

1007 HJ AK BAR ASSN SUNSET REVIEW FILE NO. 19

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	94	6/2/75	Client	Performance: Neglect	Informal admonition conditioned on refund of \$1,250 2/15/78 on recommendation to review committee member.
2.	104	7/75	Alaska Bar Assn.	Performance: Rep. of conflicting interests and numerous charges	Send to review committee member 3/28/78.
3.	139	12/12/75	Client	Performance: Abandonment and bad advice; improper withdrawal	Dismissed 3/3/78 on recommendation to review committee member.
4.	147	3/10/76	Client (3 Respondents)	Interference with justice: Misrepresentation to court and abuse	Returned from review committee member, pending compliance with refund.
5.	196	11/30/76	Opposing Atty.	Interference with justice - conflict	Dismissed 3/31/78 on recommendation to review committee member.
6.	198	11/30/76	Alaska Bar Assn.	Interference with justice - (felony charges)	Under investigation.
7.	200	12/8/76	Client	Performance: Failure to follow instructions	Under investigation.
8.	203	1/10/77	Attorney	Solicitation	Dismissed 1/20/78 on recommendation to review committee member with stipulation that file could be re-opened.
9.	215	3/8/77	Client	Performance: Unauthorized settlement	Dismissed 3/29/78 on recommendation to review committee member.
10.	217	3/9/77	Opposing Atty.	Interference with justice	Under investigation.
11.	218	3/11/77	Client	Performance	Under investigation.
12.	219	3/14/77	Opposing Atty.	Performance: Improper trial conduct	Sent to review committee member 3/10/78.
13.	220	3/22/77		Performance: Neglect	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	223	5/17/77	3rd Party	Fees	Under investigation.
15.	225	5/17/77	Opposing Atty.	Funds	Under investigation.
16.	226	5/20/77	Client & adverse party (Involves 2 attorneys)	Funds	Under investigation.
17.	227	6/2/77	Alaska Bar Assn.	Solicitation	Under investigation.
18.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Under investigation.
19.	229	6/28/77	Client	Performance	Under investigation.
20.	230	?	Client	Performance	Under investigation.
21.	231	6/30/77	Alaska Bar Assn.	Performance	Under investigation.
22.	234	7/11/77	Client	Performance and funds	Under investigation.
23.	235	8/1/77	Client	Performance	Under investigation.
24.	236	7/28/77	Fee Arb Panel	Interference with justice	Under investigation.
25.	237	8/3/77	Opposing Party	Interference with justice	Under investigation.
26.	238	7/26/77	3rd Party	Performance	Abeyance ordered by Board of Governors 1/21/78.
27.	239	7/26/77	3rd Party	Performance	Abeyance ordered by Board of Governors 1/21/78.
28.	240	8/24/77	Client	Performance	Under investigation.
29.	241	9/16/77	Client	Funds	Under investigation.
30.	242	9/28/77	Opposing Party	Performance	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
31.	245	10/21/77	Client	Conflict of interest	Abeyance ordered by Board of Governors 1/21/78.
32.	246	11/8/77	Client	Performance - delay	Under investigation.
33.	248	11/18/77	Opposing Atty.	Conflict of interest	Under investigation.
34.	249	2/15/78	Client	Performance	Under investigation.
35.	250	2/15/78	Client	Performance	Under investigation.
36.	251	3/8/78	3rd Party	Performance	Under investigation.
37.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
38.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
39.	254	3/30/78	3rd Party	Performance	Under investigation.

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of interest	To be combined with docket number 234.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	148	3/5/76	3rd Party Atty.	Solicitation -- Sign and name	Held in abeyance pending interpretation of <u>Bates v. State of Arizona</u> .
6.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
7.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.

March 31, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	To be informally admonished.
2.	48	8/2/74	Client	Funds - Delay in release	To be informally admonished.
3.	154	4/10/76	Adverse Party	Interference with justice -- Extra-judicial statements about pending case	To be informally admonished.

March 31, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Oral argument was given in February.
2.	208	2/25/77	Alaska Bar Assn.	Other - Disability Petition	Petition to change Respondent to inactive status pending before the cour'.

N8

Alaska Bar Association's Discipline Report
for the Second Quarter of 1978

August 1, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

Please find enclosed the Quarterly Report for the period covering April 1, 1978 - June 30, 1978. Due to vacation schedules, two out of town Board of Governors meetings and the re-modeling and expansion of the Bar office I was unable to devote as much time to discipline matters as I would have liked. While 8 grievances were opened this quarter approximately 57 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	37.1 hours
Miscellaneous & administration	208.2 hours
Fee arbitration - does not include time at hearings	31.2 hours
Matters in Federal Court	.4 hours
Board of Governors law suit	5.6
TOTAL	282.5 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

QUARTERLY DISCIPLINE REPORT

April 1, 1978 - June 30, 1978

I. CASELOAD

1.	Cases pending & carried forward on April 1, 1978.....	43	
2.	Cases filed or reactivated since April 1, 1978.....	<u>8</u>	
	TOTAL CASELOAD FOR PERIOD		51
3.	Cases closed since April 1, 1978:		
	(a) Dismissed by Review Committee Member.....	6	
	(b) Informal admonitions by Board of Governors.....	1	
	(c) Members transferred to inactive status.....	1	
	TOTAL	8	
4.	Total Pending Cases on June 30, 1978:	<u>43</u>	

I. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	2	
	(b) Bar Counsel.....	30	
	TOTAL		32
2.	Before Hearing Committees		6
3.	Before Board of Governors		2
4.	Before Supreme Court		<u>3</u>
	TOTAL PENDING ACTIVE CASES ON JUNE 30, 1978:		<u>43</u>

STATISTICAL REPORT FCR 12 MONTH PERIOD
July 1, 1977 to June 30, 1978

	Totals 7/1/77 to 9/30/77 (1)	Totals 10/1/77 to 12/31/77 (2)	Totals 1/1/78 to 3/31/78 (3)	Totals 4/1/78 to 6/30/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	61	62	47	43	61
Complaints filed or reactivated during period:	<u>11</u>	<u>5</u>	<u>6</u>	<u>8</u>	<u>30</u>
TOTAL CASELOAD FOR PERIOD:	72	67	53	51	91
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	8	11	5	6	
(b) Informal Admonitions	2	7	1	1	
(c) Members transferred to inactive status	0	0	0	1	
(d) Abeyance Status	0	1	4	0	
(e) Suspension	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	
TOTALS	<u>10</u>	<u>20</u>	<u>10</u>	<u>8</u>	<u>48</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>62</u>	<u>47</u>	<u>43</u>	<u>43</u>	<u>43</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	12	3	3	2	
(b) Bar Counsel	30	31	28	30	
2. Before Hearing Committee	13	7	7	6	
3. Before Board of Governors	4	4	3	2	
4. Before Supreme Court	<u>3</u>	<u>2</u>	<u>2</u>	<u>3</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD	<u>62</u>	<u>47</u>	<u>43</u>	<u>43</u>	

DISCIPLINARY FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	104	7/75	Alaska Bar Assn.	Performance: Rep. of conflicting interests and numerous charges	Dismissed 4/5/78 on recommendation to review committee member.
2.	147	3/10/76	Client (3 Respondents)	Interference with justice: Misrepresentation to court and abuse	Returned from review committee member, pending compliance with refund.
3.	198	11/30/76	Alaska Bar Assn.	Interference with justice - (felony charge)	Dismissed 6/2/78 on recommendation to review committee member.
4.	200	12/8/76	Client	Performance: Failure to follow instructions	Under investigation.
5.	217	3/9/77	Opposing Atty.	Interference with justice	Under investigation.
6.	218	3/11/77	Client	Performance	Under investigation.
7.	219	3/14/77	Opposing Atty.	Performance: Improper trial conduct	Dismissed 4/13/78 on recommendation to review committee member.
8.	220	3/22/77		Performance: Neglect	Under investigation.
9.	223	5/17/77	3rd Party	Fees	Dismissed 5/9/78 on recommendation to review committee member.
10.	225	5/17/77	Opposing Atty.	Funds	Under investigation.
11.	226	5/20/77	Client & adverse party (Involves 2 attorneys)	Funds	Sent to review committee member 5/30/78.
12.	227	5/2/77	Alaska Bar Assn.	Solicitation	Under investigation.
13.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Sent to review committee member 5/9/78.

DISCIPLINE FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	229	6/28/77	Client	Performance	Under investigation.
15.	230	?	Client	Performance	Under investigation.
16.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
17.	234	7/11/77	Client	Performance and funds	Under investigation.
18.	235	8/1/77	Client	Performance	Under investigation.
19.	236	7/28/77	Fee Arb Panel	Interference with justice	Dismissed 5/22/78 on recommendation to review committee member.
20.	237	8/3/77	Opposing Party	Interference with justice	Under investigation.
21.	240	8/24/77	Client	Performance	Under investigation.
22.	241	9/16/77	Client	Funds	Under investigation.
23.	242	9/28/77	Opposing Party	Performance	Under investigation.
24.	246	11/8/77	Client	Performance - delay	Under investigation.
25.	248	11/18/77	Opposing Atty.	Conflict of interest	Under investigation.
26.	249	2/15/78	Client	Performance	Under investigation.
27.	250	2/15/78	Client	Performance	Under investigation.
28.	251	3/8/78	3rd Party	Performance	Under investigation.
29.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
30.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
31.	254	3/30/78	3rd Party	Performance	Under investigation.

DISCIPLINE FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
32.	255	4/4/78	Attorney	Interference with justice	Under investigation.
33.	256	4/5/78	Attorney	Performance	Under investigation.
34.	257	4/24/78	Client	Performance	Under investigation.
35.	258	4/25/78	Client	Conflict of interest	Under investigation.
36.	259	5/23/78	Client	Performance	Under investigation.
37.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
38.	262	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.

DISCIPLINARY FILES
June 30, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	To be informally admonished.
2.	48	8/2/74	Client	Funds - Delay in release	To be informally admonished.
3.	154	4/10/76	Adverse Party	Interference with justice -- Extra-judicial statements about pending case	Informally admonished 5/78 by President of Board of Governors.

DISCIPLINARY FILES
 June 30, 1978
 CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of interest	To be combined with docket number 234.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	148	3/5/76	3rd Party Atty.	Solicitation -- Sign and name	Dismissed 5/9/78 on recommendation to review committee member.
6.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
7.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.

DISCIPLINARY FILES
June 30, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Oral argument was given in February.
2.	208	2/25/77	Alaska Bar Assn.	Other - Disability Petition	Inactive status by order of the Court dated 4/20/78.
3.	260	6/2/78	Alaska Bar Assn.	Other - Reinstatement Petition	Reinstatement pending.

N9

Alaska Bar Association's Discipline Report
for the Third Quarter of 1978

October 3, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

Please find enclosed the Quarterly Report for the period covering July 1, 1978 - September 30, 1978. While 13 grievances were opened this quarter approximately 59 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	49.0 hours
Informal complaints & administration	181.4 hours
Fee arbitration - does not include time at hearings	14.2 hours
Matters in Federal Court	1.0 hours
Board of Governors law suit	1.8 hours
TOTAL	247.4 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

WWG/lms

QUARTERLY DISCIPLINE REPORT

July 1, 1978 - September 30, 1978

I. CASELOAD:

1.	Cases pending & carried forward on July 1, 1978.....	43	
2.	Cases filed or reactivated since July 1, 1978.....	<u>13</u>	
	TOTAL CASELOAD FOR PERIOD		56
3.	Cases closed since July 1, 1978:		
	(a) Dismissed by Review Committee Member.....	15	
	(b) Informal Admonitions by Review Committee Member....	1	
	(c) Private Reprimand by Board of Governors.....	2	
	(d) Public Censure by Supreme Court.....	1	
	(e) Reinstatement by Supreme Court.....	1	
	TOTAL		20
4.	Total Pending Cases on September 30, 1978:		<u>36</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	6	
	(b) Bar Counsel.....	20	
	TOTAL		26
2.	Before Hearing Committees		9
3.	Before Board of Governors		1
4.	Before Supreme Court		<u>0</u>
	TOTAL PENDING ACTIVE CASES ON SEPTEMBER 30, 1978:		<u>36</u>

STATISTICAL REPORT FOR 12 MONTH PERIOD
October 1, 1977 to September 30, 1978

	Totals 10/1/77 to 12/31/77 (1)	Totals 1/1/78 to 3/31/78 (2)	Totals 4/1/78 to 6/30/78 (3)	Totals 7/1/78 to 9/30/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	62	47	43	43	62
Complaints filed or reactivated during period:	<u>5</u>	<u>6</u>	<u>8</u>	<u>13</u>	<u>32</u>
TOTAL CASELOAD FOR PERIOD:	67	53	51	56	94

Less: Cases closed or ordered held in abeyance:

	(1)	(2)	(3)	(4)
(a) Dismissed	11	5	6	15
(b) Informal Admonitions	7	1	0	1
(c) Members transferred to inactive status	0	0	1	0
(d) Abeyance Status	1	4	0	0
(e) Suspension	1	0	0	0
(f) Private Reprimand	0	0	1	2
(g) Public Censure	0	0	0	1
(h) Reinstated	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>

TOTALS	<u>20</u>	<u>10</u>	<u>8</u>	<u>20</u>	<u>58</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>47</u>	<u>43</u>	<u>43</u>	<u>36</u>	<u>36</u>

STATUS OF PENDING ACTIVE FILES:

1. Investigative stage:					
(a) Review Committees	3	3	2	6	
(b) Bar Counsel	31	28	30	20	
2. Before Hearing Committee	7	7	6	9	
3. Before Board of Governors	4	3	2	1	
4. Before Supreme Court	<u>2</u>	<u>2</u>	<u>3</u>	<u>0</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>47</u>	<u>43</u>	<u>43</u>	<u>36</u>	

DISCIPLINARY FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	147	3/10/76	Client (3 Resp- ondents)	Interference with justice: Misrepresentation to court and	Dismissed 9/11/78 on recommendation to review committee member.
2.	200	12/8/76	Client	Performance: Failure to follow instructions	Informal admonition on recommendation to review committee member.
3.	217	3/9/77	Opposing Atty.	Interference with justice	Sent to review committee member 9/28/78.
4.	218	3/11/77	Client	Performance	Dismissed 9/28/78 on recommendation to review committee member.
5.	225	5/17/77	Opposing Atty.	Funds	Sent to review committee member 9/19/78.
6.	226	5/20/77	Client & adverse party (Involves	Funds	Dismissed 9/18/78 on recommendation to review committee member.
7.	227	6/2/77	Alaska Bar Assn.	Solicitation	Dismissed 9/11/78 on recommendation to review committee member.
8.	229	6/28/77	Client	Performance	Sent to review committee member 9/23/78.
9.	230	?	Client	Performance	Dismissed 8/25/78 on recommendation to review committee member.
10.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
11.	235	8/1/77	Client	Performance	Dismissed 9/5/78 on recommendation to review committee member.
12.	237	8/3/77	Opposing Party	Interference with justice	Sent to review committee member 9/25/78.
13.	238	7/26/77	3rd Party	Performance	Dismissed 9/28/78 on recommendation to review committee member.

DISCIPLINE FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	239	7/26/77	3rd Party	Performance	Dismissed 9/28/78 on recommendation to review committee member.
15.	240	8/24/77	Client	Performance	Dismissed 8/28/78 on recommendation to review committee member.
16.	241	9/16/77	Client	Funds	Dismissed 9/22/78 on recommendation to review committee member.
17.	242	9/28/77	Opposing Party	Performance	Dismissed 9/15/78 on recommendation to review committee member.
18.	246	11/8/77	Client	Performance - delay	Sent to review committee member on 9/28/78.
19.	248	11/18/77	Opposing Atty.	Conflict of interest	Dismissed on 7/21/78 on recommendation to review committee member.
20.	249	2/15/78	Client	Performance	Under investigation.
21.	250	2/15/78	Client	Performance	Under investigation.
22.	251	3/8/78	3rd Party	Performance	Dismissed 8/28/78 on recommendation to review committee member.
23.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
24.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
25.	254	3/30/78	3rd Party	Performance	Under investigation.
26.	255	4/4/78	Attorney	Interference with justice	Under investigation.
27.	256	4/5/78	Attorney	Performance	Under investigation.
28.	257	4/24/78	Client	Performance	Under investigation.

DISCIPLINE FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
29.	258	4/25/78	Client	Conflict of interest	Under investigation.
30.	259	5/23/78	Client	Performance	Under investigation.
31.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
32.	262	6/2/78	Alaska Bar Assn.	Interference with justice	Dismissed by recommendation to review committee member.
33.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
34.	264	7/5/78	3rd Party	Performance	Under investigation.
35.	265	7/5/78	3rd Party	Performance	Under investigation.
36.	266	7/18/78	3rd Party	Performance	Dismissed 8/16/78 on recommendation to review committee member.
37.	267	7/24/78	Client	Performance	Under investigation.
38.	268	7/19/78	Alaska Bar Assn.	Performance	Sent to review committee member 9/27/78.
39.	269	7/24/78	Client	Conflict of interest	Under investigation.
40.	270	8/3/78	Client	Conflict of interest	Under investigation.
41.	271	8/9/78	Client	Performance - delay	Under investigation.
42.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of	Before hearing committee.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
6.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.
7.	220	3/22/77	3rd Party	Performance -- Neglect	Ready to be scheduled for hearing.
8.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready to be scheduled for hearing.
9.	234	7/11/77	Client	Performance and funds	Before hearing committee.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	Private reprimand 8/24/78.
2.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	To be put on agenda for October meeting.
3.	48	8/2/74	Client	Funds - Delay in release	Private reprimand 8/24/78.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Public censure 9/5/78.
2.	260	6/2/78	Alaska Bar Assn.	Other - Reinstatement Petition	Reinstated 7/25/78.

N10

Alaska Bar Association's Discipline Report
for the Fourth Quarter of 1978
or, the Year-End Report

January 2, 1978⁹

Hon. Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

Please find enclosed the Quarterly Report for the period covering October 1, 1978 - December 31, 1978. While 6 grievances were opened this quarter approximately 73 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	47.2 hours
Informal complaints & ad- ministration	180.6 hours
Fee arbitration	15.3 hours
Fee arbitration hearings	17.5 hours
Matters in Federal Court	2.4 hours
Board of Governors law suit	1.3 hours
Election investigation	45.3 hours
TOTAL	309.6 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

WWG/lms

QUARTERLY DISCIPLINE REPORT

October 1, 1978 - December 31, 1978

I. CASELOAD

1.	Cases pending & carried forward on October 1, 1978.....	36	
2.	Cases filed or reactivated since October 1, 1978.....	<u>6</u>	
	TOTAL CASELOAD FOR PERIOD		42
3.	Cases closed since October 1, 1978:		
	(a) Dismissed by Review Committee Member.....	8	
	(b) Informal Admonitions by Review Committee Member....	2	
	(c) Dismissed with prejudice by Hearing Committee.....	1	
	(d) Ordered held in abeyance by Board of Governors.....	1	
	(e) Files combined for hearing.....	2	
	TOTAL		14
4.	Total Pending Cases on December 31, 1978:		<u>28</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	1	
	(b) Bar Counsel.....	20	
	TOTAL		21
2.	Before Hearing Committees		5
3.	Before Board of Governors		0
4.	Before Supreme Court		<u>2</u>
	TOTAL PENDING ACTIVE CASES ON DECEMBER 31, 1978:		<u>28</u>

	Totals 1/1/78 to 3/31/78 (1)	Totals 4/1/78 to 6/30/78 (2)	Totals 7/1/78 to 9/30/78 (3)	Totals 10/1/78 to 12/31/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	47	43	43	36	47
Complaints filed or reactivated during period:	<u>6</u>	<u>8</u>	<u>13</u>	<u>6</u>	<u>33</u>
TOTAL CASELOAD FOR PERIOD:	53	51	56	42	80
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	5	6	15	9	
(b) Informal Admonitions	1	0	1	2	
(c) Members transferred to inactive status	0	1	0	0	
(d) Abeyance Status	4	0	0	1	
(e) Files combined for hearing	0	0	0	2	
(f) Private Reprimand	0	1	2	0	
(g) Public Censure	0	0	1	0	
(h) Reinstated	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	
TOTALS	<u>10</u>	<u>8</u>	<u>20</u>	<u>14</u>	<u>52</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>43</u>	<u>43</u>	<u>36</u>	<u>28</u>	<u>28</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	3	2	6	1	
(b) Bar Counsel	28	30	20	20	
2. Before Hearing Committee	7	6	9	5	
3. Before Board of Governors	3	2	1	0	
4. Before Supreme Court	<u>2</u>	<u>3</u>	<u>0</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>43</u>	<u>43</u>	<u>36</u>	<u>28</u>	

FEE ARBITRATION REPORT FOR 1978

Cases pending on January 1, 1978:	10	
Petitions filed during year:	<u>27</u>	
Total Caseload for Year:		<u>37</u>
Cases disposed of during year:	<u>19</u>	
Total cases still pending at end of year:		
Decisions pending:	5	
Scheduled for Hearing:	3	
* Needs non-attorney signature on Decision:	<u>4</u>	
	12	

* Non-attorney member was transferred suddenly to Chicago, then shortly thereafter to Washington, D.C. He has the Decisions and should be returning them shortly.

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	217	3/9/77	Opposing Atty.	Interference with justice	Informal admonition 11/24/78 on recommendation to review committee member.
2.	225	5/17/77	Opposing Atty.	Funds	Informal admonition 10/25/78 on recommendation to review committee member.
3.	229	6/28/77	Client	Performance	Dismissed 12/18/78 on recommendation to review committee member.
4.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
5.	237	8/3/77	Opposing Party	Interference with justice	Dismissed 10/25/78 on recommendation to review committee member.
6.	246	11/8/77	Client	Performance - delay	Sent to review committee member 9/28/78.
7.	249	2/15/78	Client	Performance	Under investigation.
8.	250	2/15/78	Client	Performance	Under investigation.
9.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
10.	253	3/24/78	3rd Party	Conflict of interest	Dismissed 12/11/78 on recommendation to review committee member.
11.	254	3/30/78	3rd Party	Performance	Under investigation.
12.	255	4/4/78	Attorney	Interference with justice	Dismissed 12/4/78 on recommendation to review committee member.
13.	256	4/5/78	Attorney	Performance	Under investigation.
14.	257	4/24/78	Client	Performance	Under investigation.
15.	258	4/25/78	Client	Conflict of interest	Under investigation.
16.	259	5/23/78	Client	Performance	Under investigation.

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
17.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
18.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
19.	264	7/5/78	3rd Party	Performance	Dismissed 12/26/78 on recommendation to review committee member.
20.	265	7/5/78	3rd Party	Performance	Dismissed 12/26/78 on recommendation to review committee member.
21.	267	7/24/78	Client	Performance	Under investigation.
22.	269	7/24/78	Client	Conflict of interest	Dismissed 12/18/78 on recommendation to review committee member.
23.	270	8/3/78	Client	Conflict of interest	Under investigation.
24.	271	8/9/78	Client	Performance - delay	Dismissed 12/20/78 on recommendation to review committee member.
25.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.
26.	273	10/4/78	Attorney	Interference with attorney/ client relationship	Under investigation.
27.	274	11/6/78	Judge	Contempt of court	Under investigation.
28.	275	4/28/78	Attorney	Performance	Under investigation.
29.	276	11/20/78	3rd Party	Performance	Under investigation.
30.	277	11/20/78	Client	Performance	Under investigation.
31.	278	11/14/78	3rd Party	Conflict of interest	Under investigation.

CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters in Supreme Court.
2.	133	11/25/75	Client	Performance -- Neglect/poor representation	Dismissed with prejudice 11/24/78.
3.	151	4/5/78	Client	Funds -- Failure to account	By Board of Governors order of 12/11/78 to be held in abeyance.
4.	220	3/22/77	3rd Party	Performance -- Neglect	Combined with docket number 178. Ready for hearing.
5.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready for hearing.
6.	234	7/11/77	Client	Performance and funds	Combined with docket number 23. Ready for hearing.
7.	268	7/19/78	Alaska Bar Assn.	Performance	Ready for hearing.

CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	Waiting for briefing schedule.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Waiting for briefing schedule.

NII

Alaska Bar Association's Discipline Report
for the First Quarter of 1979

X

April 2, 1979

Hon. Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, AK. 99701

Dear Chief Justice Rabinowitz:

Please find enclosed the Quarterly Report for the period covering January 1, 1979 - March 31, 1979. While 5 grievances were opened this quarter approximately 85 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	146.5 hours
Informal complaints	269.0 hours
Administration	24.9 hours
Fee arbitration	19.6 hours
Fee arbitration hearings	23.0 hours
Board of Governors lawsuit	1.7 hours
Election investigation	14.2 hours
TOTAL	498.9 hours

I cannot point out with pride the number of disciplinary matters disposed of during this last quarter. By way of explanation it should be mentioned that I was on leave for two (2) weeks during this quarter. I also attended the Board of Governors meeting/mid-winter meeting in Kauai which lasted one (1) week and a three (3) day Board of Governors meeting in Juneau.

These factors combined with the unprecedented amount of time spent on admission appeals did not allow this office to devote further time

Chief Justice Rabinowitz
April 2, 1979
Page - 2

to dispose of pending formal grievances. I do not feel, however, that the number of pending cases is unmanageable.

If you would like further information please contact me.

Respectfully,

William W. Garrison
State Bar Counsel

lms

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

QUARTERLY DISCIPLINE REPORT

January 1, 1979 - March 31, 1979

I. CASELOAD

1.	Cases pending & carried forward on January 1, 1979.....	28	
2.	Cases filed or reactivated since January 1, 1979.....	<u>5</u>	
	TOTAL CASELOAD FOR PERIOD		33
3.	Cases closed since January 1, 1979:		
	(a) Dismissed by Review Committee Member.....	1	
	(b) Informal Admonitions by Review Committee Member....	1	
	TOTAL		2
4.	Total Pending Cases on March 31, 1979:		<u>31</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	1	
	(b) Bar Counsel.....	23	
	TOTAL		24
2.	Before Hearing Committees		5
3.	Before Board of Governors		0
4.	Before Supreme Court		<u>2</u>
	TOTAL PENDING ACTIVE CASES ON MARCH 31, 1979:		<u>31</u>

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	217	3/9/77	Opposing Atty.	Interference with justice	Re-opened by request of Respondent 1/19/79. Needs further investigation before a hearing can be scheduled.
2.	225	5/17/77	Opposing Atty.	Funds	Re-opened by request of Respondent 1/16/79 and dismissed on recommendation to Review Committee Member on 3/28/79.
3.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
4.	246	11/8/77	Client	Performance - delay	Sent to Review Committee Member 9/28/79.
5.	249	2/15/78	Client	Performance	Under investigation.
6.	250	2/15/78	Client	Performance	Under investigation.
7.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
8.	254	3/30/78	3rd Party	Performance	Under investigation.
9.	256	4/5/78	Attorney	Performance	Under investigation.
10.	257	4/24/78	Client	Performance	Under investigation.
11.	258	4/25/78	Client	Conflict of interest	Under investigation.
12.	259	5/23/78	Client	Performance	Under investigation.
13.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
14.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
15.	267	7/24/78	Client	Performance	Under investigation.
16.	270	8/3/78	Client	Conflict of interest	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
17.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.
18.	273	10/4/78	Attorney	Interference with attorney/ client relationship	Under investigation.
19.	274	11/6/78	Judge	Contempt of court	Under investigation.
20.	275	4/28/78	Attorney	Performance	Under investigation.
21.	276	11/20/78	3rd Party	Performance	Under investigation.
22.	277	11/20/78	Client	Performance	Under investigation.
23.	278	11/14/78	3rd Party	Conflict of interest	Under investigation.
24.	279	2/9/79	Atty. & 3rd Party	Performance	Under investigation.
25.	280	3/6/79	Alaska Bar Assn.	Funds	Under investigation.
26.	281	1/27/79	Attorney	Advertising	Informal admonition by recommendation to Review Committee Member on 3/20/77.

CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters in Supreme Court.
2.	220	3/22/77	3rd Party	Performance -- Neglect	Ready for hearing.
3.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready for hearing.
4.	234	7/11/77	Client	Performance and funds	Ready for hearing.
5.	268	7/19/78	Alaska Bar Assn.	Performance	Ready for hearing.

CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	Decision pending.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Decision pending.

N12

Alaska Bar Association's Discipline Report
for the Second Quarter of 1979

(Please Note: the Actual Data is Contained in the 1979 Third Quarter Report)

July 26, 1979

Honorable Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

Due to recent changes in the disciplinary rules which went into effect April 1, 1979 we have found it necessary to revise our reporting system. Unfortunately, as a result of an office relocation and changes in the staff this revised system has not been perfected in time to provide a disciplinary report for the second quarter. It is my intention to include that statistical information in the third quarterly report.

I can provide a preliminary breakdown of the following figures:

- (1) As of April 2, 1979, after the new disciplinary rules went into effect, 25 formal complaints were before Bar Counsel in the investigative stage; (4) four complaints were pending before area hearing committees and two (2) matters were before the Supreme Court;
- (2) During the second quarter six (6) new matters were accepted as formal complaints;
- (3) Of the matters pending before Bar Counsel, fourteen (14) matters were disposed of informally, either through dismissal for lack of grounds or through informal admonition. One (1) matter was ordered held in abeyance by the Board of Governors pending outcome of criminal prosecution and one (1) matter was dismissed by the Board of Governors after respondent waived hearing before the area hearing committee.

Chief Justice Rabinowitz

Page 2

July 26, 1979

(4) The two (2) matters that were pending before the Supreme Court have been determined by mandate.

(5) As of July 25, 1979, twelve (12) matters are presently pending before Bar Counsel; five (5) matters are pending hearing or determination by the area hearing committee.

(6) No matters are presently pending before the disciplinary board or the Supreme Court.

I trust that this cursory, however, temporary method of reporting the status of the disciplinary files will meet with your acceptance.

Respectfully,

William W. Garrison
State Bar Counsel

WWG/sw

cc: Board of Governors
Alaska Bar Association
John Lohff, Acting Executive Director

	TOTALS 4/1/78 to 6/30/78 (1)	TOTALS 7/1/78 to 9/30/78 (2)	TOTALS 10/1/78 to 12/31/78 (3)	TOTALS 1/1/79 to 3/31/79 (4)	12 Month Period
Active cases pending & carried forward at beginning of period:	43	43	36	28	43
Complaints filed or reactivated during period:	<u>8</u>	<u>13</u>	<u>6</u>	<u>5</u>	<u>32</u>
TOTAL CASELOAD FOR PERIOD:	51	56	42	33	75
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	6	15	9	1	
(b) Informal Admonitions	0	1	2	1	
(c) Members transferred to inactive status	1	0	0	0	
(d) Abeyance Status	0	0	1	0	
(e) Files combined for hearing	0	0	2	0	
(f) Private Reprimand	1	2	0	0	
(g) Public Censure	0	1	0	0	
(h) Reinstated	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	
TOTALS	<u>8</u>	<u>20</u>	<u>14</u>	<u>2</u>	<u>44</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>43</u>	<u>36</u>	<u>28</u>	<u>31</u>	<u>31</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	2	6	1	1	
(b) Bar Counsel	30	20	20	23	
2. Before Hearing Committee	6	9	5	5	
3. Before Board of Governors	2	1	0	0	
4. Before Supreme Court	<u>3</u>	<u>0</u>	<u>2</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>43</u>	<u>36</u>	<u>28</u>	<u>31</u>	

MI3

Alaska Bar Association's Discipline Report
for the Third Quarter of 1979

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

OFFICERS

DONNA C. WILLARD
PRESIDENT
ANCHORAGE

WILLIAM B. ROZELL
PRESIDENT ELECT
JUNEAU

JONATHAN H. LINK
VICE PRESIDENT
FAIRBANKS

EDWARD G. KING
SECRETARY
KETCHIKAN

P.O. BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

WILLIAM GARRISON, BAR COUNSEL

October 15, 1979

BOARD MEMBERS

ALBERT H. BRANSON

STANLEY T. FISCHER

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ELIZABETH P. KENNEDY

EDWARD G. KING

JONATHAN H. LINK

WILLIAM B. ROZELL

RICHARD D. SAVELL

DONNA C. WILLARD

The Honorable Jay Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

In an effort to prepare a disciplinary report which provides a comprehensive, yet concise, overview of the matters received and processed by the disciplinary staff for a given period, I have implemented the Uniform Reporting System recommended by the National Organization of Bar Counsel. The purpose for establishing uniform methods of reporting are discussed in the NOBC Resolution which is included in the report.

Also included is the Uniform Characterization of complaints which is divided into two parts. Part A lists 14 categories approved by the NOBC for the Uniform Characterization of Complaints. Part B identifies those sections of the Code of Professional Responsibility which fall within each category. This part is a user guide to insure consistent characterization of offenses within an agency and uniform characterizations among disciplinary agencies. It is suggested that the court retain Part A and B as a permanent record.

The NOBC's recommended method of reporting was received by this office late in February 1979. Since that time, it has been tested and found workable. The amount of time necessary to classify complaints is minimum when it is done in connection with other work at the time the file is open.

This method of reporting was submitted to the Board of Governors along with the recommendation that it be implemented by this office. After due consideration the Board of Governors voted unanimously to adopt the system. Due to changes in personnel, I was unable to prepare the second quarterly report as required under the adopted method of reporting. The report

The Honorable Jay Rabinowitz
Page 2
October 15, 1979

was further delayed as a result of a request for information received from the Ombudsman's office. I beg your indulgence for this delay.

As no method for reporting is perfect, it is anticipated that there will be changes implemented as the need arises. I would appreciate any suggestions which you may have by way of improving the report and constructive criticism would be welcomed.

The report itself is, and will be in the future, composed of four parts: A numerical breakdown of the disciplinary cases received and resolved, a statistical breakdown of the types of grievances disposed of, a numerical breakdown of fee arbitration matters received and resolved, and a descriptive analysis of cases received, pending and disposed of.

Should you have any questions or comments concerning the implementation of this system, please feel free to contact me.

Respectfully,



William W. Garrison
State Bar Counsel

WWG/sw

cc: Justices, Supreme Court
Board of Governor, Members

BOARD MEMBERS--A separate section will be prepared for your blue book. Parts A and B should be retained in this section for future references.

DISCIPLINE REPORT
April 1, 1979 - September 30, 1979

I. CASELOAD

1. Cases pending & carried forward on April 1, 1979	31
2. Cases filed or reactivated since April 1, 1979	27
TOTAL CASELOAD FOR PERIOD	58
3. Cases closed since April 1, 1979:	
(a) Dismissed by Bar Counsel	22
(b) Informal Admonitions	2
(c) Disbarred	1
TOTAL	26
4. Total Pending Cases on September 30, 1979	<u>32</u>

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage	
(a) To Committee Member for Advisory Opinion	1
(b) Bar Counsel	27
(c) Special Prosecutor	1
(d) Matters held in abeyance	1
TOTAL	29
2. Before Hearing Committee	1
3. Before Board of Governors	0
4. Before Supreme Court	1
TOTAL PENDING ACTIVE CASES ON SEPTEMBER 30, 1979:	<u>32</u>

III. MATTERS NOT CONSTITUTING VIOLATION OF RULES

Investigator	101
------------------------	-----

FEE ARBITRATION REPORT
April 1, 1979 - September 30, 1979

CASELOAD

1. Cases pending & carried forward on April 1, 1979	8
2. Cases filed since April 1, 1979	11
TOTAL CASELOAD FOR PERIOD	19
3. Cases Closed since April 1, 1979	7
TOTAL PENDING CASES ON SEPTEMBER 30, 1979	12

ALASKA BAR ASSOCIATION
 SURVEY OF GRIEVANCES
 Closed from 4-1-79 to 9-30-79

In an effort to better inform the court, bar and public of the source and nature of grievances, and the areas of practice from which grievances arise, the following is a sample based on the files closed in the Bar Association office from April 1 to September 30, 1979.

In describing the nature of the grievance, only the most serious allegation is reflected. In fact, more grievances allege various acts of misconduct. It is not practical to attempt to reflect all allegations.

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	0	0
2. Conflict of Interest	5	17.8
3. Neglect (failure to perform, delay, abandonment)	2	7.1
4. Relationship with client	10	35.7
5. Misrepresentation/Fraud	0	0
6. Excessive Fees	0	0
7. Interference with justice	7	2.5
8. Improper advertising & solicitation	1	3.5
9. Criminal conviction	1	3.5
10. Personal Behavior	2	7.1
11. Failure to cooperate with investigation	0	0
12. Medical incapacity	0	0
13. Incompetence	0	0

An additional 101 matters were handled which did not involve violating of the Code of Professional Responsibility, but did involve an interview, require a response or assistance was rendered.

NATIONAL ORGANIZATION OF BAR COUNSEL

UNIFORM CHARACTERIZATION OF COMPLAINTS
UNIFORM STATISTICAL REPORTS
UNIFORM DESCRIPTION OF AREAS OF PRACTICE
FROM WHICH COMPLAINTS ARISE

I. Resolution

Whereas the NOBC expressed an interest in considering and adopting a uniform method for reporting complaints and discipline activities at its August 1978 meeting and requested a report and recommendation at its next meeting; and

Whereas a committee was appointed to develop uniform reporting methods in the following areas: 1) The uniform designation of categories which describe the nature of the misconduct alleged in each complaint processed; 2) A uniform method for counting and describing the various matters handled by each agency; 3) A uniform method for describing the areas of practice which most frequently give rise to complaints; and

Whereas the public, the legal profession and the courts have a continuing interest in the nature and progress of the disciplinary system; and

Whereas the legal profession will benefit from training and education as to types of offenses most often handled and dispositions imposed and the areas of practice from which complaints most frequently arise; and

Whereas objective reporting to demonstrate the capacity of a discipline agency to expeditiously adjudicate matters and meet its goals is important to obtain adequate funding; and

Whereas comparison of discipline activities between jurisdictions requires uniform methods of reporting; and

Whereas uniform methods for reporting discipline data will improve coordination with the National Discipline Data Bank; and

Whereas uniform methods for reporting discipline data will provide information which can improve training programs for disciplinary staffs;

NOW THEREFORE BE IT RESOLVED that the National Organization of Bar Counsel recognizes that the public, the legal profession, the courts and the members of the organization will benefit from the uniform characterization of complaints, statistical reporting of the disposition of complaints, and description of the area of practice from which complaints arise, therefore the attached report is hereby adopted by this organization as the recommended reporting method to be used by lawyer discipline agencies.

II. UNIFORM CHARACTERIZATION OF COMPLAINTS:

- A. The following characterizations shall be used for the uniform description of complaints.
1. Trust violations (Embezzlement/Conversion withholding client's property)
 2. Conflict of interest
 3. Neglect (Failure to perform, delay)
 4. Relationship with client (Disclosing confidential information/Improper withdrawal/Abandonment/Failure to protect interest of client)
 5. Misrepresentation/Fraud
 6. Excessive fees
 7. Interference with Justice
 8. Improper advertising and solicitation
 9. Criminal conviction
 10. Personal behavior
 11. Wilful failure to cooperate with discipline authorities
 12. Medical incapacity
 13. Incompetence
 14. No jurisdiction/or referred to other agency

Following is a detailed outline of the specific provisions of the Code of Professional Responsibility which are encompassed by the fourteen (14) categories of complaint indicated above. The only purpose of this detail is to help classify complaints in a consistent and uniform manner.

B. The following is an outline showing which sections of the case of Professional Responsibility fall within each of the 15 categories in Part A.

1. Trust Violations

A. Canon 9

- | | |
|------------------------------------------------------------------|------------------|
| 1. Co-mingling of clients funds | DR 9-102 (A) |
| 2. Mismanagement of Clients Funds,
Securities, Properties | DR 9-102 (B) |
| a. Failure to promptly notify client
of receipt | DR 9-102 (B) (1) |
| b. Failure to promptly identify and
deposit | DR 9-102 (B) (2) |
| c. Failure to maintain complete
records and render accounting | DR 9-102 (B) (3) |
| d. Failure to promptly pay or deliver
client upon request | DR 9-102 (B) (4) |

B. Embezzlement

C. Conversion

D. Statutory trust account rules

E.

2. Conflict of Interest

- | | |
|----------------------------------------------------------------------------------------------------|--------------|
| A. Conflicts of Interest - Failing to
Exercise Independent Professional
Judgment For Client | DR 5-101 |
| 1. Accepting employment impairing
independent professional judgment | DR 5-101 |
| a. Accepting employment without
disclosing personal interest
affecting professional judgment | DR 5-101 (A) |
| b. Accepting employment when
probable witness | DR 5-101 (B) |
| 2. Failing to withdraw as counsel when
the lawyer becomes a witness | DR 5-102 |
| a. Witness on behalf of client | DR 5-102 (A) |
| b. Witness other than on behalf of
client when client prejudice
apparent | DR 5-102 (B) |
| 3. Acquiring interests in litigation | DR 5-103 |
| a. Acquiring proprietary interest
in client's litigation | DR 5-103 (A) |
| b. Advancing or guaranteeing client
financial assistance | DR 5-103 (B) |

4. Business relations with clients DR 5-104
- a. Adverse interests in business transactions with client DR 5-104 (A)
 - b. Acquiring publication rights prior to conclusion of employment DR 5-104 (B)
5. Accepting or continuing employment when the interest of another client may impair independent professional judgment for the client DR 5-105
- a. Accepting employment involving differing interests or adversely affecting independent professional judgment for the client DR 5-105 (A)
 - b. Continuing multiple employment adversely affecting independent professional judgment for the client or involving differing interests DR 5-105 (B)
 - c. Affiliate accepting employment declined by lawyer with conflict DR 5-105 (D)
6. Settling similar claims of clients DR 5-106
- a. Settling aggregate claims from multiple clients without advice and consent DR 5-106 (A)
7. Influence by one other than client DR 5-107
- a. Accepting:
 - 1. Compensation from one other than client DR 5-107 (A) (1)
 - 2. Anything of value related to clients representation from one other than client DR 5-107 (A) (2)
 - b. Direction or regulation of professional judgment by one other than client DR 5-107 (B)
 - c. Non-lawyer involvement with a professional legal corporation or association DR 5-107 (C) (1)
(2) (3)

- B. Misconduct As a Public Official DR 8-101
 - 1. Improper use of public office: DR 8-101 (A)
 - a. Exploitation of public position to obtain legislative favor DR 8-101 (A) (1)
 - b. Exploitation of public position to influence a tribunal DR 8-101 (A) (2)
 - c. Acceptance of anything of value soliciting political favor DR 8-101 (A) (3)
 - C. Failure To Avoid The Appearance Of Professional Impropriety DR 9-101
 - 1. Impropriety in accepting employment in a matter involving former judicial capacity DR 9-101 (A)
 - 2. Impropriety in accepting employment in a matter involving former public capacity DR 9-101 (B)
3. Neglect (Failure to Perform and Delay)
- A. Neglect DR 6-101 (A) (3)
 - B. Inadequate preparation DR 6-101 (A) (2)
 - C. Limiting liability to client DR 6-102 (A)
 - D. Lack of communication
 - E. Failure to file papers
 - F. Failure to return calls/answer mail
4. Relationship with Client
- A. Disclosure of client confidences and secrets DR 4-101
 - 1. Revealing of confidence or secret of a client DR 4-101 (B) (1)
 - 2. Using confidence or secret of a client to the disadvantage of the client DR 4-101 (B) (2)
 - 3. Using confidence or secret of a client without consent for the advantage of the lawyer or third person DR 4-101 (B) (3)

- 4. Failure to prevent employees, associates, and others whose services are utilized by the lawyer from disclosing or using confidences or secrets of client DR 4-101 (D)
- B. Failure to protect interest of client DR 7-101 (A)
 - 1. Failing to seek the lawful objectives of client through reasonably available means permitted by law and the disciplinary rules DR 7-101 (A) (1)
 - 2. Failing to carry out a contract of employment entered into with a client for professional services DR 7-101 (A) (2)
 - 3. Prejudicing or damaging client during professional relationship DR 7-101 (A) (3)
- C. Withdrawal from employment DR 2-110
 - 1. Failure to avoid perceivable prejudice to client DR 2-110 (A) (1)
 - 2. Failure to refund fees advanced upon withdrawal DR 2-110 (A) (2)
 - 3. Failure to withdraw after discharge by client DR 2-110 (B) (1)
- D. Extortion or intimidation (to collect fees)
- E. Refusal to release documents DR 9-102 (B) (4)
- F. Abandonment
- G.
- 5. Misrepresentation/Fraud
 - A. Statements on application of respondent or another for admission to the Bar DR 1-101 (A) (B)
 - B. Dishonesty, fraud, deceit or misrepresentation DR 1-102 (A) (4)
 - C.
- 6. Excessive Fees
 - A. Overreaching - charging or collecting an illegal or fairly excessive fee DR 2-106 (A) (B)
 - B. Contingent fees in criminal cases DR 2-106 (C)
 - C. Division of legal fees DR 2-107 (A)
 - 1. Dividing legal fees with another attorney not a partner or associate DR 2-107 (A)

- D. Division of legal fees with a non-lawyer DR 3-102 (A)
 - E.
 - F.
7. Interference With Justice
- A. Overzealous representation DR 7-101
 - 1. Failing to seek the lawful objectives of client through reasonably available means permitted by law and the disciplinary rules DR 7-101 (A) (1)
 - B. Failing to represent a client within the bounds of the law DR 7-102
 - 1. Proscribed conduct DR 7-102 (A)
 - a. Malicious or harassing litigation DR 7-102 (A) (1)
 - b. Persuing unwarranted claims or defenses DR 7-102 (A) (2)
 - c. Concealing or knowingly failing to disclose that which a lawyer is required by law to reveal DR 7-102 (A) (3)
 - d. Knowingly using perjured testimony or false evidence DR 7-102 (A) (4)
 - e. Knowingly making a false statement of law or fact DR 7-102 (A) (5)
 - f. Creating or preserving false evidence DR 7-102 (A) (6)
 - g. Counseling or assisting client in conduct a lawyer knows to be illegal or fraudulent DR 7-102 (A) (7)
 - h. Knowingly engaging in other legal conduct or conduct contrary to a disciplinary rule DR 7-102 (A) (8)
 - 2. Receiving information of proscribed conduct DR 7-102 (B)
 - a. Failing to request a client to rectify fraud upon another person or tribunal or reveal in the event of refusal DR 7-102 (B) (1)
 - b. Failing to reveal fraud upon tribunal by person other than client DR 7-102 (B) (2)
 - C. Public prosecutor or other government lawyer misconduct DR 7-103

1. Instituting criminal charges unsupported by probable cause DR 7-103 (A)
 2. Failing to make timely disclosure to the defendant or counsel of evidence negating the guilt of the accused, mitigating the degree of the offense, or reducing the punishment DR 7-103 (B)
- D. Communicating with one of adverse interest DR 7-104
1. Communicating on the subject of representation with a party known to be represented by a lawyer in that matter without prior consent DR 7-104 (A) (1)
 2. Giving advice to an unrepresented party whose interests are or have a reasonable possibility of being in conflict with the interest of client DR 7-104 (A) (2)
- E. Threatening criminal prosecution solely to obtain advantage in a civil matter DR 7-105 (A)
- F. Trial Conduct DR 7-106
1. Disregarding or advising client to disregard a standing rule or ruling of a tribunal DR 7-106 (A)
 2. Failing to disclose to tribunal:
 - a. Legal authority in the controlling jurisdiction directly adverse to client which is not disclosed b. opposing counsel DR 7-106 (B) (1)
 - b. The identities of the clients he represents and the persons who employ him DR 7-106 (B) (2)
 3. Before a tribunal: DR 7-106 (C)
 - a. Stating or alluding to any matter that the lawyer has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence DR 7-106 (C) (1)
 - b. Asking any questions that the lawyer has no reasonable basis to believe is relevant to the case that is intended to degrade a witness or other person DR 7-106 (C) (2)