008

There were 467 cases considered this quarter.

- 403 Cases were Dismissed
 - 1 Case was Dismissed and Retained
 - 1 Case was Abated
 - 1 Case was not reconsidered
 - 7 Lawyers received Letters of Caution
 - 22 Lawyers received Letters of Warning
 - 1 Lawyer's case was reconsidered and issued a Letter of Warning
 - 5 Lawyers received Admonitions
 - 7 Lawyers received Reprimands
 - 1 Lawyer received 1 Reprimand for 2 cases
 - 1 Lawyer received 1 Reprimand for 3 cases
 - 2 Lawyers received Censures
 - 1 Lawyer was referred to LAP
 - 5 Lawyers were sent to the Disciplinary Hearing Commission
 - 2 Lawyers' cases were deferred to the October 2008 Grievance Committee Meeting

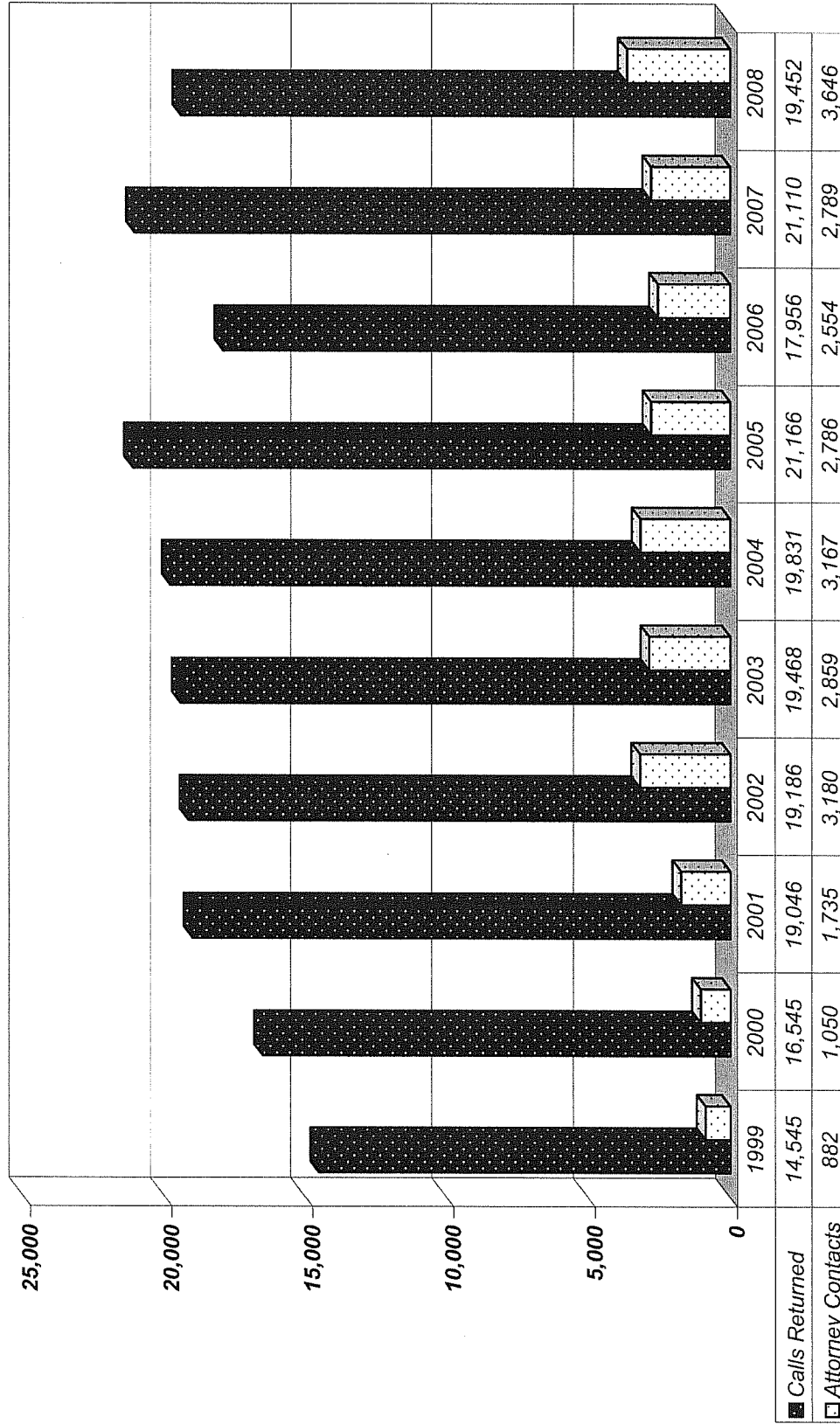
Grievance Totals for October 2008

There were 452 cases considered this quarter.

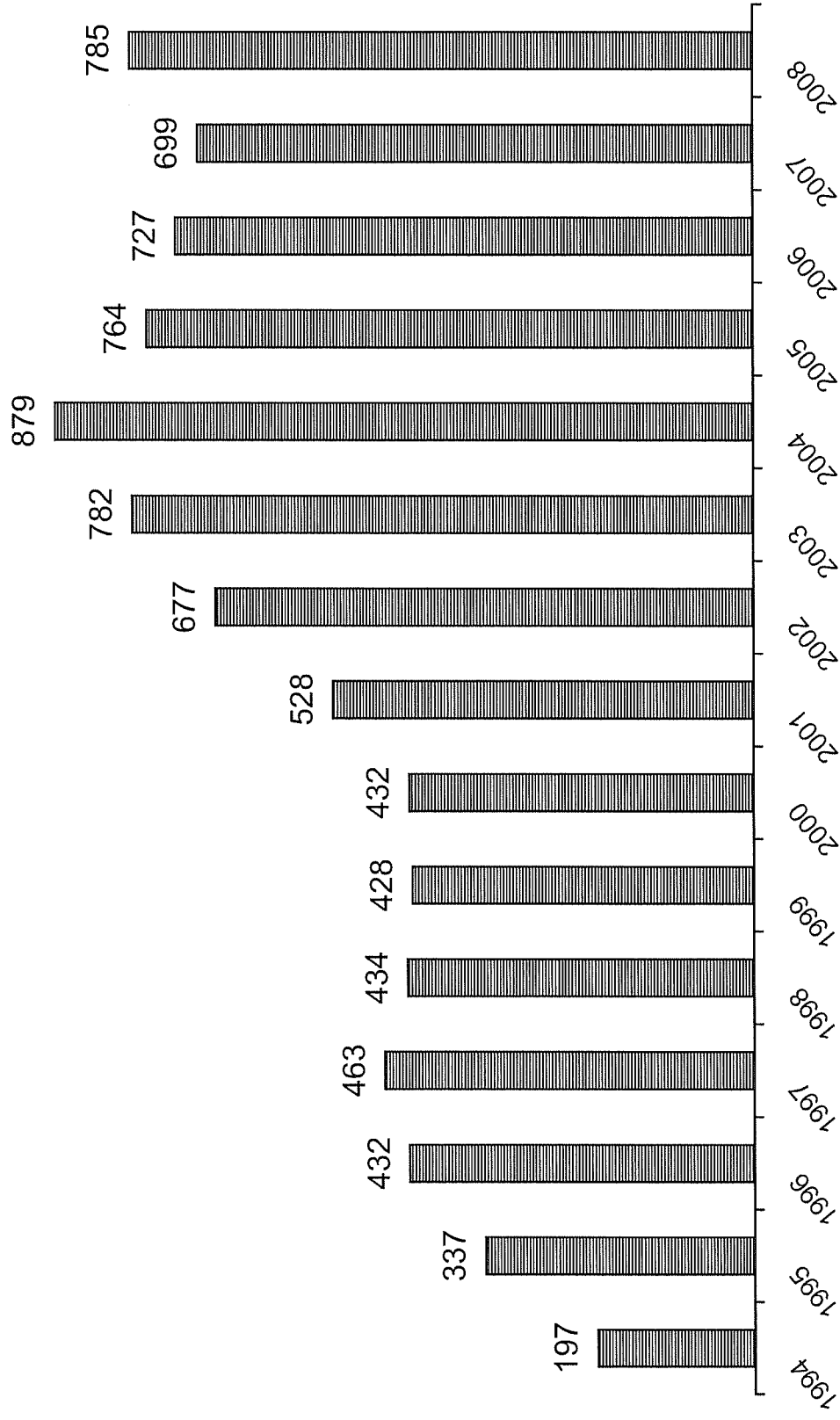
- 358 Cases were Dismissed
 - 18 Cases were Dismissed and Retained
 - 7 Lawyers received Letters of Caution
 - 16 Lawyers received Letters of Warning
 - 9 Lawyers received Admonitions
 - 12 Lawyers received Reprimands
 - 2 Lawyers received Censures
 - 3 Lawyers were referred to LAP
 - 5 Lawyers were sent to the Disciplinary Hearing Commission
 - 5 Lawyers' cases were deferred to the January 2009 Grievance Committee Meeting or Continued for Further Investigation

ATTORNEY CLIENT ASSISTANCE PROGRAM

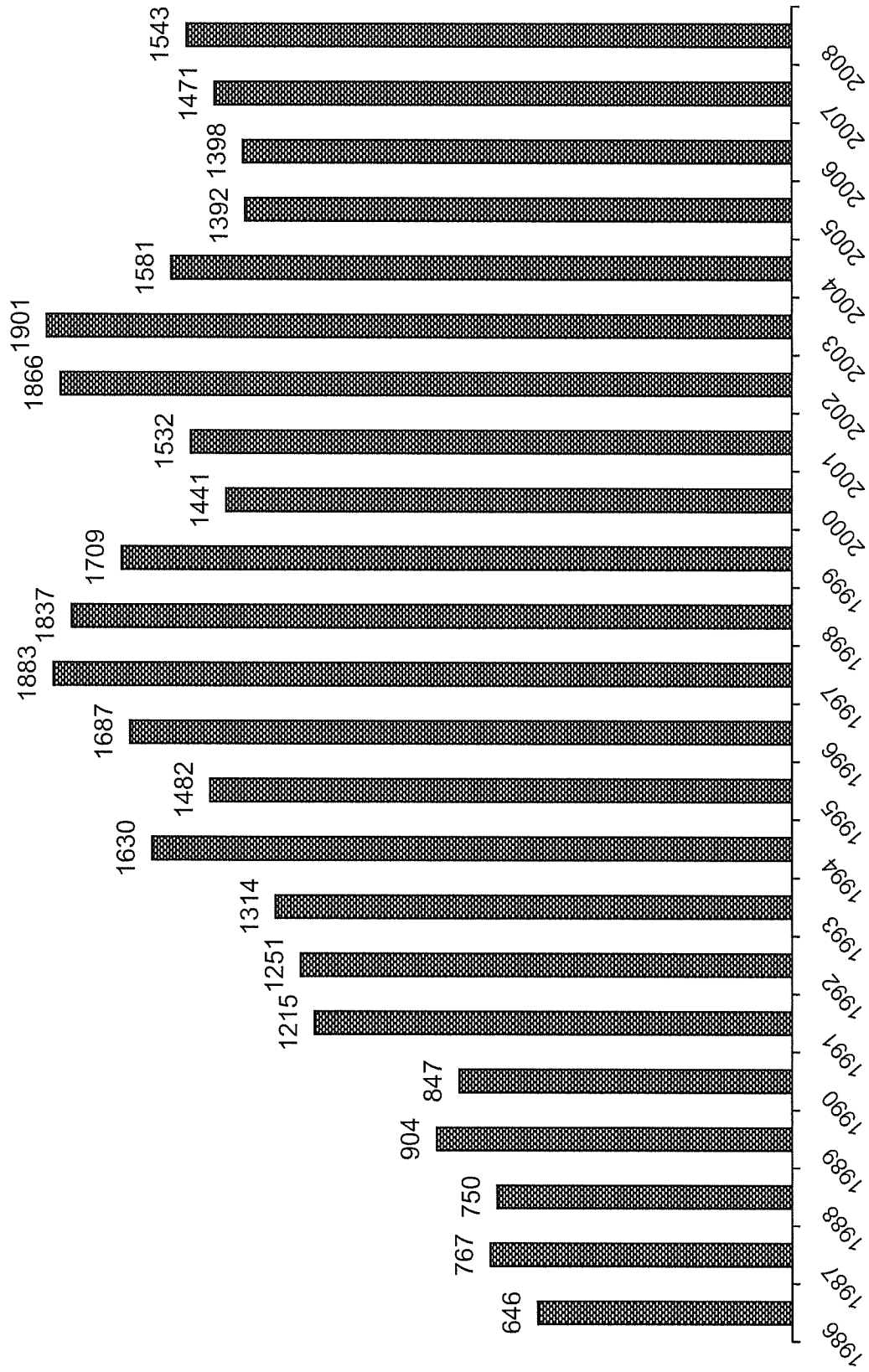
Total Calls Returned
(January - December)



Fee Dispute Resolution



Grievances Filed Annually



Surrenders and Disbarments (DHC, Council and Courts)

