

THE ATTORNEY GRIEVANCE COMMISSION OF MARYLAND



36th Annual Report

July 1, 2010 thru June 30, 2011

The Attorney Grievance Commission of Maryland is dedicated to protecting the public and maintaining the integrity of the legal profession.

The Commission, through the Office of Bar Counsel, seeks to encourage and promote the ethical practice of law and the highest standards of professionalism by members of the Bar.

In carrying out their functions of evaluating complaints and enforcing ethical standards for lawyers, the Commission and Bar Counsel strive for fairness and equity.

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36th ANNUAL REPORT
ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
July 1, 2010 to June 30, 2011

This fiscal year saw the position of Bar Counsel filled by Glenn M. Grossman, long-time Deputy to Melvin Hirshman, who retired at the end of June 2010. Raymond A. Hein became Deputy Bar Counsel at the beginning of this fiscal year. The Office of Bar Counsel has undergone some significant changes during the course of this year.

The office underwent a complete physical renovation for the first time in twenty years with a comprehensive purchase of new furniture, a fresh painting of the attorneys' offices, library and common areas and the revitalization of the reception area. Office procedures were modernized and streamlined, consistent with the advent of a "paperless" environment scheduled to begin within the next two years. Significant personnel changes occurred, as well. JaCina N. Stanton and James N. Gaither joined the staff as Assistant Bar Counsel. Fletcher P. Thompson left to take up new opportunities after ten years of distinguished service as an Assistant Bar Counsel.

The number of complaints filed with the Commission, as well as the number of complaints docketed for further investigation, both rose for the second straight year. We cannot explain these increases without resorting to speculation. It should be noted that the number of docketed complaints this fiscal year (429) is only slightly higher than the average number of docketed complaints annually over the last ten years (419) as reflected in the 10 Year Comparison Chart within this report.

DISCIPLINARY SANCTIONS

(Fiscal Year 2011)

ALLEGANY COUNTY

BUCKEL, Jason Cord - Reprimand by Consent on September 28, 2010 by the Court of Appeals for defending a proceeding for which there was no basis, failure to act with reasonable diligence and promptness in representing a client, and failure to respond to a lawful demand for information from Bar Counsel.

CROSSLAND, Edward C. - Disbarred by Consent on December 29, 2010 by the Court of Appeals for his conviction of mail fraud.

ANNE ARUNDEL COUNTY

COPPOCK, John E., Jr. - Commission Reprimand for Respondent's negligent failure to maintain client trust funds in trust to pay a medical provider and for his improper disbursement of those funds to himself and another client. His escrow account checks were not in compliance with Maryland Rule 16-606. Upon learning of his improper use of funds, Respondent paid the Complainant's outstanding medical bills. Respondent's conduct violated Maryland Lawyers' Rules of Professional Conduct 1.15(d) and Maryland Rules 16-606 and 16-609.

FOX, David E. - Disbarred on December 20, 2010 by the Court of Appeals for abandoning 3 clients, for lack of competence, lack of communication and lack of diligence in representing the clients.

GIANNETTI, John A., Jr. - Commission Reprimand for depositing earned fees from client credit card payments in his attorney trust account and depositing unearned fees in criminal cases in his operating account without appropriate notice to his clients. Client ledgers were not maintained in

that they contained no running balances. Respondent wrote several trust account checks to the order of "cash." No client funds were lost as a result of the Respondent's conduct. Respondent has rectified the shortcomings of his client ledgers and ceased the practices which violate Maryland Rule 16-606.

HAISLIP, John E., Jr. - Commission Reprimand for signing a grantor's name to an Affidavit of Residence or Principal Residence in connection with a deed he prepared for filing in the Land Records of Anne Arundel County without the knowledge or consent of the grantor. The recitals of the Affidavit were accurate.

STACK, Richard L. - Commission Reprimand for failing to pursue his client's case and for failing to submit monthly bills to his client throughout the representation. Pursuant to the terms of this Reprimand, Respondent is waiving any and all outstanding fees owed by client.

VENUTI, John - Suspension of six (6) months by Consent on April 20, 2011 by the Court of Appeals for his criminal conviction for failure to file federal income tax returns for 3 years.

BALTIMORE COUNTY

BORNHORST, Thomas H. - Disbarred by Consent on May 19, 2011 by the Court of Appeals for failure to maintain an attorney escrow account and failure to perform services for which he was retained.

DE LA PAZ, ANDREW GREGORY - Disbarred on March 24, 2011 by the Court of Appeals for failure to provide legal services and for abandoning his clients.

ELLIOTT, Walter Carroll, Jr. - Disbarred on January 24, 2011 by the Court of Appeals for misappropriation of funds.

GITOMER, Mark L. - Commission Reprimand for conduct implicating MD CODE ANN., Criminal Law, §11-306.

NUSBAUM, Harvey Malcolm - Suspended on an interim basis, effective immediately, by the Court of Appeals on August 17, 2010, because he was convicted of a crime involving a bid-rigging scheme at tax sales.

REDD, PATRICK JOSEPH - Disbarred by Consent on March 9, 2011 by the Court of Appeals because he committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

SIEJACK, Richard T. - Indefinite Suspension by Consent on September 28, 2010 by the Court of Appeals, effective November 1, 2010 (with a right to apply for reinstatement no sooner than 6 months from the effective date), for failure to comply with the course of remedial action set forth in a Conditional Diversion Agreement, which the Commission revoked due to such noncompliance.

SILVER, Hilton H. - Commission Reprimand for making inconsistent statements to law enforcement officers and others regarding his ownership of, and right or duty to control and/or care for horses.

WARNKEN, Byron L. - Commission Reprimand for Respondent's failure to respond to a lawful demands for information from Bar Counsel, which violated Rule 8.1(b) of the Maryland Lawyers' Rules of Professional Conduct.

BALTIMORE CITY

BROWN, Martin B. - 90-day Suspension by the Court of Appeals on July 27, 2010 for drawing an instrument on an attorney trust account "payable to cash or bearer..." on 3 occasions Respondent knowingly made false statements of material fact about having prepared a release of a mortgage.

Respondent's conduct violated Maryland Lawyers' Rules of Professional Conduct 4.1(a), 8.1(a), 8.4(c) and (d) and Maryland Rule 16-609(b).

BUTLER, Anthony Ignatius, Jr. - Reprimand by Consent on May 18, 2011 by the Court of Appeals, for failure to notify his client in writing that he should seek independent counsel and failure to maintain unearned fees in trust. In another matter, he failed to timely notify the State of Maryland in a wrongful death action and failed to communicate with his client.

GOLDSTEIN, David Bart - Disbarred by Consent on May 3, 2011 by the Court of Appeals because he violated 18 U.S.C. §2252, in violation of Maryland Rule 8.4(b) and (d).

LEWIS, Neil J. - Commission Reprimand for Respondent's failure to provide competent and diligent representation of clients and for failing to keep clients reasonably informed. He also failed to create and maintain an appropriate client matter record reflecting a deposit and disbursement of settlement funds received by him in trust.

O'HARE, James P. - Commission Reprimand for his conduct by requesting an employee prepare documents to create a bonding company to issue a Supersedeas Bond in connection with litigation involving a business entity in which he held a minor ownership interest. Respondent was not a party to, or counsel for the matter, the employee worked for a title company, not his law firm, and the bonding company was not licensed to issue bonds. He took no steps to confirm that the bond was valid and was aware that the bond was filed in court purporting to secure payment of the judgment. While the appellee/judgment creditor could not locate the bonding company once it prevailed on appeal, the bonding company paid the judgment in full. Respondent's conduct violated Maryland Lawyers' Rules of Professional Conduct 3.3(a)(1) and 8.4(c).

SEIDEN, Richard - Placed on inactive status by Consent on October 18, 2010 by the Court of Appeals due to a health condition.

STANCIL, James E. - Commission Reprimand for Respondent's and his law firm's failure to pursue a client's adoption case. At the time of his partner's death, the Complainant's adoption matter had been pending for 6 years. Respondent agreed to refund \$1,500 of the \$2,500 flat fee he received from Complainant for her case within ten (10) days of April 30, 2010. Respondent's failure to make reasonable efforts to ensure that the adoption matter was being pursued in a competent and timely manner violated Maryland Lawyers' Rules of Professional Conduct 1.1, 1.3 and 5.1.

STERN, Gary Francis - Disbarred on May 3, 2011 by the Court of Appeals for misappropriating client funds, settling a client's case without permission and failing to pay the settlement proceeds to the client.

CALVERT COUNTY

COCCO-ADAMS, Darlene M. - Commission Reprimand for making inaccurate accusations of misconduct by an opposing counsel. Respondent did not follow appropriate procedures in pursuing her client's interests during the course of the case.

CARROLL COUNTY

ROY, Kevin M. - Reprimand by Consent on April 8, 2011 by the Court of Appeals for failure to complete the administration of a small estate, for failure to communicate with his client about the status of the estate matter. Upon termination of his representation, he failed to allow sufficient time for his client to retain new counsel.

CHARLES COUNTY

COLLINS, Reuben B., II - Commission Reprimand for Respondent's failure to maintain appropriate records and failure to reconcile his attorney trust account. Due to these failures he was out of trust in the amount of \$163.00 in violation of Maryland Rule 16-609(c).

FISHER, Crystal Anita Gist - Disbarred by Consent by the Court of Appeals on July 15, 2010 for her failure to file suit on behalf of a client, lying to the client about not have done so, failure to account to client for retainer, and she made tardy refund of part of retainer, in violation of Maryland Lawyers' Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4(a), 1.5(a), 1.15, 1.16(d), 8.1(b) and 8.4 (c) and (d), and Maryland Rule 16-609, and MD CODE ANN., Bus. Occ. & Prof., §10-306.

DORCHESTER COUNTY

ECKEL, Grason John-Allen - Interim Suspension, effective immediately, ordered by the Court of Appeals on July 21, 2010 due to his conviction for second degree assault, fourth degree sexual offense and false imprisonment arising from a late-night confrontation with a woman in his law office, in violation of Maryland Lawyers' Rule of Professional Conduct 8.4(b).

FREDERICK COUNTY

SLATER, Stephen G. - Commission Reprimand for his failure to competently represent his client, which resulted in an adverse judgment, including attorneys fees.

USIAK, Norman Christopher - Suspension of sixty (60) days on April 25, 2011 (beginning 30 days from the date of the Opinion) by the Court of Appeals for engaging in conduct prejudicial to the administration of justice.

HOWARD COUNTY

ORDYNSKY, Eugenia K. - Commission Reprimand for failure to competently represent her client in an immigration case.

MONTGOMERY COUNTY

ARNOLD, Anthony D. - Commission Reprimand for his failure to act with reasonable diligence, promptness and thoroughness in his representation of a client and for his failure to adequately communicate with his client. He also failed to turn over the client file at the termination of the representation, which caused a delay in the disposition of a matter pending before a Court.

ASSARAF, Steven Marc - Disbarred by Consent on June 13, 2011 by the Court of Appeals for misusing fees payable to the law firm for which he worked.

BANJAVIC, Denise J. - Commission Reprimand for using her escrow account as an operating account, issuing checks drawn on her escrow account payable to cash and for payment of personal and/or business expenses from that account.

BOYKINS, James Rudolph - 2-year Suspension on April 25, 2011 by the Court of Appeals (with the right to reapply after such time he is reinstated by the District of Columbia), effective as of April 25, 2011. He failed to properly maintain trust funds and misrepresented facts to Bar Counsel.

CHANG, Sandy Yeh - Reprimand on September 9, 2010 by the Court of Appeals for filing a bankruptcy petition electronically without first having her client execute the petition pursuant to the bankruptcy rules.

CHARLES, James George - Disbarred by Consent on December 2, 2010 by the Court of Appeals for misappropriation of client funds, hiding trust funds in his trust account and failing to file tax returns.

CHRISTMAS, Patrick J. - Commission Reprimand for failure to maintain funds in his escrow account in connection with his representation of a client in a personal injury claim. Said failure was due to the actions of an employee of the firm.

EDIB, Timur Z. - Reprimand on September 20, 2010, by the Court of Appeals, for failure to communicate with his client and for failure to withdraw and protect his client upon termination of representation.

ELMENDORF, John Arthur - Disbarred by Consent on December 16, 2010, by the Court of Appeals for misappropriation of funds. Respondent also made misrepresentations to obtain a marriage license while he was already married, then entered into a second marriage.

FRIEDMAN, GREG S. - Commission Reprimand for failure to enter into a definitive written agreement with his client regarding the disposition of escrowed funds and for delay in creating records regarding such funds.

GREEN, John Melin - Commission Reprimand for failing to adequately communicate with his client and for failing to provide competent representation.

LAHUTI, A. Ryan - Disbarred by Consent on June 14, 2011, by the Court of Appeals, for filing a fraudulent insurance claim.

LARA, JOEL D. - Disbarred on March 4, 2011, by the Court of Appeals, for depositing unearned advance fee payments from two bankruptcy clients in a personal account and then abandoning his law office and clients, without issuing any refund despite performing no legal work. Respondent knowingly failed to respond to Bar Counsel's lawful demands for information.

MAYNARD, Charles M. - Commission Reprimand for failure to maintain the unearned portion of his client's prepaid fees in his trust account until earned and for using the unearned fees for his

personal use. Respondent failed to keep his client advised concerning the accrual of fees, failed to respond to the client's requests for information and failed to promptly refund the unearned portion of the prepaid fees upon termination of the representation.

NWADIKE, Ozoemena, Maryrose - Disbarred on August 25, 2010, by the Court of Appeals, for repeatedly and improperly advancing client monies from the escrow account, providing inaccurate and incomplete accounting of trust account activity; and for offering vague and evasive answers to inquiries at an investigative hearing, in violation of Maryland Lawyers' Rules of Professional Conduct 1.15(a) and 8.4(a), (c) & (d).

OLER, Carren Susan- Reprimand by Consent on February 23, 2011, by the Court of Appeals, for failure to comply with her client's request for billing information and for failure to respond to lawful demands for information from Bar Counsel.

ROSEN, CORINNE G. - Commission Reprimand for her communication with a witness who was represented by counsel. The Respondent's conduct caused delay and expense to her clients, which Respondent ultimately settled and paid from her own funds.

SOLOMON, Richard Glenn - Disbarred by Consent on September 9, 2010 for failure to maintain funds pursuant to his fiduciary duties.

SUCKLAL, Sirina A. - Disbarred on January 25, 2011 by the Court of Appeals for dishonesty, fraud, deceit, misrepresentation and the unauthorized practice of law.

TUMA, Malik James - Commission Reprimand for failure to provide diligent representation in connection with a trust, failure to adequately communicate with the client, failure upon termination of the representation, to return the client's property in a timely manner, and failure to respond to one or more lawful demands for information from Bar Counsel.

WATSON, Joe D., Jr. - Commission Reprimand for failure to deposit and hold an unearned advance fee payment in a trust account. In his representation of a client, Respondent failed to act with reasonable diligence and promptness and failed to keep the client reasonably informed and to respond to the client's reasonable requests for information. He obtained the client's agreement to a proposed settlement of his malpractice without advising the client of the desirability of seeking the advice of independent legal counsel.

PRINCE GEORGE'S COUNTY

BLAIR, Walter Lloyd - Suspended on an interim basis, by the Court of Appeals, on July 21, 2010, due to his conviction of a crime, in violation of Maryland Lawyers' Rules of Professional Conduct 8.4(b), (c) and (d).

GREENE, JAMES E. - Commission Reprimand for failure to pay Complainant the sums ordered by a Virginia court as a result of Respondent's divorce, allowing a warrant for Respondent's arrest to be issued, and for failure to fully and timely respond to Bar Counsel's lawful requests for information.

THAXTON, Ronnie - Indefinite Suspension (with the right to reapply for re-admission after reinstatement to the Bar of the District of Columbia), by the Court of Appeals, on July 28, 2010 in connection with his negligent misappropriation of settlement funds and his interference with the administration of justice, in violation of Maryland Lawyers' Rules of Professional Conduct 1.2(a), 1.4(a)(2) and (3), 1.4(b), 1.5(c), 1.15(a), (d) and (e) and 8.4(d).

ST. MARY'S COUNTY

MATTINGLY, JOHN A., JR. - 90-day Suspension by Consent on March 15, 2011 (effective April 1, 2011), by the Court of Appeals, because he drafted and approved deeds knowing that the notarizations were improper.

TALBOT COUNTY

PERICONI, Steven David - Disbarred by Consent on May 19, 2011, by the Court of Appeals, for neglecting an estate and for misuse of funds. In another matter, he made misrepresentations to his clients, fabricated documents and removed unearned fees from his client trust account.

WICOMICO COUNTY

HONICK, David Nathaniel - Placed on Inactive Status by Consent on October 5, 2010, by the Court of Appeals, due to a health condition.

WORCESTER COUNTY

PALMER, Christopher Allen - Disbarred on November 30, 2010, by the Court of Appeals, for misuse of escrow funds. Respondent also misrepresented to his supervising attorneys that he had initiated several suits on behalf of clients when he had not done so.

OUT OF STATE

BOOKER, Tony L. - Commission Reprimand for failure to adequately advise his client with respect to the administration of an estate. Respondent also charged unreasonable fees and received at least one check written on the Estate account as payment for some fees he knew or should have known the Orphan's Court had not approved.

COPPOLA, John Michael - Disbarred on April 29, 2011 for his assistance in his clients' fraudulent actions in an estate matter.

HOLT, Carolyn Marie - Indefinite Suspension by Consent on October 5, 2010, by the Court of Appeals, as a result of making a false statement to the Court concerning a witness' availability and for continuing to mislead the Court about the witness. This is a reciprocal disciplinary matter corresponding to Respondent's 91-day Suspension in the State of Florida and a 1-year probation period upon reinstatement in Florida.

KAUFMAN, ROBERT P. - Commission Reprimand for his failure to appear in court, resulting in the court dismissing the case. Respondent failed to move to reinstate the matter and failed to communicate to his client that her case had been dismissed. Respondent failed to turn over the file to the client despite repeated requests.

LEWIS, John Davis - Disbarred by Consent on February 8, 2011, by the Court of Appeals, due to his conviction of a criminal act.

MANCE, Robert W., III - Commission Reprimand as reciprocal discipline corresponding to a public censure issued to him by the District of Columbia Court of Appeals for improperly commingling funds in his escrow account in violation of Rule 1.15(a) and for failing to promptly return funds to a client upon termination of representation, in violation of Rule 1.16(d) of the Maryland Lawyers' Rules of Professional Conduct.

PLESHAW, Robert J. - Disbarred on March 22, 2011, by the Court of Appeals. This is a reciprocal disciplinary matter corresponding to Respondent's disbarment from the practice of law in the District of Columbia on August 12, 2010 for taking fees from an estate without prior Court approval.

THOMAS, Donovan E. - Disbarred by Consent on October 26, 2010 by the Court of Appeals for misappropriation of client trust funds.

ZODROW, John Joseph - Disbarred on April 27, 2011 because he perjured himself. The case was a reciprocal matter that resulted in a one year suspension in Colorado.

TARGETED MAIL SOLICITATIONS

The Business Occupations and Professions Article of the Annotated Code of Maryland § 10-605.2 requires an attorney to file with Bar Counsel copies of letters of solicitation sent to prospective clients under certain circumstances. Last fiscal year there were 2,226 targeted mail submissions to Bar Counsel. This fiscal year that number decreased to 2,192. Of that number, 98 letters required revision for several reasons. Those reasons included the failure to have the appropriate wording in the solicitation and unsubstantiated claims about the attorney's practice. Last fiscal year, 104 advertisement letters were revised.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

Maryland Rule 16-610 permits approved banks to hold trust accounts of attorneys. Those approved banks must agree promptly to report trust account overdrafts to Bar Counsel. Upon receipt of the report, Bar Counsel notifies the attorney and seeks an explanation. This year there

were 154 overdraft notifications. Forty-one (41) notifications were transferred to a docketed status for further investigation. The reasons for such treatment were:

- Failure to respond 16
- Records showed unexplained misappropriation/out of trust 8
- Attorney had simultaneous docketed file 5
- History of overdrafts 3
- Hiding personal assets in trust account 3
- Commingling 2
- Estate funds found in trust account 1
- Cash withdrawals 1
- Inadequate record-keeping 1
- Consent to disbarment 1

Some fifteen (15) overdrafts were attributed to some form of bank error that included incorrect fees charged the account, improper holds and unauthorized transfer of funds.

CONSERVATORSHIPS

When an attorney dies, is disbarred or suspended, and there is no responsible person to take possession of the client files of that attorney, it becomes necessary for Bar Counsel to petition the local Circuit Court to establish a conservatorship. If no attorney is available in the community to take on the task, an attorney on Bar Counsel's staff is nominated to serve as conservator. Upon approval by the Circuit Court, an appointment of a conservator is ordered, the files of the attorney are marshaled and, with the aid of the paralegal staff, notices are sent to clients to determine the appropriate disposition of active files. Pursuant to court order, the destruction of unclaimed client files is permitted.

This fiscal year Bar Counsel was responsible for two (2) conservatorships opened in fiscal year 2011, five (5) opened prior to fiscal year 2011, and other lawyers outside of Bar Counsel's office handled four (4) conservatorships at the end of the fiscal year.

PEER REVIEW COMMITTEE

This fiscal year 326 lawyers and 91 non-lawyers agreed to volunteer their time to sit on Peer Review Panels that heard complaints made against attorneys.

There were 121 Peer Review meetings held compared with 104 held in the previous fiscal year. Thirty-two (32) of the 121 panels reviewed more than one complaint against the attorney. Montgomery County (22), Prince George's County (20) and Baltimore County (25) had the largest number of Peer Review Panels. Eleven (11) counties had no Peer Review Panel meetings.

The Commission makes the final decision after receiving a recommendation from a Peer Review Panel. This fiscal year the Commission overturned ten (10) recommendations, of which seven (7) resulted in greater disciplinary exposure for the attorneys. Seventeen (17) Peer Review Panels were terminated prior to being held due to non-cooperation by the attorney-respondent. This represented thirty-six (36) docketed complaints.

The average time to hold the panel meeting after the panel was constituted was 49 days and the average time for the Peer Review report was 21 days after the meeting.

CONDITIONAL DIVERSION AGREEMENTS

When it is determined that misconduct by an attorney can be remediated without the need for a sanction, and the attorney and Bar Counsel agree, a conditional diversion agreement can be executed with the approval of the Commission. The agreement can have a variety of conditions, including an apology to a complainant, attendance at educational seminars, having a practice monitor for a period of time, hiring an accountant to instruct on proper bookkeeping practices, psychiatric and psychological treatment, or other conditions. Such agreements usually conclude the disciplinary process. Ordinarily, the attorney has not been the subject of prior complaints. This fiscal year twenty-two (22) conditional diversion agreements were entered and an additional seventeen (17) were pending at the end of the fiscal year.

UNAUTHORIZED PRACTICE OF LAW INVESTIGATIONS

There were thirty-seven (37) files opened for investigation this fiscal year, up from twenty-seven (27) in FY 2010. Of the thirty-seven, investigation led to no finding of unauthorized practice in fifteen (15) cases and two (2) were closed when the offending individual could no longer be found. Three (3) individuals voluntarily agreed to cease the unauthorized practice. One individual was referred to the Office of the United States Trustee and two others were transferred to the Consumer Protection Division of the Office of the Attorney General. The balance of the files (13) remained open at the end of the fiscal year.

ACTIVITIES OF PROFESSIONAL STAFF

Glenn M. Grossman spoke before several bar associations, an Inn of Court, the Maryland Association for Justice and was a panelist on social networking and litigation at the American University Washington College of Law in Washington, D.C. He also was a panelist at two loss control seminars sponsored by the CNA Insurance Company and Rossmann-Hurt-Hoffman. Mr. Grossman was an instructor at the inaugural presentation of the Court of Appeals course for new admittees to the Bar. He also appeared as a panelist on the Montgomery Community Television program, "Law School for the Public." He participated in a mock trial for the benefit of the University of Maryland School of Medicine Forensic Psychiatry Fellowship and was a speaker at the Fellowship's regular seminar.

Raymond A. Hein lectured on disciplinary issues at a paralegal class at Stevenson University. He spoke to a meeting of the Maryland State Bar Association Young Lawyers Section about general ethical concerns. He also spoke to the Baltimore City Office of the Public Defender about ethical issues affecting the criminal defense bar with particular emphasis on concerns unique to public defenders. Mr. Hein served as an instructor at the inaugural presentation of the Court of Appeals course for new admittees to the Bar.

James P. Botluk spoke at the annual continuing legal education conference of the District of Columbia chapter of the American Immigration Lawyers' Association. He gave an overview of ethical decisions pertaining to the practice of immigration law.

Dolores O. Ridgell participated as a panelist on a panel sponsored by the Ethics Committee of the Maryland State Bar Association at that organization's annual meeting in Ocean City. Ms. Ridgell spoke about the extent personal conduct exposes an attorney to discipline under the Rules of Professional Conduct.

THE COMMISSION AND PROFESSIONAL STAFF

(As of June 30, 2010)

THE COMMISSION

Linda H. Lamone, Esq. Chair

J. Donald Braden, Vice-Chair

Jeffrey P. Ayers, Esq.

John A. Bielec, Esq.

Cornelia Bright Gordon, Esq.

Louise T. Keelty, Esq.

George E. Meng, Esq.

B. Harriette Taylor, Esq.

C. Mayda Tsaknis, Esq.

Barry P. Gossett, Public Member

Linda Bowler Pierson, Public Member

Jerald S. Sachs, Public Member

ATTORNEY GRIEVANCE COMMISSION STAFF

Executive Secretary

Kendall R. Ruffatto

Administrative Assistant to Executive Secretary

Jane F. Carr

Bar Counsel

Glenn M. Grossman

Deputy Bar Counsel

Raymond A. Hein

Assistant Bar Counsel

James P. Botluk

Dolores O. Ridgell

Gail D. Kessler

Marianne J. Lee

JaCina N. Stanton

James N. Gaither

Investigators

Marc O. Fiedler, Lead Investigator

Sterling H. Fletcher

Michael H. Peregoy

Dennis F. Biennas

William M. Ramsey

Edwin P. Karr

Robert C. Versis

Paralegals

John DeBone

Kandace L. Harries

Office Manager

Debra L. Zachry

Administrative Assistant

Donna E. Marlowe

Secretaries

Sharon D. Gross

Patricia A. Johnston

Susan G. Townshend

Debra A. Goodrick

Donna M. Cornelius

Virginia F. Umberger

Debbie L. Long

Receptionist

Nancy I. Sale

10 YEAR COMPARISON CHART

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	10 Year Totals
Complaints Received	1,468	1,559	1,610	1,562	1,844	1,589	1,647	1,532	1,597	1,880	16,288
Docketed Complaints Received (Prima facie misconduct indicated)	420	475	485	469	400	351	406	353	406	429	4,194
Reinstatement Petitions Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	12	12
TOTALS	1,888	2,034	2,095	2,031	2,244	1,940	2,053	1,885	2,003	2,321	20,494
Docketed Complaints Concluded	556	435	487	472	441	368	414	375	361	375	4,284
Dispositions (by number of Attorneys)											
Disbarred	15	12	22	10	10	9	11	5	15	11	120
Disbarred by Consent	15	5	6	14	12	8	10	13	13	13	109
Suspension	27	35	23	22	21	20	24	18	13	8	211
Temporary Suspension Rule 16-773(d)	1	0	1	1	2	1	0	1	0	1	8
Public Reprimand by Court	8	7	6	3	10	3	9	6	4	6	62
Public Reprimand by Commission	12	12	22	22	16	16	12	20	31	27	190
Private & Bar Counsel Reprimands	26	1	0	0	0	0	0	0	0	0	27
Inactive Status	0	4	2	1	3	4	1	0	4	2	21
Dismissed by Court	8	6	6	4	4	4	7	8	11	5	63
Petitions for Reinstatement Granted	6	5	3	10	1	3	9	7	0	5	49
Petitions for Reinstatement Denied	1	4	2	0	4	5	7	7	7	7	44
Resignation (Voluntary) Denied	0	0	0	0	0	0	1	0	0	0	1
Resignations	0	0	1	0	0	2	1	0	0	0	4
TOTALS	119	91	94	87	83	75	91	85	98	85	909
Number of active Attorneys admitted to practice law in Maryland 6/30/2011	30,646	31,224	31,934	32,066	32,390	33,018	33,400	34,569	34,506	35,515	

REASONS FOR DISCIPLINARY ACTION: Represents number of attorneys - excludes reinstatement, resignation, inactive status, dismissal by the court, or monitoring. Disciplinary action may have resulted from several rule violations, <u>only the major rule violated is indicated below.</u>	2009-2010	2010-2011
Competent representation, diligence, communication, neglect and abide by client's decisions	17	17
Misconduct - dishonesty, fraud, deceit, or misrepresentation	13	12
Misconduct - prejudicial to administration of justice or unauthorized practice of law	8	3
Criminal Act or Conviction	10	10
Misappropriation - theft of client's funds, estate funds, fiduciary funds or law firm funds	9	9
Excessive fee, improper division of fee or illegal fee	2	2
Incompetence (substance abuse, mental or physical illness)	0	2
Responsibility of actions by subordinate lawyer or non-legal personnel	1	1
Conflict of Interest	5	0
Failure to maintain complete records, account to client or others, maintain trust account, or safeguard funds	8	8
Commingling	3	3
Failure to respond to disciplinary agency	0	3
TOTAL	76	70

**STATISTICAL REPORT
FISCAL YEARS 2010 and 2011**

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
Inquiries filed	1597	1880
Complaints filed	408	429
Reinstatement Petitions rec'd	n/a	12
TOTAL	2003	2321
TYPE OF MATTER:		
Atty Trust Accts (new 1/12/11)	0	17
Bankruptcy	12	26
Business matters (removed 1/12/11)	16	4
Civil Litigation	63	74
Contract	2	4
Criminal	47	43
Employment Law	0	6
Family Law	71	49
Immigration	5	9
Injury to person,property,etc	45	61
Probate	18	23
Real Estate	34	33
Reinstatement	0	12
Tax (removed 1/12/11)	1	2
Other Categories	n/a	78
TOTAL	314	441
TYPE OF MISCONDUCT:		
1.1 Competence	53	24
1.2 Scope of representation/allocation of authority	14	7
1.3 Diligence	28	57
1.4 Communication	27	26
1.5 Fees	15	23
1.6 Confidentiality of Info.	3	2
1.7 Conflict - General Rule	6	13
1.8 Conflict of Interest - Current Clients	1	10
1.9 Duties of Former Clients	0	3
1.10 Conflict - Imputed Disqualification	0	0
1.11 Conflict - Successive Govern & Priv. Employment.	1	0

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
1.12 Conflict - Former Judge/Arbitrator/Mediator	0	0
1.13 Organization as the client	0	0
1.14 Client with Diminished Capacity	0	0
1.15 Safekeeping of property	75	80
1.16 Declining or terminating representation	22	19
1.17 Sale of Law Practice	0	0
1.18 Duties of Prospective Client	0	0
2.3 Evaluation for use by third party	0	0
2.4 Lawyer serving as third-party neutral	0	0
3.1 Meritorious claims & contentions	4	1
3.2 Expediting litigation	0	1
3.3 Candor toward the tribunal	5	10
3.4 Fairness to opposing party & counsel	2	2
3.5 Impartiality to decorum of tribunal	0	0
3.6 Trial publicity	1	2
3.7 Lawyer as Witness	0	0
3.8 Special responsibilities of prosecutor	0	0
3.9 Advocate in nonadjudicative proceedings	0	0
4.1 Truthfulness in statements to others	0	2
4.2 Communication w/persons represented by counsel	4	3
4.3 Dealing w/unrepresented person	0	1
4.4 Respect for rights of third person	2	2
5.1 Responsibilities of partner/managers/supervisory lwyr	0	5
5.2 Responsibilities of subordinate lawyer	0	0
5.3 Responsibilities re non-lwyr assistants	0	2
5.4 Professional independent of lawyers	1	0
5.5 Unauthorized practice; multi-jurisdictional	15	11
5.6 Restrictions on right to practice	0	0
5.7 Responsibilities re law related services	0	0
6.1 Pro Bono Publico Service	0	0
6.2 Accepting appointments	0	0
6.3 Membership in legal services organization	0	0
6.4 Law reform activities affecting client interest	0	0
6.5 Nonprofit & court annexed legal services programs	0	0
7.1 Communications concerning lawyer's services	0	1
7.2 Advertising	0	0
7.3 Direct contact w/prospective clients	0	0
7.4 Communication of fields of practice	0	0
7.5 Firm names & letterheads	0	0
8.1 Bar Admiss. & Disc. matters	14	24
8.2 Judicial & legal official	0	2
8.3 Reporting professional misconduct	0	0

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
8.4 Misconduct		
(a) Violate or attempt to violate rules thru another	5	1
(b) Commit a criminal act	14	28
(c) Dishonesty, fraud, deceit, misrepresentation	55	49
(d) Prejudicial to administration of justice	18	14
(e) Knowingly manifest by words/conduct - bias/prejudice	0	1
(f) State or imply an ability to influence gov. agency/off.	0	0
(g) Knowingly assist judge/judicial officer in conduct that violates applicable rules of judicial conduct	0	0
8.5 Disciplinary Authority; Choice of Law	0	0
-- Other (Reinstatements, Overdraft, BOP Sec. 10-306)	21	15
TOTAL:	406	441
COMPLAINTS BY LOCALE		
01 Allegany	7	7
02 Anne Arundel	17	34
03 Baltimore County	50	57
04 Baltimore City	60	65
05 Calvert	12	6
06 Caroline	0	0
07 Carroll	5	5
08 Cecil	2	0
09 Charles	18	5
10 Dorchester	1	0
11 Frederick	4	12
12 Garrett	0	1
13 Harford	6	14
14 Howard	16	7
15 Kent	0	0
16 Montgomery	92	81
17 Prince George's	62	73
18 Queen Anne	0	4
19 St. Mary's	5	6
20 Somerset	0	1
21 Talbot	2	15
22 Washington	6	2
23 Wicomico	0	8
24 Worcester	5	1
00 Out of State	36	37
TOTAL:	406	441

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
FINAL DISPOSITION:		
Administratively Closed	52	50
Dismissed	108	133
Warning	43	66
Dismissed - Peer Review	8	8
Warning - Peer Review	11	18
Reprimand by Commission (public)	38	30
Public Reprimand by COA	6	6
Suspension	16	8
Disbarment	26	17
Disbarment by Consent	30	18
Inactive Status	5	2
Dismissed by Court	11	7
Resignation	0	0
Resignation Denied	1	0
Reinstatement - GRANTED	0	5
Reinstatement - DENIED	6	7
TOTAL	361	375
DISCIPLINE CONCLUDED - represents number of attorneys		
Disbarment	15	11
Disbarment by consent	13	13
Suspension	13	8
Rule 16-716 Suspension	0	2
Interim Suspension	0	1
Public Reprimand by COA	4	6
Reprimand by Commission (public)(new rules)	31	27
Dismissed by Court	11	5
Inactive Status	0	0
Inactive Status by Consent	4	2
Reinstatement - GRANTED	0	5
Reinstatement - DENIED	7	7
Resignation	0	0
Resignation Denied	0	0
TOTAL	96	87
Condit. Diversion Agreements (non-compliance)	2	1

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
PENDING COMPLAINTS - represents number of docketed complaints		
Bar Counsel Stage	97	145
Investigative Stage	51	33
Peer Review	65	92
Conditional Diversion Agreements	40	56
Rule 16-716 Suspension - Pending	0	0
Interim Suspension - Pending	0	3
Charges pending in Court	77	92
Charges to be filed	22	25
Deferred Docket	15	32
Pending Complaints - TOTAL	367	433

	FY 2010 (7/1/09-6/30/10)	FY 2011 (7/1/10-6/30/11)
PENDING COMPLAINTS - represents number of attorneys versus number of actual pending complaints above		
Bar Counsel & Investigative Stage	120	127
Peer Review	53	71
Conditional Diversion Agreements	38	48
Rule 16-716 Suspension - Pending	0	0
Interim Suspension - Pending	0	3
Charges pending in Court	59	70
Charges to be Filed	12	14
Deferred Docket	15	16

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF BUDGET, RECEIPTS, EXPENDITURES AND FUND BALANCE
Years Ended June 30, 2011 and 2010

	2011			2010		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
RECEIPTS						
Attorney assessments	\$ 4,375,875	\$ 4,505,227	\$ 129,352	\$ 4,273,500	\$ 4,407,946	\$ 134,446
Investment income	80,000	99,046	19,046	120,000	77,265	(42,735)
Recovered court costs	17,000	21,123	4,123	17,000	36,992	19,992
Fees from CPF - administrator	123,751	116,663	(7,088)	123,751	116,663	(7,088)
Fees from CPF - secretarial	55,505	52,467	(3,038)	55,505	52,467	(3,038)
Fees from CPF - administrative assistant	71,700	69,861	(1,839)	71,700	69,861	(1,839)
Fees from CPF - office clerk	31,446	26,721	(4,725)	-	-	-
Total receipts	4,755,277	4,891,108	135,831	4,661,456	4,761,194	99,738
EXPENDITURES						
Salary - bar counsel	240,662	240,670	(8)	123,004	123,004	-
- deputy bar counsel	91,251	91,902	(651)	102,389	102,389	-
- assistant bar counsel	513,344	487,111	26,233	514,980	504,569	10,411
- investigators	407,566	396,526	11,040	422,085	363,408	58,677
- office mgr. & admn. assistant	122,776	122,776	-	122,776	122,776	-
- paralegal	81,524	81,524	-	81,524	81,524	-
- secretaries	311,858	251,146	60,712	323,482	278,899	44,583
- CPF - secretarial	34,481	34,481	-	34,481	34,481	-
- CPF - administrator	86,547	86,547	-	86,547	86,547	-
- CPF - administrative assistant	47,080	47,080	-	47,080	47,080	-
- CPF - clerk	24,016	24,016	-	-	-	-
- Legal secretary	45,355	45,355	-	45,355	45,355	-
- Executive secretary	97,797	97,797	-	97,797	97,797	-
FICA	130,464	121,747	8,717	124,368	114,437	9,931
Medicare	30,512	28,594	1,918	29,087	26,831	2,256
Employee benefits	575,122	550,925	24,197	618,543	581,733	36,810
Telephone	16,000	13,813	2,187	15,000	13,597	1,403
Photocopy	10,000	12,657	(2,657)	10,000	7,610	2,390
Postage meter	6,000	4,740	1,260	6,000	5,038	962
Office supplies	35,000	26,688	8,312	30,000	26,378	3,622
Postage	30,000	23,200	6,800	30,000	23,367	6,633
Insurance and bonds	14,000	11,845	2,155	14,000	10,397	3,603

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF BUDGET, RECEIPTS, EXPENDITURES AND FUND BALANCE
Years Ended June 30, 2011 and 2010
(Continued)

	2011			2010		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
EXPENDITURES (Continued)						
Travel and mileage	60,000	58,471	1,529	60,000	49,505	10,495
Equipment maintenance	4,500	2,945	1,555	5,000	2,542	2,458
Dues/professional organizations	10,000	4,418	5,582	5,000	5,490	(490)
Investigator/related costs	80,000	77,039	2,961	90,000	47,540	42,460
Depositions and transcripts	20,000	24,275	(4,275)	20,000	12,811	7,189
Expenses - commission	15,000	11,119	3,881	15,000	15,425	(425)
Peer review committee	98,637	69,377	29,260	98,637	64,949	33,688
Audit	14,500	11,375	3,125	12,000	11,875	125
Bank fees	800	152	648	700	411	289
Outside services	15,000	5,883	9,117	15,000	5,957	9,043
Outside services - Conservatorship costs	10,000	7,778	2,222	5,000	6,974	(1,974)
Office furniture and equipment	150,000	49,801	100,199	25,000	16,599	8,401
Training seminars	10,000	740	9,260	10,000	-	10,000
Law library	15,000	13,972	1,028	14,000	14,934	(934)
Lawyer counseling	97,128	96,407	721	97,128	96,928	200
Office supplies	2,000	1,596	404	2,000	1,258	742
Mailing costs	2,500	1,200	1,300	2,500	153	2,347
Equipment purchases	5,500	-	5,500	30,500	143	30,357
Equipment maintenance	4,800	3,725	1,075	4,800	3,515	1,285
Telephone	3,000	-	3,000	3,000	-	3,000
Miscellaneous	1,000	300	700	1,000	356	644
Compensated absences	-	(18,392)	18,392	-	56,084	(56,084)
Total Expenditures	\$ 3,570,720	\$ 3,223,321	\$ 347,399	\$ 3,394,763	\$ 3,110,666	\$ 284,097
INCREASE IN UNRESTRICTED NET ASSETS	\$ 1,184,557	\$ 1,667,787	\$ (211,568)	\$ 1,266,693	\$ 1,650,528	\$ (184,359)
UNRESTRICTED NET ASSETS, BEGINNING OF YEAR		\$ 7,853,786			\$ 6,203,258	
UNRESTRICTED NET ASSETS, END OF YEAR		\$ 9,521,573			\$ 7,853,786	

**ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
FISCAL YEAR 2012 BUDGET**

RECEIPTS:	BUDGET FY 2012
#301 Attorney Assessments for Disciplinary Fund	4,455,625.00
#305 Interest Income	75,000.00
#307 Court Recovered Costs	17,000.00
#309 CPF Executive Director	116,663.00
#310 CPF Secretarial	52,467.00
#311 CPF Administrator	69,862.00
#312 CPF Office Clerk	26,722.00
TOTAL:	4,813,339.00
EXPENDITURES:	
#411 Salary - Bar Counsel - incoming	125,000.00
#412 Salary - Dep. Bar Counsel	91,902.00
#413 Salary - Asst. Bar Counsel	584,208.00
#414 Salary - Investigator	407,566.00
#415 Salary - Offi. Mngr. & Adm. Asst.	122,776.00
#416 Salary - Secretarial/Clerical	341,068.00
#420 Salary - Paralegal/Law Clerk	115,968.00
#501 Salary - CPF Secretarial	34,481.00
#502 Salary - CPF Executive Director	86,547.00
#503 Salary - CPF Administrator	47,080.00
#504 Salary - CPF Office Clerk	24,016.00
#601 Salary - Executive Secretary	97,797.00
#602 Salary - Adm. Asst. to Exec. Secretary	45,355.00
#417 FICA	131,673.37
#418 Medicare	30,794.00
#419 Employee Benefits	662,536.00
#421 Telephone	29,340.00
#422 Photocopy Expenses	12,400.00
#423 Postage Meter Maintenance	5,500.00
#424 Office Supplies	35,000.00
#425 Mailing Postage	28,000.00
#426 Insurance and Bonds	16,000.00
#428 Travel & Mileage	66,500.00
#429 Equipment Maintenance	4,500.00
#431 Dues & Prof. Organization	10,000.00
#432 Investig. & Related Costs	96,000.00
#433 Cont. Education & related costs	10,000.00
#439 Transcripts - Depositions	26,000.00
#441 Commission Expenses	15,000.00
#444 Peer Review Expenses	107,412.00
#447 Audit & periodic support	18,000.00
#448 Bank Service Fees	300.00
#451 Outside Services	10,000.00
#452 Conservatorship Costs	10,000.00
#461 Office Furniture	25,000.00
#462 Computer Hardware/Software	85,000.00
#463 Peer Review member training	10,000.00
#464 Law Library	11,000.00
#466 Lawyer Assistance Program	97,128.00
#605 Office Supplies - Executive Sec.	2,000.00
#606 Mailing Costs - Executive Sec.	2,500.00
#607 Equipment Purchase - Executive Sec.	10,500.00
#608 Equipment Maintenance - Executive Sec.	4,800.00
#609 Telephone - Executive Sec.	3,000.00
#610 Misc. Expenses (outside services, etc.)	1,000.00
TOTALS:	3,700,647.37

Anticipated Revenues in Excess of Expenses for FY 2012:	1,090,191.63
Anticipated Fund Balance at 6/30/2011:	9,192,263.00
Anticipated Fund Balance 6/30/2012:	10,282,454.63