



**THE
ATTORNEY GRIEVANCE
COMMISSION
OF MARYLAND**

31st Annual Report

July 1, 2005 thru June 30, 2006

**100 Community Place
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21032**



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800-492-1660
(within Maryland)**

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ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
31st ANNUAL REPORT
July 1, 2005 through June 30, 2006

This report will reflect a decrease in the total grievances received by the Commission (1,844 compared with 2,031 last fiscal year) and among the total grievances there was a decrease in the number docketed for further investigation from 469 to 400. The Commission surmises that the reduction in grievances is attributable to several factors, including the professionalism course for all new Maryland Bar admittees, ethics classes in the law schools, various continuing legal education courses available throughout the state, and the disciplinary cases issued by the Court of Appeals. There is concern about three areas which continue to generate a substantial number of complaints and disciplinary sanctions. Those areas, reflected later in this report, are Diligence, Dishonesty, and Safekeeping of Property.

The Commission is established by Maryland Rule 16-711 as adopted by the Court of Appeals of Maryland. Its membership consists of nine (9) attorneys and three (3) public members, each appointed by the Court of Appeals for a term of three (3) years. Commissioners may be re-appointed after serving a full term. The Court of Appeals of Maryland designates one attorney member of the Commission as Chair and one as Vice-Chair. The Commission also has an Executive Secretary to perform the functions mandated by Maryland Rule 16-711(e).

The Commission, subject to approval of the Court of Appeals, appoints an attorney as Bar Counsel whose duties include the investigation of professional misconduct or incapacity and other duties described in Maryland Rule 16-712.

Under Maryland Rule 16-711(h)(9), the Commission, which meets monthly, exercises authority granted in the Maryland Rules, Title 16, Chapter 700, with respect to the approval or disapproval of complaint dispositions recommended by Bar Counsel and staff, as well as the recommendations of peer review panels. Such recommendations include dismissals, warnings, and those complaints in which Bar Counsel and the Respondent have agreed to a Reprimand or a Conditional Diversion Agreement. The Commission on occasion will decide that either a lesser disposition or a greater disposition is appropriate, and it is the Commission which may authorize Bar Counsel to file public charges against an attorney in the Court of Appeals.

The Commission proposes an annual budget for the operation of the disciplinary system which is submitted to the Court of Appeals for approval. The budgets for Fiscal Years 2005 and 2006 appear at the end of this report (Exhibit C). The main source of funding is the mandatory annual assessment paid by each attorney admitted to the Bar of Maryland who wishes to maintain his/her eligibility to practice. The assessment for Fiscal Year 2006 was \$105.00. On July 1st of every year, the Client Protection Fund (CPF) sends to Maryland attorneys an annual assessment which includes \$20.00 for the CPF in addition to the portion allocated to the Commission.

The CPF considers claims for reimbursement of clients and others who have suffered financial loss caused by misuse of client and/or fiduciary funds held by attorneys.

The number of attorneys admitted to practice in Maryland increased from 32,066 last fiscal year to 32,390 this fiscal year.

DISCIPLINARY SUMMARIES (Fiscal Year 2006)

ALLEGANY COUNTY

CALHOUN, Candace K. - Suspended indefinitely for failing to keep client informed concerning the amount of fees incurred and making misrepresentations to and deceiving the client.

ANNE ARUNDEL COUNTY

EVANS, Matthew S., Jr. - Disbarred by consent as a result of a criminal conviction of fraud.

KINNANE, Thomas W. - Disbarred for theft of client funds.

WITHERSPOON, Gordon H. - Commission reprimand for engaging in the practice of law while inactive and improper use of Orphans' Court letterhead.

BALTIMORE CITY

BRISBON, Brenda C. - Indefinite suspension (March 17, 2005) continued for subsequent failure to respond to Bar Counsel.

DOBSON, Matthew G. - Suspended indefinitely by consent for failing to file tax returns.

GEORGE, Bebe V. - Commission reprimand for naming herself and her legal assistant as beneficiaries of IRAs, annuities and other benefits of the estate of a client to whom she was not related.

JAROSINSKI, George S. - Commission reprimand for failing to safekeep client property, failure to respond to Bar Counsel and for conduct prejudicial to the administration of justice.

JOE, Isaac Jr. - Reprimanded by consent for failure to communicate with his client, failing to diligently pursue his client's matter, and failing to respond to Bar Counsel.

JONES, Rodney M. - Commission reprimand for failing to communicate with his client, engaging in the unauthorized practice of law, failing to timely respond to Bar Counsel and failing to comply with a court order.

KAPOOR, Eric J. - Disbarred for settling a client's case without authority, forging the client's signature on the settlement check, misappropriating funds belonging to two clients, and lying under oath to Bar Counsel.

LEE, Christopher M. - Suspended indefinitely by consent for engaging in the unauthorized practice of law.

KWARTENG, Charles O. - Reprimanded for failure to clearly communicate with his client.

ROBERTSON, Marlene J. - Placed on inactive status by consent due to mental illness.

ROSE, Shaun H.M. - Suspended indefinitely for failing to act competently, failing to abide by his client's representation objectives, failing to act diligently, failing to keep his client reasonably informed, not depositing fees in an attorney trust account, failing to keep client funds separate from his own funds, failing to promptly return unearned fees, and failing to respond to reasonable demands for information made by Bar Counsel.

SCOTT, Karen - Commission reprimand for lack of competence, lack of diligence, failure to communicate with her client.

SEIDLER, Samuel A. - Commission reprimand for failure to respond to Bar Counsel.

BALTIMORE COUNTY

AGATSTEIN, David - Commission reprimand for ineffective assistance of counsel in connection with his client's asylum petitions.

ASH, John David - Disbarred by consent for lack of diligence in the representation of several clients, failure to return an unearned fee to one such client, providing false information to Bar Counsel and failing to satisfy outstanding federal and state withholding tax liens recorded against him.

BRANDES, Frederic M. - Disbarred by consent for failing to provide competent and diligent representation and spending unearned fees.

CHERRY-MAHOI, Ada E. - Disbarred for misappropriation of client funds.

DICKERSON, John J. - Suspended indefinitely by consent for lack of diligence and failure to refund fees in bankruptcy cases.

KATZ, Norman H. - Placed on inactive status by consent due to age reasons.

KELL, Mark E. - Commission reprimand for incompetent handling of an estate matter.

LANOCHA, N. Frank - Reprimanded for a conflict of interest based upon drafting a client's will leaving a substantial bequest to respondent's daughter.

MARSALEK, Stephen F. - Suspended for 30 days by consent for failing to communicate, conflict of interest and failing to properly supervise non-lawyer employees.

REINHARDT, Richard J. - Suspended indefinitely for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation and neglecting a legal matter for over three years.

ROSENBERG, Keith A. - Suspended indefinitely by consent for misappropriation of investors' monies.

THERIAULT, Michael J. - Disbarred for misappropriation and spousal abuse.

CALVERT COUNTY

MALOOF, Naji P. - Commission reprimand for calling opposing counsel a vulgar name, which manifested a bias based on sex, in open court.

CHARLES COUNTY

JOHNSON, Nathaniel D. - Suspended for 30 days by consent for lack of diligence and lack of communication.

DORCHESTER COUNTY

ECKEL, Grason John-Allen - Reprimanded by consent for criminal conviction.

GARRETT COUNTY

HESSON, Robert C. - Disbarred by consent for misconduct including violation of probation following DWI conviction, abandonment of law practice and failure to safeguard client funds in his trust account.

HARFORD COUNTY

GUIDA, Joseph M. - Disbarred for forging a judge's signature.

LEE, Norman J., III - Reprimanded for failure to communicate and lack of diligence.

HOWARD COUNTY

DRISCOLL, Peter R. - Disbarred by consent for neglect and misrepresentation to a client.

TOUSEY, Robert R. - Disbarred by consent for misappropriation of client and other funds.

MONTGOMERY COUNTY

BERGER, Burman A. - Disbarred by consent for failure to communicate with clients, failure to respond to Bar Counsel and neglect.

CACERES, Carlos H. - Disbarred by consent for misappropriation of attorney fees, misrepresentation to clients, creating fraudulent court documents, failure to act with diligence and failing to communicate with his clients.

DAVIS, Peter I. J. - Suspended indefinitely by consent for impermissible direct contact with a prospective client and conflict of interest.

FARBER, Mindy G. - Commission reprimand for a failure to communicate, for failing to take reasonable and timely remedial action upon learning her law firm partner had submitted a bill exceeding a COMAR capped attorney fee, and conduct prejudicial to the administration of justice.

FARBER, Mindy G. - Commission reprimand for giving misleading and inaccurate advice to a client.

GUBERMAN, Mark S. - Disbarred for misrepresentation to his supervising attorney and creating false documents to support the misrepresentation.

HOOK, Steven R. - Suspended by consent for 90 days for neglect, failure to communicate, failure to supervise non-lawyer assistants and failure to respond to Bar Counsel.

LINIAK, Thomas P. - Disbarred by consent as result of self reported misconduct.

LOGAN, William M. - Disbarred for abandoning representation of a client, attempting to engage in the unauthorized practice of law and failing to respond to Bar Counsel.

PAGE, Alfred Jr. - Reprimanded by consent for failure to diligently represent his client, failure to communicate with his client and failure to keep records of monies received from his client.

PORTER, William N. - Disbarred by consent for failure to diligently represent his client, failure to appear in court, failure to deposit a retainer fee into escrow and failure to return an unearned fee.

SCHNEIDER, Fritz - Commission reprimand for failing to act with reasonable diligence and promptness in representing his client.

WEISS, Randy A. - Disbarred for stealing money from his law firm.

WRIGHT, Ronald A. - Suspended indefinitely by consent for failing to diligently represent clients, failing to keep adequate records for his trust account and making false representations to a client.

YATES, Charles D. - Reprimanded for lack of diligence regarding an immigration matter.

PRINCE GEORGE'S COUNTY

BELL, Jimmy A. - Commission reprimand for attempting to obtain an unreasonable fee.

HENDERSON, Cheryl - Commission reprimand for assisting in activity that constitutes the unauthorized practice of law and for letterhead indicating she had associates when she did not.

HOAGE, Donald - Temporarily suspended (Rule 16-773) due to his disability suspension in the District of Columbia.

McCLAIN, Charles E., Sr. - Suspended by consent for 90 days for filing a frivolous complaint, engaging in a conflict of interest and failing to respect the rights of others.

MAIGNAN, Peter R. - Suspended indefinitely for misappropriation of client funds.

RYAN, Michael W., Jr. - Suspended by consent for commingling funds in his trust account and medical problems related to the misconduct.

SHRYOCK, Charles III. - Suspended indefinitely for commingling, lack of competence and lack of diligence due to disability.

WALKER-TURNER, John - Commission reprimand for failing to act diligently and failure to communicate appropriately with his client.

WINGERTER, Rex B. - Interim suspension (Rule 16-771) based upon federal criminal conviction of misprision of a felony. Further proceedings pending.

QUEEN ANNE'S COUNTY

MALARO, James E. - Placed on inactive status by consent for medical reasons.

ST. MARY'S COUNTY

KOVACIC, Kristin E. - Suspended indefinitely for lack of diligence in a divorce matter and failure to respond to Bar Counsel.

TALBOT COUNTY

PARKER, Virgil D. - Disbarred for defrauding his clients.

WORCESTER COUNTY

LEONHART, Georgia L. - Disbarred by consent for failing to maintain client funds in her escrow account.

WEHLAND, Charles - Commission reprimand for lack of competence in an estate matter and failing to properly supervise non-attorney staff.

OUT OF STATE

ANSELMO, Pamela Jo - Reprimanded by consent for allowing false information on her firm letterhead and failure to respond to Bar Counsel.

FRANK, Arthur J. - Disbarred by consent for misappropriation of client funds.

HOLT, Leslie B. - Suspended indefinitely for conviction in the United States District Court for the District of Puerto Rico of aiding and abetting and possession of cocaine.

IWEANOGE, John O. - Reprimanded by consent for failure to appear at trials and failure to prepare his client's case for trial.

PARTRIDGE, John H. - Disbarred by reciprocal action from Virginia for lack of diligence, lack of communication, failing to withdraw and protect client interests and for conduct involving dishonesty, fraud, deceit or misrepresentation.

STEINBERG, Andrew M. - Suspended indefinitely (previous suspension continued and conditioned upon reinstatement to the District of Columbia Bar) for neglecting his client's case.

WAGNER, Brenda C. - Reprimanded by consent for failing to file briefs after numerous court extensions.

WHITEHEAD, H. Allen - Suspended indefinitely for taking attorney's fees prior to court approval in an estate matter.

**AREAS OF PRACTICE IN WHICH COMPLAINTS
WERE DOCKETED FOR FURTHER INVESTIGATION**

Civil Litigation.....	14%
Family Law.....	12
Criminal.....	12
Personal Injury.....	11
Bankruptcy.....	11
Real Estate.....	8
Probate.....	6
All other areas (immigration, tax, personal conduct, reinstatement applications).....	<u>26</u>
Totals.....	100%

**RULES OF PROFESSIONAL CONDUCT ALLEGEDLY VIOLATED
IN COMPLAINTS DOCKETED FOR FURTHER INVESTIGATION**

1.1 and 1.2 Competence and Scope of Representation.....	42	(11%)
1.3 and 1.4 Lack of diligence and communication.....	86	(22%)
1.7 to 1.9 Conflict of Interest.....	24	(6%)
1.15 Safekeeping property.....	48	(12%)
5.5 Unauthorized practice of law.....	20	(5%)
8.1 Failure to respond to disciplinary agency.....	12	(3%)
8.4(c) Dishonesty, fraud, deceit and misrepresentation.....	51	(13%)
8.4(b) Commit a criminal act.....	16	(4%)
Other rules and filed opened for those seeking reinstatement.....	101	(24%)

**DOCKETED COMPLAINTS WHICH RESULT IN
A DISMISSAL OR A WARNING**

Every recommendation of a dismissal or termination with a warning made by Bar Counsel or a Peer Review Panel must be submitted to the Commission for approval or rejection. In the case of a “warning” to an attorney, the language of the warning, including the rule(s) of professional conduct violated, must be specified. Following approval by the Commission, the attorney is given notice of the warning to be issued to him/her and he/she has an opportunity to reject the warning [Maryland Rule 16-735(b)(2)]. If the attorney rejects the warning, the matter is referred to Bar Counsel and he may take any action permitted under Maryland Rule 16-734.

THE PEER REVIEW COMMITTEE

The Chair of the Peer Review Committee reported that during this fiscal year there were 458 volunteers (378 attorneys and 80 public members) available compared with 425 in Fiscal Year 2005. The number of peer review panels appointed, 99, was fewer than the 129 panels appointed the previous fiscal year, a decrease of 21%. Twenty-three (23) of these

peer review panels involved more than a single complaint against an attorney. Fifty-five (55) panel reports were issued, containing recommendations involving seventy-six (76) complaints. Ten (10) counties had no peer review panel meetings. The jurisdictions with the most peer review meetings were Baltimore City (18) and Montgomery County (17).

Twenty-one percent (21%) of the peer review panels which were concluded recommended the filing of public charges against the attorneys.

It took an average of 27 days to appoint a panel and an average of 49 days for the panel to hold a meeting after it had been appointed. Of the fifty-five (55) panel reports filed, 48 were received within 30 days; 4 within 30-45 days and only 3 beyond 45 days.

Once again, many attorneys and public members served on more than one peer review panel.

The Commission, while in agreement with most panel recommendations, occasionally decided that some recommendations were not acceptable and required the filing of public charges, a conditional diversion agreement or a reprimand. In some cases the Commission decided that a complaint should be dismissed despite a different recommendation from a panel. The Commission's current role is similar to that of the former Review Board, which could modify recommendations of inquiry panels under the prior disciplinary system.

PUBLIC MATTERS AND CONDITIONAL DIVERSION AGREEMENTS

The end of this fiscal year found conditional diversion agreements in effect involving fifty (50) attorneys. This compared with the prior fiscal year's end in which there were conditional diversion agreements in effect for fifty-five (55) attorneys. These statistics

reflect the termination of some conditional diversion agreements from the prior fiscal year as well as new ones that commenced during this fiscal year.

Last fiscal year there were 65 docketed complaints pending in the Court of Appeals involving disciplinary cases filed against 43 attorneys. At the end of the current fiscal year there were 71 complaints pending in the Court of Appeals involving 36 attorneys.

TERMS OF CONDITIONAL DIVERSION AGREEMENTS

Maryland Rule 16-736 provides that Bar Counsel may agree to a Conditional Diversion Agreement with an attorney who is under investigation. Any such agreement and its terms must be approved, as earlier indicated, by the Commission. These agreements are to be used when the cause or basis of any professional misconduct or incapacity is subject to remediation or resolution through alternative programs or mechanisms.

Agreements have resulted in some of the following conditions: apologies to clients or others; refund of fees; attendance at professionalism or continuing legal education courses; attendance at all day conferences for solo practitioners; courses in legal ethics; return to law school for a class in a substantive area of the law; monitoring of the attorney's trust account or practice by another member of the Bar or a certified public accountant; agreement to refrain from practicing in certain areas of the law; mandated continuing treatment by psychiatrists or psychologists for a mental illness problem; agreement to be monitored by the Lawyer Assistance Committee of the Maryland State Bar Association.

When an attorney subject to such an agreement fails to comply with its terms, the agreement can be revoked by the Commission at the request of Bar Counsel. Thereafter public charges are filed based on the original violations and the revocation.

CONSERVATORSHIPS

There were three (3) new conservatorships established this year and one completed after a number of years. Conservatorships may be instituted when an attorney has passed away and there is no one else to review the files of the deceased attorney or, more commonly, when an attorney has been disbarred or has disappeared. One matter is currently under investigation to determine if a conservatorship will be necessary.

SUBPOENA FOR COMMISSION FILES

There were two subpoenas for Commission files. In each case the court in which the case was pending decided to quash the subpoena.

LAWSUITS AGAINST BAR COUNSEL AND/OR THE COMMISSION

There were two petitions for a writ of mandamus filed in the Court of Appeals seeking a reversal of action by Bar Counsel and the Commission. Each was dismissed. There is a lawsuit pending in the United States District Court for the District of Maryland against Bar Counsel and the Board of Law Examiners by a non-member of the Maryland Bar. Also pending is an action, now before the Fourth Circuit Court of Appeals, filed by an attorney who had been disbarred but whose disbarment was withdrawn pending final action in the federal courts. A new lawsuit was filed against Bar Counsel and the Court of Appeals before the Equal Employment Opportunity Commission alleging that disciplinary action taken against the attorney was a violation of the Americans with Disabilities Act. The Office of the Attorney General of Maryland represents Bar Counsel, the Court of Appeals and others in the disciplinary system in these lawsuits.

TARGETED MAIL

Business Occupations and Professions Article of the Annotated Code of Maryland, Section 10-605.2 requires an attorney who sends mail to prospective clients to file with Bar Counsel a copy of the letter of solicitation as well as a list of prospective clients to whom the letter was sent. This fiscal year there were 1,372 targeted mail letters received from attorneys. On occasion Bar Counsel has required an attorney to correct statements in such letters which may violate the advertising rules of professional conduct.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

There were ninety-five (95) overdraft notices received this year. Eighteen (18) were transferred to docketed complaint status for further investigation for the following reasons: Commingling of funds in the trust account (4); out of trust (7); attorney was suspended (1); failure to respond to Bar Counsel (4); unexplained balances and third-party charges (2).

Thirteen (13) overdrafts were caused by bank errors: Encoding error(6); charged to wrong account(1); excessive hold placed on account (4); a programming error (1); and a debit of a check twice (1).

Finally, sixty-four (64) overdrafts were dismissed for the following reasons: check was written for wrong amount (11); failure to check bank balance before issuing check (4); deposit not cleared on which check was written (14); deposited to wrong account (9); late deposit (10); funds disbursed from wrong account (10); duplicate check (1); third party charges (1); advanced costs for client (2); failed to record a check (1); and hold placed on account (1).

NEW REPORTING REQUIREMENT

Beginning July 1, 2006 Maryland Rule of Professional Conduct 5.3 will require any attorney who employs a formerly admitted lawyer who has been disbarred, suspended, or placed on inactive status to file a report with Bar Counsel setting forth the duties of the formerly admitted lawyer.

UNAUTHORIZED PRACTICE OF LAW INVESTIGATIONS

Twenty-two (22) files were opened for investigation of alleged unauthorized practice of law (UPL). In Fiscal Year 2005, thirty-seven (37) of such files were opened. During this fiscal year (2006):

Four (4) cases were resolved by the consensual cessation of the individuals' UPL.

Ten (10) cases were concluded with determinations that the activity investigated did not constitute UPL.

One (1) case was referred to the District of Columbia Bar Counsel. It involved the UPL by a District of Columbia lawyer who was previously enjoined and the subject of a contempt action.

One (1) case resulted in the issuance of an injunction.

Once (1) case involved a Maryland attorney who practiced without having paid his assessment to the Client Protection Fund. That matter was resolved after appropriate payment was made.

One (1) case, involving the representation of a corporation in court by an individual not authorized to do so, was resolved by the corporation.

One (1) case was closed when the alleged violator disappeared.

Three (3) cases remain open at the end of Fiscal Year 2006.

ACTIVITIES OF PROFESSIONAL STAFF

It is customary for Bar Counsel and the legal staff to communicate with members of the Bar and the public, alerting them to ethical issues, methods to prevent ethical misconduct and maintaining professionalism. The legal staff maintains membership with several bar associations and one is active in the American Inns of Court program.

This fiscal year Bar Counsel authored six articles which were published in the Maryland State Bar Association Bar Journal. He made presentations to the Maryland Trial Lawyers Association, the clinic program at the University of Maryland Law School, the American Immigration Lawyers Association, the University of Baltimore Master's program on ethical issues, the Prince George's County Bar Association program on Family Law, spoke to the judges of the Executive Office of Immigration Review, spoke at a program before the Maryland Administrative Law Judges, and participated in an anger management program of the Lawyer Assistance Committee of the Maryland State Bar Association.

Deputy Bar Counsel Glenn M. Grossman participated in two programs sponsored by the Maryland Institute for the Continuing Professional Education of Lawyers (MICPEL). One of these involved the setting and collecting of fees; the other concerned family law issues. Mr. Grossman spoke on risk management to the Advanced Real Property Institute. He spoke on the new Rules of Professional Conduct at the Solo and Small Firm Conference sponsored by the Maryland State Bar Association (MSBA), before the Worcester County Bar Association and at the McGill Inn of Court in Howard County. He was a panelist at

two loss prevention programs sponsored by the CNA Insurance Company and Rossman-Hurt-Hoffman. He also addressed the Maryland Baltimore City Bar Association Lawyer Referral and Information Service on the subject of avoiding grievances and he participated in a program of the Maryland Trial Lawyers Association on the ethical dimensions of birth trauma cases. Mr. Grossman appeared as a panelist on two programs sponsored by the MSBA at its annual meeting in Ocean City and he attended the annual District of Columbia Professionalism program. He also addressed the physician students on the role of forensic psychiatry in the attorney disciplinary process at the Maryland Forensic Psychiatry Fellowship Seminary. Mr. Grossman was also a faculty member for the professionalism course given to new Maryland Bar admittees.

Assistant Bar Counsel John C. Broderick addressed the Maryland State Bar Association solo conference on the subject of how to avoid a grievance.

Assistant Bar Counsel Raymond Hein addressed paralegal classes at the Community College of Baltimore County on three occasions.

Assistant Bar Counsel Dolores O. Ridgell participated in a law day program for the Montgomery County Bar Association on the topic wiretapping and electronic communications and records crimes.

Assistant Bar Counsels Gail D. Kessler and Dolores Dorsainvil participated in a program for the University of Baltimore Law School on starting a solo practice.

Assistant Bar Counsel Fletcher P. Thompson presented a program for the Montgomery County Ethics Committee and wrote a series of "Paca Pointers" on ethical issues for the Paca-Brent Joint Inn of Court.

PERSONNEL CHANGES

Assistant Bar Counsel John C. Broderick left the Office of Bar Counsel at the end of April 2006 following 19 years of service.

Belinda Bowen Gross, a legal secretary with the Commission, resigned to take a position with the Client Protection Fund. One of her duties while at the Commission was to maintain investigative files in which the Client Protection Fund was conducting an investigation of a claim to the Fund.

STAFF

On June 30, 2006 Commission staff was as follows:

Bar Counsel

Melvin Hirshman

Deputy Bar Counsel

Glenn M. Grossman

Executive Secretary

Kendall R. Ruffatto

Administrative Assistant to Executive Secretary

Jane F. Carr

Assistant Bar Counsel

James P. Botluk

Raymond A. Hein

Dolores O. Ridgell

Gail D. Kessler

Fletcher P. Thompson

Marianne J. Lee

Dolores Dorsainvil

Investigators

**Marc O. Fiedler
Sterling H. Fletcher
Michael H. Peregoy
Dennis F. Biennas
C. Vernon Wilhelm
William M. Ramsey**

Paralegals

**John DeBone
Terry L. Ruffatto**

Office Manager

Debra L. Zachry

Administrative Assistant

Donna E. Marlowe

Secretaries

**Sharon D. Gross
Kristy A. Gibbs
Nakeia R. Gray-Smith
Patricia A. Johnston
Mary G. Bedell
Nicole E. Adams
Susan G. Townshend**

Receptionist

Bonnie L. Walter

THE COMMISSION

**David D. Downes, Esq. Chair
Linda H. Lamone, Esq. Vice-Chair
B. Harriette Taylor, Esq.
J. Donald Braden, Esq.
C. Mayda Tsaknis, Esq.
Louise T. Keelty, Esq.
Cornelia Bright Gordon, Esq.
John A. Bielec, Esq.
Gilda O. Karpouzian, Esq.
Barry P. Gossett, Public Member
Jerald S. Sachs, Public Member
Linda Bowler Pierson, Public Member**

CONCLUSION

The Court of Appeals of Maryland, the Attorney Grievance Commission and its staff, and, indeed, the profession, are indebted to those attorneys and public members who volunteer their time, without compensation, to see to the betterment and professionalism of the members of the Maryland Bar.

EXHIBIT "A"

10 YEAR COMPARISON CHART

	1996- 97	1997- 98	1998- 99	1999- 2000	2000- 2001	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	10 Year Totals
Complaints Received	1,523	1,402	1,319	1,348	1,410	1,468	1,559	1,610	1,562	1,444	14,645
Docketed Complaints Received (Prima facia misconduct indicated)	612	527	664	543	460	420	475	485	469	400	5,055
TOTALS	2,135	1,929	1,983	1,891	1,870	1,888	2,034	2,095	2,031	1,844	19,700
Docketed Complaints Concluded	664	552	617	605	585	556	435	487	472	441	5,414
Dispositions (by number of Attorneys)											
Disbarred	3	6	6	9	7	15	12	22	10	10	100
Disbarred by Consent	21	13	5	11	16	15	5	6	14	12	118
Suspension	37	33	34	28	26	27	35	23	22	21	286
Temporary Suspension Rule 16-773(d)	0	0	0	0	0	1	0	1	1	2	5
Public Reprimand by Court	6	10	11	16	12	8	7	6	3	10	89
Public Reprimand by Commission	0	0	0	0	0	12	12	22	22	16	84
Private & Bar Counsel Reprimands	35	31	37	25	32	26	1	0	0	0	187
Inactive Status	9	4	1	1	0	0	4	2	1	3	25
Dismissed by Court	0	5	5	3	5	8	6	6	4	4	46
Petitions for Reinstatement Granted	3	0	1	3	3	6	5	3	10	1	35
Petitions for Reinstatement Denied	2	9	1	2	2	1	4	2	0	4	27
Monitoring	1	0	0	0	0	0	0	0	0	0	1
Resignations	0	0	0	0	0	0	0	1	0	0	1
TOTALS	117	111	101	98	103	119	91	94	87	83	1004
Number of active Attorneys admitted to practice law in Maryland	26278	27234	28230	29166	29863	30646	31224	31934	32066	32390	

*EXHIBIT "B"***CASELOAD**
(Represents number of files)

I. General	2004- 2005	2005- 2006
<u>Complaints Received</u> (determined not to be disciplinary in nature) TOTAL	1562	1444
<u>Docketed Complaints</u> Complaints carried over from previous year	415	412
Complaints received	469	400
TOTAL	884	812
Complaints concluded	472	441
Complaints carried over to next Fiscal year	412	371
<u>Disposition of Docketed Complaints</u>		
Dismissed:		
By Commission & Administratively Closed	237	230
With Warning by Commission	61	45
Following Peer Review	12	18
With Warning following Peer Review	15	8
Disciplinary Action Concluded, Reinstatements Granted or Denied and Dismissed by Court of Appeals	147	140
TOTAL	484	441

“Exhibit B”		
I. General (continued)		
Status of Pending Docketed Complaints at end of FY: <i>(Represents number of files)</i>	2004- 2005	2005- 2006
Administrative Processing	144	117
Investigation	36	55
Deferred Docket	8	10
Peer Review	53	31
Conditional Diversion Agreements	68	61
Petitions for Disciplinary or Remedial Action to be filed	34	18
Petitions pending in court and not concluded	65	75
Temporary Suspension under new Rule 16-773(d)	1	1
Pending suspensions under old Rule 16-716	3	3
TOTAL	412	371

II. Commission Action after Peer Review Panel Recommendations: <i>(figures represent number of files)</i>	“Exhibit B” 2004-2005	2005-2006
Pending at beginning of FY	54	53
Referred to Panel during FY	163	134
SUBTOTAL	217	187
Administratively Closed	1	5
Dismissed	12	19
Dismissed with Warning	15	4
Directed Petition for Disciplinary or Remedial Action be filed in Court of Appeals	93	72
Reprimand issued by Commission	13	17
Conditional Diversion Agreement entered into (while pending before Panel)	23	27
Deferred Docket (while pending before Panel)	0	1
Disbarment by Court of Appeals (while pending before Panel)	2	0
Consent to Disbarment (while pending before Panel)	1	7
Consent to Suspension (while pending before Panel)	4	3
Consent to Inactive Status (while pending before Panel)	0	1
TOTAL	164	156
Files carried to the next Fiscal Year	53	31

“Exhibit B”		
III. Reasons for Disciplinary Action: (Figures represent number of attorneys & do not include reinstatements, resignations, dismissal by the court, or monitoring. Although disciplinary action may have resulted from several rule violations, only the major violation is indicated in the figures below.)	2004-2005	2005-2006
Competent representation, diligence, communication, neglect and abide by client’s decisions	24	19
Misconduct - dishonesty, fraud, deceit, or misrepresentation	8	11
Misconduct - prejudicial to administration of justice or unauthorized practice of law	6	9
Criminal Act or Conviction	7	4
Theft of client's funds, estate funds, fiduciary funds or law firm funds (misappropriation)	11	9
Excessive fee, improper division of fee or illegal fee	1	1
Incompetence (substance abuse, mental or physical illness)	0	4
Responsibility of actions by subordinate lawyer or non-legal personnel	0	1
Conflict of Interest	2	5
Failure to maintain complete records, account to client or others, maintain trust account, or safeguard funds	6	6
Commingling	2	2
Failure to respond to disciplinary agency	5	3
TOTAL	72	74

“Exhibit B”		
IV. Type of Matter from which Docketed Complaint arose:	2004-2005	2005-2006
Maryland Rules:		
A. Injury to person, property, Workers Compensation	74	43
B. Family Law	57	50
C. Criminal	48	47
D. Real Estate	29	30
E. Probate	25	23
F. Tax	5	0
G. Business Matters	9	10
H. Civil Litigation	61	57
I. Contract	0	0
J. Bankruptcy	56	43
K. Other	105	97
TOTALS	469	400

“Exhibit B”

V. Breakdown of Docketed Complaints Received by County: 2005-2006

Allegany County	1	Howard County	9
Anne Arundel County	19	Kent County	1
Baltimore County	74	Montgomery County	60
Baltimore City	68	Prince George's County	59
Calvert County	1	Queen Anne's County	0
Caroline County	0	St. Mary's County	3
Carroll County	4	Somerset County	1
Cecil County	3	Talbot County	1
Charles County	5	Washington County	3
Dorchester County	3	Wicomico County	5
Frederick County	12	Worcester County	4
Garrett County	6	Out of State	49
Harford County	9	TOTAL	400

**ATTORNEY GRIEVANCE COMMISSION
ACTUAL RECEIPTS AND EXPENDITURES
 FY 2005 & FY 2006**

RECEIPTS	7/1/2004 - 6/30/2005	7/1/2005 - 6/30/2006
Attorney Assessments	3,209,534.00	3,430,729.00
Interest Income	57,336.00	92,048.00
Costs Recovered by Court Order	19,464.00	30,457.00
Client Protection Fund - Staffing Fees	184,517.00	211,696.00
TOTALS	\$3,470,851.00	\$3,764,930.00
EXPENDITURES		
Salaries	1,685,847.00	1,767,464.00
Equipment (Purchase and Maintenance)	24,077.00	14,810.00
Employee Benefits	651,191.00	648,326.00
Office Expenses	88,537.00	85,773.00
Commission & Peer Review	82,007.00	69,964.00
Court Reporters - Depos & Transcripts	24,806.00	13,945.00
Investigative Costs & Employee Travel & Mileage	90,195.00	91,457.00
Training Seminar	0.00	842.00
Audit	8,400.00	8,400.00
Contribution - Lawyer Assistance Program	105,238.00	108,198.00
Subsidiary Location - Executive Secretary - Office Expenses	5,527.00	9,608.00
TOTALS	\$2,765,825.00	\$2,818,787.00
FUND BALANCE	\$1,383,654.00	\$2,329,797.00

*** EXHIBIT 'C' ***

Budget Fiscal Year 2007
7/1/2006 - 6/30/2007

RECEIPTS	
Attorney Assessments	3,562,900.00
Interest Income	60,000.00
Costs Recovered by Court Order	13,000.00
Contribution for Client Protection Fund Staffing	263,096.00
TOTAL	\$3,898,996.00
EXPENDITURES	
Salaries	1,968,239.00
Employee Benefits	611,466.00
Equipment (Purchase and Maintenance)	38,000.00
Office & Employee Related Expenses	271,071.00
Commission & Peer Review	105,281.00
Court Reporters - Transcripts	23,000.00
Investigative Costs & Employee Travel & Mileage	100,000.00
Training Seminar	7,000.00
Audit	9,000.00
Contribution - Lawyer Assistance Program	114,311.00
Subsidiary Location - Executive Secretary - Office Expenses	17,600.00
TOTAL	\$3,264,968.00
Anticipated Revenues in Excess of Expenses for FY 2007	\$634,028.00
Anticipated Surplus Carried Over from FY 2006	\$2,192,199.00
Anticipated Surplus Carried Over from FY 2007	\$2,826,227.00

*** EXHIBIT 'D' ***