

**THE  
ATTORNEY GRIEVANCE COMMISSION  
OF MARYLAND**

**33rd Annual Report**

July 1, 2007 thru June 30, 2008

**100 Community Place  
Suite 3301  
Crownsville, MD 21032  
410-514-7051  
800-492-1660 (in Maryland)**

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ATTORNEY GRIEVANCE COMMISSION OF MARYLAND  
33<sup>RD</sup> ANNUAL REPORT  
(July 1, 2007 to June 30, 2008)

In last year's annual report, a positive trend reflected that fewer of the total grievances received were transferred to formal docketed status for investigation. That trend did not continue this fiscal year (FY). Cases assigned for investigation (formal docketed files) increased from last year's total of 351 to 406. There is no apparent reason for this increase. One may speculate that clients continue to be increasingly sophisticated, overseeing their attorney's progress, and choosing to report possible misconduct to the Commission. The state of the economy has traditionally been a factor leading to an increase in complaints.

Lack of diligence and failure to communicate adequately with a client resulted, as in prior years, in the largest number of grievances requiring further investigation. Last fiscal year the total number of docketed complaints involving primary violation of the Maryland Lawyers' Rules of Professional Conduct 1.3 (diligence) and 1.4 (communication) was 42. This fiscal year the total was 91. In addition, docketed complaints for violations of Maryland Lawyers' Rule of Professional Conduct 1.1 (competence) increased from 27 last fiscal year to 54 this fiscal year.

The number of total grievances (those formally docketed, indicated above and those in which further investigation was determined to be unnecessary) increased from 1,940 last fiscal year to 2,053 this fiscal year. Of the total grievances filed, 80% were determined not to require investigation (1,647 of 2,053). This larger percentage was

attributable in part to a substantial number of grievances filed by inmates, principally naming an assigned public defender. The inmate either complained that he/she had not been visited or dissatisfied with the length of time it was taking to prepare a post conviction filing. A comprehensive response was received in each instance and based on those responses, further investigation was deemed unnecessary. Many grievances indicated that an attorney was not adequately communicating with the client. The client was satisfied with the response received from the attorney and those grievances, likewise, required no further investigation. Complaints about Maryland Rule of Professional Conduct 1.5 (legal fees) which were formally “docketed” decreased from 16 last fiscal year to 11 this fiscal year. Others which did not require investigation were referred to bar association fee dispute committees.

The Maryland Bar continues to have a decreasing percentage of attorneys sanctioned for ethical violations. While the total number of attorneys in Maryland continues to increase, the number receiving disciplinary sanctions has not increased over the prior two fiscal years.

#### THE COMMISSION

The Commission is established by Maryland Rule 16-711. 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 reappointed 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 employs an Executive Secretary to perform the functions mandated by Maryland Rule 16-711(e). The Commission meets once a month.

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.

Pursuant to Maryland Rule 16-711(h)(9), the Commission approves or disapproves complaint dispositions recommended by Bar Counsel and staff, as well as those recommended by peer review panels. Such recommendations include dismissals, dismissals with a warning, reprimands with the consent of Bar Counsel and respondent, and conditional diversion agreements. As a result of a rule change, a peer review panel may now recommend a reprimand without the consent of Bar Counsel but with the consent of the respondent. The term(s) of the proposed reprimand must be submitted to the Commission for approval.

The Commission is authorized to direct Bar Counsel to file public charges against an attorney in the Court of Appeals regardless of the recommendation of Bar Counsel or a peer review panel.

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 2007 and 2008 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 ability to practice. The assessment for Fiscal Year 2008 was \$135.00. On July 1<sup>st</sup> of every year the Client Protection Fund (CPF) sends Maryland attorneys an annual assessment bill which includes \$20.00 for the CPF and the remaining \$115.00 is allocated to the Commission for its operating costs. The CPF considers claims for reimbursement to clients and others who have sustained financial loss caused by misuse of client and/or fiduciary funds held by attorneys.

The number of attorneys admitted to practice law in Maryland increased from 33,018 last fiscal year to 33,400 this fiscal year.

DISCIPLINARY SUMMARIES  
(FY 2008)

ANNE ARUNDEL COUNTY

MARCALUS, Jeffrey S. - Suspended indefinitely by consent for engaging in conduct prejudicial to the administration of justice by sending a client inappropriate and sexually suggestive text messages and touching the client in a sexually suggestive manner while in the court house awaiting trial.

NUSSBAUM, Jerold K. - Disbarred for repeatedly misappropriating client funds and presenting false ledgers to the Attorney Grievance Commission.

BALTIMORE CITY

DONEGAN, Rachel K. - Disbarred by consent for engaging in criminal activity; pled guilty to wire fraud in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2.

KENDRICK, Karin Marie - Suspended indefinitely for mishandling an estate and taking an excessive fee taken without approval of the Orphans' Court.

MARUDAS, Kyriakos P. - Suspended indefinitely for taking funds to which he was not entitled.

MIXTER, Mark T. - Reprimanded by consent for improperly delaying litigation in violation of the Rules.

SAPERO, Robert A. - Reprimanded by the Court of Appeals for failing to remove his fees from trust, failing to timely provide his client with a settlement sheet and failing to cooperate with Bar Counsel.

SISKIND, William L. - Disbarred for misconduct involving a conflict of interest with a former client and for his false testimony at a deposition taken in his personal bankruptcy case.

STEINBERG, Jonathan A. - Disbarred by consent for misrepresentations to client and fraudulent billing practice.

ZUCKERMAN, Charles J. - Suspended indefinitely for failure to supervise his employee and failure to promptly pay lienholders.

#### BALTIMORE COUNTY

COOKE, Richard B. - Suspended for eighteen months by consent for filing two motions to recuse the judge in a federal lawsuit for alleged misconduct which had no connection with his client's case and for filing discovery requests in pursuit of this motion against individuals who were not parties to the lawsuit and who did not possess discoverable information.

GLASSMAN-KATZ, Robin - Disbarred by consent for lack of competence, lack of diligence in failing to respond to discovery requests and motions to compel and/or for sanctions and for misrepresenting the status of her cases to her supervisor.

HARRIS, Alan Edgar - Disbarred for having stock transferred to his name without his having the right to it.

KLINE, Robert L., III - Disbarred by consent based upon allegations of engaging in criminal conduct, dishonest conduct and conduct prejudicial to the administration of justice and knowingly presenting perjurious testimony.

KWARTENG, Charles O. - Commission reprimand for making a sexual gesture with his tongue at a female clerk at the Circuit Court for Baltimore County.

LAWSON, Jeffery - Suspended indefinitely for charging an unreasonable/excessive fee, failing to return unearned fees, failing to deposit unearned fees in trust and failing to adequately communicate with his client.

POUPKO, Avrohom R. - Commission reprimand for placing client funds directly into his operating account prior to the completion of the agreed upon representation.

QUILLEN, James P., Jr. - Disbarred by consent for misrepresentation.

TRAGESER, Stacie D. - Commission reprimand for failing to communicate with her client about the status of his case and for her untimely responses to requests by Bar Counsel for information concerning the complaint against her.

#### CAROLINE COUNTY

None

#### CARROLL COUNTY

GREEN, Daniel H. - Suspended for 30 days by consent for failure to supervise an employee and engaging in the practice of law while he was administratively ineligible to do so.



McCULLOCH, Carol Long - Disbarred for taking a fee, failing to do work on the matter, and failing to return the unearned fee.

CECIL COUNTY

None

CHARLES COUNTY

DUNWIDDIE, David A. - Commission reprimand for lack of competence, failing to abide by his client's wishes, lack of diligence, failure to adequately communicate with his client, failure to respond to Bar Counsel and for engaging in conduct prejudicial to the administration of justice.

DORCHESTER COUNTY

None

FREDERICK COUNTY

AVENDANO, Ana Luisa - Suspended for 90 days by consent for failing to act with reasonable diligence, failing to keep her client informed, failing to supervise non-lawyer assistant, failing to maintain an unearned advance fee in trust and failing to respond to Bar Counsel's lawful demand for information.

BRENNAN, Richard A. - Commission reprimand for failure to competently and diligently handle accounts of debt management and debt settlement clients, failure to timely communicate with clients, failure to respond to requests for information and refunds and mishandling funds entrusted to him by clients for payment to creditors.

ENGLEHART, David A. - Suspended indefinitely by consent for accepting retainers for work that he had not performed and not returning those funds.

MAHONE, Willie J. - Reprimanded by the Court of Appeals for failing to respond timely to repeated requests from Bar Counsel for information concerning a complaint from a client.

#### GARRETT COUNTY

HAMILL, Geoffrey Semmes - Disbarred by consent following his guilty plea to a felony count of unlawfully manufacturing a controlled dangerous substance (marijuana).

#### HARFORD COUNTY

KREAMER, Barbara Osborn - Disbarred for lack of competence, lack of diligence, failing to communicate with her client, charging unreasonable fees and making misrepresentations to clients.

NICHOLS, Ernest S. - Indefinite suspension for disbursement of proceeds from a personal injury settlement to himself as attorney's fees and to his client when the funds should have been turned over to the Bankruptcy Trustee because the client had filed a bankruptcy petition. He also failed to produce records requested by Bar Counsel.

#### HOWARD COUNTY

PAK, Hekyong (a.k.a., H. Christina Pak) - Disbarred for fraudulently conveying real property and engaging in conduct involving dishonesty, fraud or misrepresentation.

NGUYEN, Thai Hong - Commission reprimand for failing to provide discovery within the time provided by the rules of procedure, not requesting an extension of time in which to provide discovery and failing to respond to a Motion to Compel and for Sanctions. He also failed to appear at a Court ordered settlement conference and commingled personal funds in his attorney trust account.

STROUSE, James C. - Commission reprimand for failing to exercise the required knowledge, skill and thoroughness in handling service of process and documenting service of process.

WELLS, Brian A. - Commission reprimand for a conflict of interest by his representation of a client whose interests were directly adverse to a client he already represented, without first obtaining his first client's consent in writing, after consultation.

#### MONTGOMERY COUNTY

AKPAN, Emanuel Damascus - Reprimanded by the Court of Appeals for failure to adequately communicate with his client.

ELMENDORF, John A. - Reprimanded for advising an acquaintance that she and her husband could misrepresent their date of separation to obtain a divorce without waiting one year.

HARDNETT, Charlene S. - Suspended by consent for 60 days for transferring settlement funds from her escrow account to her operating account and failing to maintain those funds in the operating account.

HWANG, Ray L. - Reprimanded by consent for failure to supervise his support staff.

MOMODU, Lawal - Commission reprimand for maintaining a sexual relationship with his client prior to the conclusion of all proceedings in her divorce matter.

PAGE, Alfred Jr. - Suspended for 30 days by consent for failure to respond to Bar Counsel.

ROBERTSON, Bonar Mayo - Suspended indefinitely for practicing law while suspended.

SMITH, Patrick J. - Suspended for six months for impersonating a police officer and witness tampering, engaging in dishonest conduct, and engaging in conduct prejudicial to the administration of justice.

TURNBO, Monica Myers - Disbarred by consent for misappropriation of a client's worker's compensation award and abandonment of another client's legal matter.

PRINCE GEORGE'S COUNTY

BLUMENTHAL, Michael S. - Commission reprimand for failing to establish a definitive fee agreement with his client which led to his failing to appear at her trial and failing to place partial payments from his client into an attorney trust account until such funds were earned.

CALLIHAN, Herbert Aldon, Jr. - Disbarred by consent for his misuse of trust funds.

HOAGE, Donald, L. - Suspended subject to further order of the Court in a reciprocal action from a suspension in the District of Columbia where he claimed a disability.

MAIGNAN, Peter R. - Suspended indefinitely (continuation of current indefinite suspension) for practicing law while suspended and failing to place unearned fees in a trust account.

MBA-JONAS, Victor - Suspended indefinitely for commingling and misappropriation of escrow funds.

WALKER, Alfred Jr. - Disbarred for representing clients while decertified, failing to appear in court, and for entering his appearance on behalf of a criminal defendant with whom he had been arrested.

WILBON, Bernadette M. - Suspended indefinitely by consent for lack of competence, lack of diligence, lack of communication with her clients, charging an unreasonable fee, failing to hold prepaid unearned fees in trust until earned and failing to promptly refund prepaid unearned fees, and failing to respond to Bar Counsel.

WINGERTER, Rex B. - Disbarred based upon his conviction in the U.S. District Court for the Eastern District of Virginia of the offense of misprision of a felony.

WORTHY, Michael R. - Reprimanded by consent for advancing funds to his client for mortgage payments while representing her in litigation concerning the property. He negotiated a lease of the property to another client, representing both parties.

ST. MARY'S COUNTY

IZYDORE, Julian J. - Disbarred by consent for misappropriation of funds from an Estate and his filing of false administration accounts while serving as Personal Representative of the same Estate.

TALBOT COUNTY

KELLER, J. Phillip - Commission reprimand for representing a client when the representation of that client may have been materially limited by his responsibilities to a third person or himself and he could not have reasonably believed the representation would not be adversely affected.

WICOMICO

WEBSTER, Arthur D. - Disbarred for misappropriation of client funds.

WORCESTER COUNTY

BODLEY, David W. - Inactive status by consent due to a medical condition

OUT OF STATE

BEKELE, Solomon - Suspended for 30 days by consent for lack of communication, lack of competence, neglect and engaging in the unauthorized practice of law.

CONRAD, Stephen T. - Disbarred by consent for misappropriation of client funds in a reciprocal action from the State of Virginia.

FLOYD, Angela T. - Suspended for 90 days for concealing the nature of her relationship with her husband, who was the author of a letter presented to the Federal Trade Commission, to secure a higher starting salary than she would have otherwise received.

FOX, David E. - Commission reprimand for lack of diligence and failure to communicate with his client.

HASKETT, Amber Carol - 30 day suspension by consent, based on a suspension in California for altering a Power of Attorney.

KALIL, Thomas F. - Reprimanded by the Court of Appeals for engaging in conduct involving dishonesty, fraud, deceit and misrepresentation.

McBROOM, Wayne I. - Reprimand by consent for failing to appear at a criminal hearing, failing to communicate with his client and not promptly refunding his client's money to him upon request.

MOLLICK, Georgina - Suspended indefinitely for conviction of misprision of a felony.

OUTLAW, Phyllis J. - Suspended for 60 days by consent in reciprocal action from the District of Columbia, where she allowed the statute of limitations to run and then concealed that from her client. She also charged client a late fee without any provision in her retainer agreement authorizing the charge.

PARSONS, David Wayne - Disbarred for filing a false affidavit and sending out a fraudulent press release.

WENDELBURG, Allan - Suspended for three years for neglect, failing to refund an unearned retainer and failing to pay income and payroll taxes.

WHITEHEAD, H. Allen - Indefinite Suspension for taking fees from funds held in trust without prior court approval.

WHITEHEAD, H. Allen - Disbarred for making a loan from the receivership for a ward, without prior court approval.

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

Each recommendation of a dismissal or a warning to an attorney by Bar Counsel or a peer review panel must be submitted to the Commission for approval or rejection. The Commission has the power to accept the recommendation, reject the recommendation and direct another disposition or direct the filing of public charges against the attorney. If a warning is to be issued to an attorney that attorney has the opportunity to reject that disposition under Maryland Rule 16-735(b)(2), in which event, the complaint is referred back to Bar Counsel who may take any other action permitted by Maryland Rule 16-734.

#### THE PEER REVIEW COMMITTEE

There were ninety-nine (99) peer review panels appointed this FY compared with 114 last FY. These panels dealt with 144 individual complaints (some respondents had multiple complaints against him/her which were referred to the same peer review panel). Baltimore County and Prince George's County had the largest number of panels appointed. Of the twenty-three (23) Maryland counties and Baltimore City, eight (8) counties had no peer review panels appointed.

The Commission reviews all recommendations by a peer review panel. Last FY the Commission overruled 18 recommendations, 11 for a stricter recommendation. This FY the Commission overturned 13 recommendations, 12 for a stricter recommendation and one for a lesser recommendation.

The average time for a peer review panel to be set was 24 days; an average of 52 days to hold a meeting; and 13 days to file a report.

Twenty-six percent (26%) of the peer review panel recommendations were for the filing of public charges against the attorney.

#### PUBLIC MATTERS AND CONDITIONAL DIVERSION AGREEMENTS

At the close of last FY there were thirty-nine (39) attorneys subject to a Conditional Diversion Agreement. At the close of this FY, there were thirty-six (36). At the close of last FY there were 60 complaints involving 44 attorneys which were pending in the Court of Appeals. At the close of this FY, there were 75 complaints involving 45 attorneys pending resolution.

Maryland Rule 16-736 provides that Bar Counsel may agree to a Conditional Diversion Agreement with an attorney who is under investigation. An agreement and its terms must be approved 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.

Sample terms include apologies to clients or others; refunds of legal fees; agreement to submit a fee dispute to a fee arbitration process; attendance at professionalism or continuing legal education courses; attendance at all day conferences for solo practitioners; courses in legal ethics; attendance at a 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; an agreement to refrain from practicing in certain areas of the law; mandated continuing treatment by a psychiatrist or psychologist for a mental illness problem; and agreement to be monitored by the Lawyer



Assistance Program (LAP) of the Maryland State Bar Association (MSBA). Should an attorney, subject to an agreement, fail to comply with its terms, the agreement can be revoked by the Commission at the request of Bar Counsel. Thereafter, public charges may be filed based on the original violations and stating the reason(s) for the revocation.

### CONSERVATORSHIPS

It was not necessary for Bar Counsel to be appointed as a conservator this FY for any attorney whose death, disbarment, suspension, or disappearance required such action. One appointed conservatorship remains open from a prior fiscal year and, when appropriate, a court order will be sought to close it. Bar Counsel did assist other attorneys who agreed to be the appointed conservator.

### LAWSUITS AGAINST BAR COUNSEL OR STAFF

A lawsuit against an assistant bar counsel and investigator was dismissed at the close of this FY.

Bar Counsel was appointed by the U.S. Fourth Circuit Court of Appeals as a disciplinary prosecutor. A disbarred Maryland attorney asked for a hearing under the rules of the Fourth Circuit in an attempt to retain his license to practice before that Court despite the fact he no longer has a license to practice in Maryland nor in the United States District Court for the District of Maryland. That argument is scheduled for September 2008.

### TARGETED MAIL SOLICITATIONS

Business Occupations and Professions Article of the Annotated Code of Maryland §10-605.2 requires an attorney to file with Bar Counsel a copy of a letter of solicitation sent to prospective clients under certain circumstances. It was necessary to correct a few such letters sent to comply with the Code as well as Maryland Lawyers' Rules of Professional Conduct 7.1 through 7.5.

Last FY there were 1,557 targeted mail letters received from attorneys. This FY there were 1,587. Newly admitted members of the Maryland Bar use this method in an attempt to build their practices. Members of the Bar, who do not use this marketing technique or are unaware of its permissibility, often complain when one of their clients is solicited in such a manner.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

A total of 131 overdraft notices were received this FY compared with 92 last FY. Twenty-four (24) of these notices were transferred to docketed complaint status for further investigation for the following reasons:

The attorney was already under investigation	5
Funds disbursed with no prior deposit	1
Depositing unearned fees in operating account	1
Poor recording	4
Commingling	4
Disbursed more than deposited	3
Failure to respond	5
Allowed client's agent access to trust account	1

Twenty-nine (29) notifications were the result of an error by the banks, the reasons for which included a hold on funds not released (6), notification was about non-escrow accounts (2), funds wired to wrong account (4), bank fees charged to wrong account (2), bank titled account incorrectly (2), error by new bank taking over prior bank in making erroneous reports (9), deposits not credited properly by bank (2) and debits made in error (2).

Finally, seventy-eight (78) errors were made by the attorney or his/her staff for the following reasons: bookkeeping or software error (12); deposited or wired to wrong account (15); check to client cleared prior to deposit (7); did not provide for fees to account (8); deposit returned (6); internal/external fraud (4); wrote check on wrong

account or wired funds from wrong account(18); late wire deposit (7); and an unauthorized debit (1).

#### SANCTIONED ATTORNEYS EMPLOYED AS PARALEGALS

Maryland Rule 5.3(d) requires that an attorney who hires and supervises a sanctioned attorney report that employment to Bar Counsel, provide the agreement between the employer and employee, and report any termination of that employment.

During FY 2008 Bar Counsel received reports from three (3) employers who hired a sanctioned attorney. Only one employer reported that the employment was terminated. This compares with last FY when there were 17 reports in which sanctioned attorneys were hired. Many of these had been working prior to the adoption of the rule.

#### AN IMPORTANT DEVELOPMENT

The Court of Appeals adopted Maryland Rule 16-606.1, effective January 1, 2008, which requires attorneys to maintain trust account records in a specific manner. Associate Judge Glenn T. Harrell, Bar Counsel, Deputy Bar Counsel, and the Chair of the Commission addressed many county and specialty bar associations who requested a brief seminar on the new rule and the “road show” covered most of the State of Maryland. It is anticipated that this rule will serve not only to educate attorneys who were not conversant with fiduciary record keeping, but will result in fewer complaints of improper use of fiduciary funds.

#### UNAUTHORIZED PRACTICE OF LAW INVESTIGATIONS

Twenty-one (21) complaints were opened this fiscal year based on allegations that a person or organization was engaged in the unauthorized practice of law (UPL). One complaint from a prior year finds that person still engaged in UPL, despite a consent order. A motion to adjudicate that person in contempt is pending. The investigative results were as follows:

~~ Four (4) complaints remain open and under investigation.

One attorney, a member of the District of Columbia Bar, was alleged to have been practicing from his home based on one client. Although it did not appear that he held himself out to the public as such, he elected to open an office in the District of Columbia and Bar Counsel's investigation was concluded.

~~ A mediator was found not to be engaged in UPL.

A member of the New York Bar was referred to the New York's disciplinary counsel for investigation, since prior complaints involving the member also had been referred to that state.

~~ One complaint was dismissed.

All activity occurred outside the State of Maryland.

~~ One complaint was dismissed.

A Maryland attorney's only conduct was to refer a tort case to a Florida attorney and the attorney in question never engaged in UPL in the State of Florida.

~~ Two cases involved former inmates.

Their activities as "paralegals" involved giving legal advice and preparing legal documents for filing in court. After investigation they voluntarily ceased operations.

~~ One matter was transferred to a docketed file.

Further investigation was conducted for a resolution in the disciplinary process.

~~ Five investigations revealed only a translation service for immigrants helping to file documents with Homeland Security.

One attorney, admitted in Germany, only advertised to help German citizens' problems in Germany. It was dismissed.

Investigation in two matters revealed no UPL.

One complaint involved a landlord who was owed rent by a tenant who claimed he was an attorney. No evidence was established that the tenant at the address had any indicia that he was an attorney and indeed had been sued many times for indebtedness by others.

## INJUNCTIONS

No injunctive relief was necessary this FY. That relief is sought if a non-lawyer is engaged in the unauthorized practice of law or an attorney who has been disbarred or suspended is engaged in the unauthorized practice of law. Injunctions also may be sought if there is ongoing harm to clients due to an attorney's misuse of trust funds.

## SUBPOENA FOR COMMISSION FILES

There were none requested this FY.

## ACTIVITIES OF PROFESSIONAL STAFF

The legal staff engaged in a number of lectures and programs this FY.

Bar Counsel participated in one MICPEL program. He spoke, along with the Deputy Bar Counsel, Commission Chair David D. Downes and Judge Glenn T. Harrell, Jr. of the Court of Appeals, at four programs on the new required record keeping rules. He gave a lecture on the new rules before the James C. Cawood Inns of Court and participated in seminars in Anne Arundel County on ethical problems in personal injury practice. He was a member of a panel before the Bankruptcy Bar Association on ethical problems in that practice area.

Deputy Bar Counsel Glenn M. Grossman participated in five programs on the new record keeping rule including one at the Conference of Bar Presidents. He was a judge at the National Moot Court competition at the University of Baltimore School of Law and presented a program sponsored by MICPEL on risk management and reprised that program at the annual meeting of the Maryland State Bar Association. Mr. Grossman participated in the Milton Talkin lecture of the Bar Association of Baltimore City on ethics for government lawyers. He was a facilitator at two professionalism programs for new bar admittees. He also spoke to the Prince George's County States Attorney's office about ethical issues affecting prosecutors. Mr. Grossman was a member of two seminar panels sponsored by the CNA Insurance Company on risk management. He addressed graduate students at the University of Baltimore on legal and ethical issues and lectured

at the University of Maryland Forensic Psychiatry Seminar. Mr. Grossman was appointed to the adjunct faculty of Columbus School of Law of the Catholic University of Maryland.

Assistant Bar Counsel Raymond A. Hein spoke to the Frederick County Criminal Defense Bar about attorney advertising and soliciting. He addressed the Waring Mitchell Law Society about the new trust account record keeping requirements. He spoke as a guest lecturer to a paralegal class at the Community College of Baltimore County concerning legal ethics and law office management. He served on the faculty of a MICPEL family law program, addressing ethical issues specific to family law practice. Mr. Hein also authored an article about Maryland Rule of Professional Conduct 8.4(d) for The Advocate, the quarterly publication of the Maryland State Bar Association's Young Lawyers Section.

Assistant Bar Counsel Dolores O. Ridgell participated in the Maryland State Bar Association professionalism class for new admittees and a training session for the faculty.

Assistant Bar Counsel Fletcher P. Thompson participated in a program on trust accounts given by the Anne Arundel County Bar Association. In addition, he wrote eight articles on ethical issues for the James C. Cawood Inns of Court.

### PERSONNEL CHANGES

Kathleen M. McLaughlin was employed as an Assistant Bar Counsel in November 2007.

Three legal secretaries resigned from the Commission, Mary Bedell whose husband retired to Florida; Kristy Gibbs took a position with the Washington Suburban Sanitary Commission and Nicole Adams took a position with the Maryland Board of Bar Examiners. Loretta Mills joined the staff as a legal secretary in May 2008.

Paralegal Terry Ruffatto resigned to become the Chief Deputy Clerk of the Court of Appeals of Maryland.

### STAFF

(As of June 30, 2008)

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  
Kathleen M. McLaughlin

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

Paralegal  
John DeBone

Office Manager  
Debra L. Zachry

Administrative Assistant to the Office Manager  
& Deputy Bar Counsel  
Donna E. Marlowe

Secretaries

Sharon D. Gross  
Nakeia R. Gray-Smith  
Patricia A. Johnston  
Susan G. Townshend  
Loretta J. Mills  
Debora A. Goodrick

Receptionist

Devon McGee

CONCLUSION

The Commission expresses its deep appreciation for each attorney and public member who has volunteered to participate in the peer review process. It is only through their dedication to the protection of the public and the need to review complaints of misconduct that the discipline system is effective in its mission.

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.  
George E. Meng, Jr. Esq.  
Barry P. Gossett, Public Member  
Jerald S. Sachs, Public Member  
Linda Bowler Pierson, Public Member



## EXHIBIT "A"

## 10 YEAR COMPARISON CHART

	1998- 99	1999- 2000	2000- 2001	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008	10 Year Totals
<b>Complaints Received</b>	1,319	1,348	1,410	1,468	1,559	1,610	1,562	1,844	1,589	1,647	15,356
<b>Docketed Complaints Received (Prima facie misconduct indicated)</b>	664	543	460	420	475	485	469	400	351	406	4,673
<b>TOTALS</b>	1,983	1,891	1,870	1,888	2,034	2,095	2,031	2,244	1,940	2,053	20,029
<b>Docketed Complaints Concluded</b>	617	605	585	556	435	487	472	441	368	414	4,980
<b>Dispositions (by number of Attorneys)</b>											
<b>Disbarred</b>	6	9	7	15	12	22	10	10	9	11	111
<b>Disbarred by Consent</b>	5	11	16	15	5	6	14	12	8	10	102
<b>Suspension</b>	34	28	26	27	35	23	22	21	20	24	260
<b>Temporary Suspension Rule 16-773(d)</b>	0	0	0	1	0	1	1	2	1	0	6
<b>Public Reprimand by Court</b>	11	16	12	8	7	6	3	10	3	9	85
<b>Public Reprimand by Commission</b>	0	0	0	12	12	22	22	16	16	12	112
<b>Private &amp; Bar Counsel Reprimands</b>	37	25	32	26	1	0	0	0	0	0	121
<b>Inactive Status</b>	1	1	0	0	4	2	1	3	4	1	17
<b>Dismissed by Court</b>	5	3	5	8	6	6	4	4	4	7	52
<b>Petitions for Reinstatement Granted</b>	1	3	3	6	5	3	10	1	3	9	44
<b>Petitions for Reinstatement Denied</b>	1	2	2	1	4	2	0	4	5	7	28
<b>Resignation (Voluntary) Denied</b>	0	0	0	0	0	0	0	0	0	1	1
<b>Resignations</b>	0	0	0	0	0	1	0	0	2	1	4
<b>TOTALS</b>	<b>101</b>	<b>98</b>	<b>103</b>	<b>119</b>	<b>91</b>	<b>94</b>	<b>87</b>	<b>83</b>	<b>75</b>	<b>92</b>	<b>943</b>
<b>Number of active Attorneys admitted to practice law in Maryland</b>	28230	29166	29863	30646	31224	31934	32066	32390	33018	33400	

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

<b>I. General</b>	<b>2006- 2007</b>	<b>2007- 2008</b>
<b><u>Complaints Received</u></b> (determined not to be disciplinary in nature) TOTAL	1589	1647
<b><u>Docketed Complaints</u></b>		
Complaints carried over from previous year	371	353
Complaints received	351	406
<b>TOTAL</b>	<b>722</b>	<b>759</b>
Complaints concluded	368	414
Complaints carried over to next Fiscal year	354	345
<b><u>Disposition of Docketed Complaints</u></b>		
Dismissed:		
By Commission & Administratively Closed	166	195
With Warning by Commission	37	43
Following Peer Review	18	15
With Warning following Peer Review	13	11
Disciplinary Action	103	116
Concluded due to Reinstatement Granted/Denied, Dismissed by Court of Appeals, Resignation, Inactive Status	33	34
<b>TOTAL</b>	<b>370</b>	<b>414</b>

“Exhibit B”

**I. General** (continued)

<b>Status of Pending Docketed Complaints at end of FY:</b> <i>(Represents number of files)</i>	<b>2006- 2007</b>	<b>2007- 2008</b>
Administrative Processing	108	98
Investigation	36	50
Deferred Docket	7	10
Peer Review	63	60
Conditional Diversion Agreements	44	39
Petitions for Disciplinary or Remedial Action to be filed	31	9
Petitions pending in court and not concluded	60	75
Temporary Suspension under new Rule 16-773(d)	1	1
Pending suspensions under old Rule 16-716	3	3
<b>TOTAL</b>	<b>353</b>	<b>345</b>

<p style="text-align: right;">“Exhibit B”</p> <p><b>II. Commission Action after Peer Review Panel Recommendations:</b> <i>(figures represent number of files)</i></p>	<p><b>2006-2007</b></p>	<p><b>2007-2008</b></p>
Pending at beginning of FY	31	63
Referred to Panel during FY	171	140
SUBTOTAL	202	203
Dismissed	18	15
Dismissed with Warning	13	13
Directed Petition for Disciplinary or Remedial Action be filed in Court of Appeals	78	69
Reprimand issued by Commission	11	31
Conditional Diversion Agreement entered into (while pending before Panel)	15	7
Deferred Docket (while pending before Panel)	0	1
Terminated prior to Panel meeting for Commission disposition	3	6
Disbarment by the Court of Appeals (while pending before Panel)	2	0
Disbarment by Consent (while pending before Panel)	0	1
TOTAL	140	143
Files carried to the next Fiscal Year	62	60

<p style="text-align: right;">“Exhibit B”</p> <p><b>III. Reasons for Disciplinary Action:</b></p> <p>Represents number of attorneys - excludes reinstatement, resignation, inactive status, dismissal by the court, or monitoring. Disciplinary action may have resulted from several rule violations, <u>only the major rule violated is indicated below.</u></p>	<p style="text-align: center;"><b>2006-2007</b></p>	<p style="text-align: center;"><b>2007-2008</b></p>
Competent representation, diligence, communication, neglect and abide by client’s decisions	11	9
Misconduct - dishonesty, fraud, deceit, or misrepresentation	12	17
Misconduct - prejudicial to administration of justice or unauthorized practice of law	4	9
Criminal Act or Conviction	4	5
Misappropriation - theft of client's funds, estate funds, fiduciary funds or law firm funds	5	4
Excessive fee, improper division of fee or illegal fee	3	2
Incompetence (substance abuse, mental or physical illness)	0	2
Responsibility of actions by subordinate lawyer or non-legal personnel	2	3
Conflict of Interest	2	4
Failure to maintain complete records, account to client or others, maintain trust account, or safeguard funds	7	6
Commingling	2	3
Failure to respond to disciplinary agency	2	3
TOTAL	54	67

“Exhibit B”		
IV. Type of Matter from which Docketed Complaint arose:	2006-2007	2007-2008
<b>Maryland Rules:</b>		
A. Injury to person, property, Workers Compensation	48	37
B. Family Law	41	37
C. Criminal	24	52
D. Real Estate	27	36
E. Probate	15	21
F. Tax	5	1
G. Business Matters	7	15
H. Civil Litigation	44	64
I. Contract	1	5
J. Bankruptcy	11	13
K. Other	118	110
L. Immigration	10	15
<b>TOTALS</b>	351	406

“Exhibit B”

**V. Docketed Complaints Received by County: 2007-2008**

Allegany County	3	Howard County	12
Anne Arundel County	27	Kent County	0
Baltimore County	60	Montgomery County	74
Baltimore City	56	Prince George's County	62
Calvert County	0	Queen Anne's County	0
Caroline County	0	St. Mary's County	2
Carroll County	7	Somerset County	1
Cecil County	3	Talbot County	2
Charles County	4	Washington County	3
Dorchester County	1	Wicomico County	5
Frederick County	32	Worcester County	4
Garrett County	4	Out of State	39
Harford County	5	TOTAL	406

**ATTORNEY GRIEVANCE COMMISSION**  
**ACTUAL RECEIPTS AND EXPENDITURES**  
**FY 2007 & FY 2008**

<b>RECEIPTS</b>	<b>7/1/2006 - 6/30/2007</b>	<b>7/1/2007 - 6/30/2008</b>
Attorney Assessments	3,687,054.00	3,912,493.00
Interest Income	163,769.00	213,867.00
Costs Recovered by Court Order	49,317.00	13,939.00
Client Protection Fund - Staffing Fees	212,619.00	233,726.00
<b>TOTALS</b>	<b>\$4,112,759.00</b>	<b>\$4,374,025.00</b>
<b>EXPENDITURES</b>		
Salaries	1,730,600.00	1,889,330.00
Equipment (Purchase and Maintenance)	28,461.00	90,815.00
Employee Benefits	621,416.00	688,431.00
Office Expenses	82,011.00	93,848.00
Commission & Peer Review	63,060.00	74,350.00
Court Reporters - Depos & Transcripts	22,151.00	20,297.00
Investigative Costs & Employee Travel & Mileage	92,769.00	136,453.00
Training Seminar	1,783.00	0.00
Audit	9,000.00	11,100.00
Contribution - Lawyer Assistance Program	114,311.00	111,438.00
Subsidiary Location - Executive Secretary - Office Expenses	12,659.00	10,287.00
<b>TOTALS</b>	<b>\$2,778,221.00</b>	<b>\$3,126,349.00</b>
<b>FUND BALANCE</b>	<b>\$3,664,335.00</b>	<b>\$4,884,760.00</b>

\*\*\* EXHIBIT 'C' \*\*\*



## Budget Fiscal Year 2009

7/1/2008 - 6/30/2009

<b>RECEIPTS</b>	
Attorney Assessments	3,950,520.00
Interest Income	120,000.00
Costs Recovered by Court Order	15,000.00
Contribution for Client Protection Fund Staffing	217,679.00
<b>TOTAL</b>	<b>\$4,303,199.00</b>
<b>EXPENDITURES</b>	
Salaries	2,006,353.00
Employee Benefits	587,989.00
Equipment (Purchase and Maintenance)	40,100.00
Office & Employee Related Expenses	287,194.00
Commission & Peer Review	113,552.00
Court Reporters - Transcripts	23,000.00
Investigative Costs & Employee Travel & Mileage	123,000.00
Training Seminar	7,000.00
Audit	10,500.00
Contribution - Lawyer Assistance Program	114,563.00
Subsidiary Location - Executive Secretary - Operating Expenses	18,100.00
<b>TOTAL</b>	<b>\$3,331,351.00</b>
Anticipated Revenues in Excess of Expenses for FY 2009	\$971,848.00
Anticipated Surplus Carried Over from FY 2008	\$4,857,983.00
Anticipated Surplus Carried Over from FY 2009	\$5,829,831.00

\*\*\* EXHIBIT 'D' \*\*\*