

**THE
ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND**

The seal of the Attorney Grievance Commission of Maryland is a circular emblem. It features a central shield divided into four quadrants: top-left is yellow and grey diagonal stripes; top-right is red and white with a white cross; bottom-left is red and white with a white cross; bottom-right is yellow and grey diagonal stripes. Below the shield is a ribbon with the year '1975'. The outer ring of the seal contains the text 'ATTORNEY GRIEVANCE COMMISSION' at the top and 'ESTABLISHED BY THE COURT OF APPEALS OF MARYLAND' at the bottom.

32nd Annual Report

July 1, 2006 thru June 30, 2007

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ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
32nd ANNUAL REPORT
July 1, 2006 through June 30, 2007

This report reflects the continuation of positive trends we have observed for the past several years. While the total number of grievances received by the Commission is up slightly (approximately 5%), the total number of cases docketed for further investigation fell from 400 in Fiscal Year (FY) 2006 to 351 this fiscal year. Last year's total was down from 469 in FY 2005. Therefore, there has been a 25% drop in docketed complaints in just two years. Indeed, 351 docketed complaints represent a sixteen-year low. We have speculated that this trend is attributable to a number of factors, including the mandatory professionalism course for new Maryland Bar admittees, strong attendance at various continuing legal education programs (especially those related to office management), the emphasis on ethics and professionalism by bar associations and in the law schools and the prophylactic effect of the publication and dissemination of disciplinary cases heard by the Court of Appeals.

The Commission is established by Maryland Rule 16-711 as adopted by the Court of Appeals of Maryland. Its membership consists of nine (9) attorneys and three (3) public members, each appointed by the Court of Appeals for a term of three (3) years. Commissioners may be 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 has an Executive Secretary to perform the functions mandated by Maryland Rule 16-711(e). The Commission meets on a monthly basis.

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 warning and, with the assent of Bar Counsel and the Respondent, reprimands and conditional diversion agreements. The Commission may determine that a different disposition is warranted than that recommended. 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 2006 and 2007 appear at the end of this report (Exhibit C). The main source of funding is the mandatory annual assessment paid by each attorney admitted to the Bar of Maryland who wishes to maintain his/her eligibility to practice. The assessment for Fiscal Year 2007 was \$110.00. On July 1st of every year, the Client Protection Fund (CPF) sends to Maryland attorneys an annual assessment which includes \$20.00 for the CPF in addition to the portion allocated to the Commission. The CPF considers claims for reimbursement of clients and others who have sustained financial loss caused by misuse of client and/or fiduciary funds held by attorneys.

The number of attorneys admitted to practice in Maryland increased from 32,390 last fiscal year to 33,018 this fiscal year.

DISCIPLINARY SUMMARIES
(FY 2007)

ANNE ARUNDEL COUNTY

COFFIN, James L. - Disbarred by consent for misappropriation of funds of which he was trustee.

DOWNER, Daniel G., Jr. - Commission reprimand for failing to act in a timely manner, on behalf of the Personal Representative of an estate, to take control and/or possession of the assets of the Estate, for failing to file the necessary reports and inventories in a timely manner, and for failing to respond to Bar Counsel and other interested parties.

GOFF, Randall E. - Suspended indefinitely for failing to keep accurate financial records, using trust funds for unauthorized purposes and for failing to respond to demands for information from Bar Counsel.

HILL, John L. - Suspended for 30 days for a lack of diligence, lack of communication with his client and for failure to respond to Bar Counsel.

MANGER, William H. - Suspended indefinitely for incompetence and charging an excessive fee.

BALTIMORE CITY

BAKER, Sean W. - Disbarred for lack of diligence, failing to communicate with a client, failing to respond to Bar Counsel, failing to protect a client's interests upon termination of representation and for failing to obey several court orders.

HODGSON, Melinda Porcher - Disbarred for failing to communicate with her client resulting in the inability of her client to make informed decisions regarding the

representation and for failing to respond to lawful demands for information from the Office of Bar Counsel.

HOOVER, Stewart P. - Disbarred in reciprocal action from Arizona for failing to diligently and competently represent his clients, commingling and failing to take reasonably practicable steps to protect client interests upon termination.

MUHAMMAD, Patrick J. - Disbarred for lack of competence in handling multiple client matters, failing to communicate with clients or respond to their inquiries, failing to act to protect clients' interests upon the termination of his services, charging an unreasonable fee and engaging in dishonest, fraudulent, deceitful conduct, and for failing to comply with Bar Counsel's requests for information.

ROBATON, David M. - Commission reprimand for failing to ascertain the date on which his client had made a gift of her interest in her house before filing a bankruptcy petition on her behalf, filing an incomplete petition, failing to enter his appearance in the matter and failing to advise her on the effects of the transfer once he learned of its date.

ROBERTS, Quinton D. - Disbarred for misappropriation of client funds.

SUTTON, David D. - Disbarred for accepting fees and then failing to represent his clients diligently or competently and for knowingly making a false statement to Bar Counsel.

VARES, Christopher K. - Interim suspension based upon his criminal conviction on a charge of possessing a controlled dangerous substance.

WARD, Kenneth S. - Suspended indefinitely for acting incompetently in representing his clients.

WARD, Kenneth S. - Disbarred for incompetence and for misrepresenting his disciplinary status to a court.

BALTIMORE COUNTY

FOX, Timothy - Commission reprimand for notarizing a General Durable Power of Attorney and Designation of Guardian for an elderly client known to the Respondent, without personally witnessing the client's signature.

REES, Natalie H. - Suspended for 30 days for failing to maintain a substantial portion of an unearned retainer fee in her trust account, failing to refund the unearned portion of the retainer after being discharged from the representation and for failing to respond to Bar Counsel.

RODGERS, David A. - Suspended indefinitely by consent for lack of diligence and for failing to refund fees in several bankruptcy matters.

CAROLINE COUNTY

BUTLER, Alphonzo J. - Disbarred for misappropriation of client funds.

CARROLL COUNTY

McCULLOCH, Carol Long - Suspended indefinitely for placing an unearned fee in her operating account, spending it, and failing to refund the unearned fee to her client and for failing to respond to Bar Counsel.

CECIL COUNTY

MAHONEY, Joseph J. - Commission reprimand for advancing \$1,775 for living expenses to his client in a personal injury matter, both from his attorney trust account and from his office account. He also failed to supervise this employee's handling of the trust account,

and failed to make sure the account was maintained in compliance with the rules of professional conduct.

FREDERICK COUNTY

MAHONE, Daniel Q. - Reprimanded by the Court of Appeals for failing to appear in court, making demeaning remarks to a judge in court, and walking out of court while the judge was making a ruling.

GARRETT COUNTY

SWEITZER, Barry E. - Suspended indefinitely for submitting a fraudulent gift form to the Motor Vehicle Administration to effect transfer of title of a motor vehicle and for failing to record a deed.

HARFORD COUNTY

LEE, Norman J. III - Suspended indefinitely for failing to pursue the matter for which he was retained and for failing to respond to his client until nearly two years after the payment of the retainer fee. Mr. Lee also intentionally misled Bar Counsel's office during the course of its investigation.

LEE, Norman J. III - Suspended indefinitely for his conduct in failing to diligently pursue client's legal matter, failing to communicate with client, failing to return unearned fees and failing to respond to Bar Counsel.

LEE, Norman J., III - Commission reprimand for failing to maintain, in trust, funds representing withholding taxes, failing to remit those taxes to federal and state tax authorities. He also failed on several occasions to maintain sufficient funds in his payroll account to cover employee checks which were returned for insufficient funds.

HOWARD COUNTY

DRAZIN, Stephen A. - Commission reprimand for failing to deposit and maintain an unearned portion of his client's advance retainer in an attorney trust account for safekeeping. He also failed to keep his client reasonably informed about the status of the representation.

PORTNER, Jonathan N. - Commission reprimand for conflict of interest in his dual representation of a couple in a criminal matter.

MONTGOMERY COUNTY

FARBER, Mindy G. - Commission reprimand for continuing a telephone conversation with an employee of an opposing party after she learned that the party was represented by counsel.

FICKER, Robin K.A. - Suspended indefinitely for lack of competence, lack of diligence, failing to communicate, conduct prejudicial to the administration of justice and failing to place an unearned fee in a trust account.

GEORGE, Philip J. - Disbarred by consent for misappropriation of real estate escrow funds.

LONG, Dimone G. - Disbarred by consent as a result of a criminal conviction, failing to diligently represent his clients, failing to communicate with his clients, misrepresenting the status of the case to his clients, placing an unearned lien on a client's settlement funds and failing to respond to Bar Counsel.

MIDLEN, John - Suspended for 18 months in a reciprocal action from the District of Columbia Court of Appeals. Mr. Midlen converted a disputed fee.

SCHNEIDER, Fritz H. - Disbarred by consent for failing to timely file a complaint on behalf of his client within the statute of limitations, resulting in the dismissal of the case.

In an attempt to conceal his error, he misrepresented to his client that the case was settled. Respondent paid his client from his personal funds as part of a scheme to misrepresent to his client that the case was settled rather than dismissed.

SKIRBLE, Joel A. - Commission reprimand for his handling of a personal injury case in a reciprocal action from the District of Columbia.

WILLIFORD, James E., Jr. - Commission reprimand for lack of competence, diligence and lack of communication, which resulted in two of his clients not being represented in proceedings filed against them.

PRINCE GEORGE'S COUNTY

ARTIS, Paris A. - Suspended indefinitely in reciprocal action from the District of Columbia for failing to respond to a DC Bar Counsel subpoena.

BAKARE, Adigun S. - Disbarred by consent for misappropriation of trust funds.

MCRAE, Randy - Commission reprimand for engaging in the unauthorized practice of law.

IJEABUONWU, Chike - Reprimanded by consent for failing to supervise his associate, failing to enter his appearance within five days of being retained in a criminal matter and for failing to request a continuance when he knew months in advance that his client would not be able to attend trial.

KING, Robert W. - Commission reprimand for failing to act with the requisite level of competence in his efforts to obtain issuance of a writ of habeas corpus requiring the

Division of Correction to produce his client in court for a hearing. He engaged in conduct prejudicial to the administration of justice by picking up his client at his work release job site without a court order or authorization.

MBA-JONAS, Victor - Suspended indefinitely for failing to safekeep client monies intact, failing to account for client monies in his escrow account, leaving earned fees in the escrow account, post-dating checks and having negative balances in the escrow account.

OBI, Uzoma C. - Suspended for 30 days for commingling and failing to cooperate with Bar Counsel's investigation.

SPEVACK, Linda S. - Suspended for 60 days by consent for not adequately explaining her fee agreement, not filing a client's case in a timely fashion, and then filing the complaint after having been discharged by her client. She also failed to act on her client's behalf for more than 2 years and did not communicate with her client.

WALKER-TURNER, John - Commission reprimand for failing to appear at a court hearing, failing to communicate with and keep client appropriately apprised of developments and for failing to promptly return unearned portion of attorney fees.

WORCESTER COUNTY

LLINAS, J. Christopher - Disbarred by consent for being convicted of tampering with evidence.

OUT OF STATE

EVANS, Dorsey Jr. - Suspended for 90 days for conflict of interest and incompetency.

GEORGE, Philip J. - Commission reprimand for failing to promptly disburse funds he received at settlement to pay off a client's first mortgage and home equity loans, which caused further payments to be withdrawn from the client's checking account.

IWEANOGE, John O. - Reprimanded by the Court of Appeals for authorizing a non-lawyer employee to sign pleadings and endorse orders filed in the Circuit Court for Arlington County, Virginia.

KLARMAN, Marie E. - Suspended indefinitely in reciprocal action from several states for delivering a false tax return, containing materially false information, to the Secretary of the Treasury.

LEMIEUX, James M. - Disbarred by consent for misappropriation of client funds which resulted in a criminal conviction.

LYNT, Christopher H. - Suspended for two years for using confidential client information on a patent application in his name.

PASIERB, John C. - Disbarred by consent for misrepresentation to clients about the status of two cases in civil litigation.

REYES, Arcadia J. - Commission reprimand for charging an unreasonable fee in an immigration matter and failing to make reasonable efforts to ensure that her employee's conduct was compatible with her professional obligations as a lawyer.

STEINBERG, Andrew M. - Disbarred for misrepresentations to his client and to opposing counsel and for failing to withdraw and take steps to the extent reasonably practicable to protect his client's interests.

TATELBAUM, Charles M. - Suspended for 90 days in a reciprocal action from Florida where he entered a plea of nolo contendere to one count of submitting a false statement to obtain insurance.

WHITEHEAD, H. Allen - Commission reprimand for failing to respond, without reasonable justification, to repeated requests for information and accountings regarding trusts for which he was trustee, made by or on behalf of the beneficiaries of the trust.

WOHLTMAN, Richard G. - Placed on inactive status by consent in reciprocal action from Virginia where he received a Summary Order of Impairment Suspension.

DOCKETED COMPLAINTS WHICH RESULT IN A DISMISSAL OR A WARNING

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

THE PEER REVIEW COMMITTEE

The Chair of the Peer Review Committee reported that during this fiscal year there were 546 volunteers (398 attorneys and 148 public members) available compared with 458 in Fiscal Year 2006. The number of peer review panels appointed, 114, was greater than the 99 panels

appointed the previous fiscal year, an increase of approximately 12 percent. Twenty-five (25) of these peer review panels reviewed more than a single complaint against an attorney. The total number of complaint files reviewed by the 114 panels was 168. Eighty-one (81) panel reports were issued, containing recommendations involving one hundred and twenty-six (126) complaints. The jurisdictions with the most peer review meetings were Prince George's County (27) and Montgomery County (23). Nine (9) counties had no peer review panel meetings.

Twenty-eight percent (28%) of the peer review panels which were concluded recommended the filing of public charges against the attorneys. Eight percent (8%) recommended dismissal.

It took an average of 27 days to appoint a panel and an average of 50 days for the panel to hold a meeting after it had been appointed. Of the eighty-one (81) panel reports filed, sixty-six (66) were received within 30 days, six (6) within 30-45 days and nine (9) beyond 45 days.

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

The Commission, while in agreement with most panel recommendations, occasionally decided that some recommendations were not acceptable and required an alternative disposition. In some cases, the Commission determined that a complaint should be dismissed despite a different recommendation from a panel.

PUBLIC MATTERS AND CONDITIONAL DIVERSION AGREEMENTS

The end of this fiscal year found conditional diversion agreements in effect involving thirty-nine (39) attorneys. This compares with the prior fiscal year's end in which there were

conditional diversion agreements in effect for fifty (50) attorneys. These statistics reflect the termination of some conditional diversion agreements from the prior fiscal year and include new ones that commenced during this fiscal year.

Last fiscal year there were 75 complaints pending in the Court of Appeals involving 35 disciplinary cases filed against attorneys. At the end of the current fiscal year there were 60 complaints pending in the Court of Appeals involving 44 attorneys.

TERMS OF CONDITIONAL DIVERSION AGREEMENTS

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

Agreements have resulted in some of the following conditions: apologies to clients or others, refund of fees, fee arbitration, attendance at professionalism or continuing legal education courses, attendance at all day conferences for solo practitioners, courses in legal ethics, return to law school for a class in a substantive area of the law, monitoring of the attorney's trust account or practice by another member of the Bar or by a certified public accountant, 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 Committee of the Maryland State Bar Association.

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

CONSERVATORSHIPS

There were three (3) new conservatorships established this year and one closed. Three conservatorships are pending. Conservatorships may be instituted when an attorney dies, disappears, is disbarred or becomes incompetent and there is no one else to review the files of the attorney. A member of the Commission staff is often appointed conservator by a Circuit Court but others may serve in that position pursuant to an Order of the Court.

LAWSUITS AGAINST BAR COUNSEL AND/OR THE COMMISSION

One lawsuit pending against Bar Counsel and the Court of Appeals was dismissed during FY 2007. The Office of the Attorney General of Maryland represents the Commission, Bar Counsel, the Court of Appeals and others associated with the disciplinary system, when the need arises.

TARGETED MAIL SOLICITATIONS

Business Occupations and Professions Article of the Annotated Code of Maryland, Section 10-605.2 requires an attorney to file with Bar Counsel a copy of a letter of solicitation sent to prospective client(s) under certain circumstances. This fiscal year 1,557 targeted mail letters were received from attorneys. Thirty-four (34) attorneys who had not submitted letters in the past are now using that method of marketing. Ten (10) letters received were not in compliance with the statutory requirements but were corrected after notice from Bar Counsel.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

There were ninety-two (92) overdraft notices received this year. Twenty-six (26) were transferred to docketed complaint status for further investigation for the following reasons: Commingling of funds in the trust account (5); possible misappropriation (4); failure to respond (9); previously docketed (4); not explained (2); ledger balances higher than bank balance (1); dishonored check (1).

Twenty (20) overdrafts were caused by bank errors for the following reasons: charged to wrong account (1); debited check twice (2); encoding error (1); debited funds from wrong account (3); reported in error (7); charged fee to wrong account (6).

Finally, forty-six (46) overdrafts were dismissed for the following reasons: late deposit (5); hold put on deposit (4); placed in a reinstatement file (1); deposit made to wrong account (4); failed to make timely deposit (3); deposit not cleared (7); external fraud (1); debited wrong account (13); check cleared before deposit (3); improper endorsement (2); transferred to screening "O" file (1); coded deposit to wrong account (2).

NEW REPORTING REQUIREMENT

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

During FY 2007, the Office of Bar Counsel has received seventeen (17) reports from employer attorneys who have hired formerly admitted attorneys.

UNAUTHORIZED PRACTICE OF LAW INVESTIGATIONS

Thirty-three (33) files were opened for investigation of alleged unauthorized practice of law (UPL). In Fiscal Year 2006, twenty-two (22) of such files were opened. During this fiscal year:

Seven (7) files were closed because the activity did not constitute UPL;

Seven (7) files were closed because there was insufficient evidence of UPL;

Six (6) files were closed because the individual consented to cease activities constituting UPL;

Two (2) files were disposed of as no action by Bar Counsel was necessary;

Two (2) files were closed because Respondents could not be located;

One (1) file was disposed of by resolution, removing attorney's name from website;

One (1) file was disposed of by attorney being recertified after filing required Pro Bono reports;

One (1) file was closed as complainant did not respond;

One (1) file was closed because matter was not within Bar Counsel's jurisdiction;

One (1) file was closed because there was an error in identification, which was corrected;

One (1) file was disposed of by a consent order being filed with the court to cease activity;

One (1) was formally docketed;

Two (2) files remain open at the end of the fiscal year.

ACTIVITIES OF PROFESSIONAL STAFF

Bar Counsel and his staff regularly communicate with members of the Bar and the public about ethical issues, the prevention of misconduct and the maintenance of professionalism. The legal staff holds memberships in several bar associations and one is active in the American Inns of Court programs.

This fiscal year Bar Counsel Melvin Hirshman authored six articles which were published in the Maryland State Bar Association Bar Journal. He made two presentations to the Anne Arundel County Bar Association and two to the Prince George's County Bar Association. He also made presentations to the St. Mary's, Calvert and Charles County Bar Associations. He spoke to the Baltimore City Paralegal Association about Maryland's disciplinary system. Bar Counsel appeared before the Bankruptcy Bar Association and spoke about the ethical challenges likely to be faced by its members. He spoke about fee agreements to the Montgomery Inn of Court and discussed the avoidance of grievances at two Maryland State Bar Association (MSBA) "Solo" Days. At the MSBA Annual Meeting in Ocean City, he appeared with the Deputy on a program concerning the newly-adopted record-keeping rule.

Deputy Bar Counsel Glenn M. Grossman spoke about ethics in litigation to a joint meeting of the Federal and Baltimore City Bar Associations. He also participated in a program concerning the same subject for the Maryland Institute for the Professional Education of Lawyers (MICPEL) at the University of Baltimore. He met with the Ethics Committee of the Montgomery County Bar Association. He was a speaker at the McGill Inn of Court in Howard County and participated in a family law program sponsored by MICPEL. He was twice a panelist at the Rossmann-Hurt-Hoffman/CNA Loss Control Seminar in Baltimore. The Deputy

also

spoke at the Maryland Judicial Institute about “The Attorney Disciplinary Case.” He addressed the physician students on the role of forensic psychiatry in the attorney disciplinary process at the Maryland Forensic Psychiatry Fellowship Seminar. Mr. Grossman was also a faculty member for the professionalism course given to new Maryland Bar admittees. He authored an article for the Maryland Bar Journal and was an Oral Argument Judge for the National Moot Court Competition. Mr. Grossman taught professional responsibility during the summer of 2007 as an adjunct professor at the University of Baltimore School of Law.

Assistant Bar Counsel James P. Botluk was a brief-grading judge for the National Moot Court Competition. He was a speaker at three sessions of a MICPEL program on immigration law and was a panelist at the American Immigration Lawyers’ Association Fall Conference in Washington, D.C.

Assistant Bar Counsel Raymond Hein was the keynote speaker at a monthly luncheon of the Montgomery County Bar Association. On two occasions, he addressed paralegal studies classes at the Community College of Baltimore County about law office management and legal ethics.

Assistant Bar Counsel Dolores Dorsainvil appeared on panels concerning bar examinations at the law schools of the University of the District of Columbia and American University. She also presented a program on how to avoid grievances to a joint meeting of the Black Women’s Bar Association and the J. Franklyn Bourne Bar Association.

PERSONNEL CHANGES

Bonnie L. Walter, receptionist, left to work in the private sector. Sharon Anderson replaced Ms. Walter as receptionist. Ms. Anderson resigned and was replaced by Debora Goodrick.

STAFF

On June 30, 2007, Commission staff was as follows:

Bar Counsel

Melvin Hirshman

Deputy Bar Counsel

Glenn M. Grossman

Executive Secretary

Kendall R. Ruffatto

Administrative Assistant to Executive Secretary

Jane F. Carr

Assistant Bar Counsel

James P. Botluk

Raymond A. Hein

Dolores O. Ridgell

Gail D. Kessler

Fletcher P. Thompson

Marianne J. Lee

Dolores Dorsainvil

Investigators

Marc O. Fiedler

Sterling H. Fletcher

Michael H. Peregoy

Dennis F. Biennas

C. Vernon Wilhelm

William M. Ramsey

Paralegals

John DeBone
Terry L. Ruffatto

Office Manager

Debra L. Zachry

Administrative Assistant

Donna E. Marlowe

Secretaries

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

Receptionist

Debora Goodrick

THE COMMISSION

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

CONCLUSION

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

EXHIBIT "A"

10 YEAR COMPARISON CHART

	1997-98	1998-99	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	10 Year Totals
Complaints Received	1,402	1,319	1,348	1,410	1,468	1,559	1,610	1,562	1,844	1,589	15,111
Docketed Complaints Received (Prima facia misconduct indicated)	527	664	543	460	420	475	485	469	400	351	4,794
TOTALS	1,929	1,983	1,891	1,870	1,888	2,034	2,095	2,031	2,244	1,940	19,905
Docketed Complaints Concluded	552	617	605	585	556	435	487	472	441	369	5,119
Dispositions (by number of Attorneys)											
Disbarred	6	6	9	7	15	12	22	10	10	9	106
Disbarred by Consent	13	5	11	16	15	5	6	14	12	8	105
Suspension	33	34	28	26	27	35	23	22	21	20	269
Temporary Suspension Rule 16-773(d)	0	0	0	0	1	0	1	1	2	1	6
Public Reprimand by Court	10	11	16	12	8	7	6	3	10	3	86
Public Reprimand by Commission	0	0	0	0	12	12	22	22	16	16	100
Private & Bar Counsel Reprimands	31	37	25	32	26	1	0	0	0	0	152
Inactive Status	4	1	1	0	0	4	2	1	3	4	20
Dismissed by Court	5	5	3	5	8	6	6	4	4	4	50
Petitions for Reinstatement Granted	0	1	3	3	6	5	3	10	1	3	35
Petitions for Reinstatement Denied	9	1	2	2	1	4	2	0	4	5	30
Resignations	0	0	0	0	0	0	1	0	0	2	3
TOTALS	111	101	98	103	119	91	94	87	83	75	962
Number of active Attorneys admitted to practice law in Maryland	27234	28230	29166	29863	30646	31224	31934	32066	32390	33018	

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

I. General	2005- 2006	2006- 2007
<u>Complaints Received</u> (determined not to be disciplinary in nature) TOTAL	1444	1589
<u>Docketed Complaints</u>		
Complaints carried over from previous year	412	371
Complaints received	400	351
TOTAL	812	722
Complaints concluded	441	368
Complaints carried over to next Fiscal year	371	354
<u>Disposition of Docketed Complaints</u>		
Dismissed:		
By Commission & Administratively Closed	230	166
With Warning by Commission	45	37
Following Peer Review	18	18
With Warning following Peer Review	8	13
Disciplinary Action Concluded, Reinstatement Granted/Denied, Dismissed by Court of Appeals, Resignation, Inactive Status	140	134
TOTAL	441	368

“Exhibit B”

I. General (continued)

Status of Pending Docketed Complaints at end of FY: <i>(Represents number of files)</i>	2005- 2006	2006- 2007
Administrative Processing	117	108
Investigation	55	36
Deferred Docket	10	7
Peer Review	31	63
Conditional Diversion Agreements	61	44
Petitions for Disciplinary or Remedial Action to be filed	18	31
Petitions pending in court and not concluded	75	60
Temporary Suspension under new Rule 16-773(d)	1	1
Pending suspensions under old Rule 16-716	3	3
TOTAL	371	353

II. Commission Action after Peer Review Panel Recommendations: <i>(figures represent number of files)</i>	“Exhibit B” 2005-2006	2006-2007
Pending at beginning of FY	53	31
Referred to Panel during FY	134	171
SUBTOTAL	187	202
Administratively Closed	5	0
Dismissed	19	18
Dismissed with Warning	4	13
Directed Petition for Disciplinary or Remedial Action be filed in Court of Appeals	72	78
Reprimand issued by Commission	17	11
Conditional Diversion Agreement entered into (while pending before Panel)	27	15
Deferred Docket (while pending before Panel)	1	0
Terminated prior to Panel meeting for Commission disposition	0	3
Disbarment by Court of Appeals (while pending before Panel)	0	2
Consent to Disbarment (while pending before Panel)	7	0
Consent to Suspension (while pending before Panel)	3	0
Consent to Inactive Status (while pending before Panel)	1	0
TOTAL	156	140
Files carried to the next Fiscal Year	31	62

“Exhibit B”		
III. <u>Reasons for Disciplinary Action:</u> Figures represent 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</u> the major rule violated is indicated in the figures below.	2005-2006	2006-2007
Competent representation, diligence, communication, neglect and abide by client’s decisions	19	11
Misconduct - dishonesty, fraud, deceit, or misrepresentation	11	12
Misconduct - prejudicial to administration of justice or unauthorized practice of law	9	4
Criminal Act or Conviction	4	4
Misappropriation - theft of client's funds, estate funds, fiduciary funds or law firm funds	9	5
Excessive fee, improper division of fee or illegal fee	1	3
Incompetence (substance abuse, mental or physical illness)	4	0
Responsibility of actions by subordinate lawyer or non-legal personnel	1	2
Conflict of Interest	5	2
Failure to maintain complete records, account to client or others, maintain trust account, or safeguard funds	6	7
Commingling	2	2
Failure to respond to disciplinary agency	3	2
TOTAL	74	54

“Exhibit B”		
IV. Type of Matter from which Docketed Complaint arose:	2005-2006	2006-2007
Maryland Rules:		
A. Injury to person, property, Workers Compensation	43	48
B. Family Law	50	41
C. Criminal	47	24
D. Real Estate	30	27
E. Probate	23	15
F. Tax	0	5
G. Business Matters	10	7
H. Civil Litigation	57	44
I. Contract	0	1
J. Bankruptcy	43	11
K. Other	97	118
L. Immigration (prior year combined with K. Other)	n/a	10
TOTALS	400	351

“Exhibit B”

V. Breakdown of Docketed Complaints Received by County: 2006-2007

Allegany County	4	Howard County	17
Anne Arundel County	10	Kent County	0
Baltimore County	34	Montgomery County	58
Baltimore City	45	Prince George's County	61
Calvert County	1	Queen Anne's County	1
Caroline County	0	St. Mary's County	1
Carroll County	1	Somerset County	2
Cecil County	1	Talbot County	4
Charles County	9	Washington County	3
Dorchester County	0	Wicomico County	7
Frederick County	60	Worcester County	2
Garrett County	2	Out of State	24
Harford County	4	TOTAL	351

**ATTORNEY GRIEVANCE COMMISSION
ACTUAL RECEIPTS AND EXPENDITURES
FY 2006 & FY 2007**

RECEIPTS	7/1/2005 - 6/30/2006	7/1/2006 - 6/30/2007
Attorney Assessments	3,430,729.00	3,687,054.00
Interest Income	92,048.00	163,769.00
Costs Recovered by Court Order	30,457.00	49,317.00
Client Protection Fund - Staffing Fees	211,696.00	212,619.00
TOTALS	\$3,764,930.00	\$4,112,759.00
EXPENDITURES		
Salaries	1,767,464.00	1,730,600.00
Equipment (Purchase and Maintenance)	14,810.00	28,461.00
Employee Benefits	648,326.00	621,416.00
Office Expenses	85,773.00	82,011.00
Commission & Peer Review	69,964.00	63,060.00
Court Reporters - Depos & Transcripts	13,945.00	22,151.00
Investigative Costs & Employee Travel & Mileage	91,457.00	92,769.00
Training Seminar	842.00	1,783.00
Audit	8,400.00	9,000.00
Contribution - Lawyer Assistance Program	108,198.00	114,311.00
Subsidiary Location - Executive Secretary - Office Expenses	9,608.00	12,659.00
TOTALS	\$2,818,787.00	\$2,778,221.00
FUND BALANCE	\$2,329,797.00	\$3,664,335.00

*** EXHIBIT 'C' ***

Budget Fiscal Year 2008
7/1/2007 - 6/30/2008

RECEIPTS	
Attorney Assessments	3,694,000.00
Interest Income	85,000.00
Costs Recovered by Court Order	15,000.00
Contribution for Client Protection Fund Staffing	237,809.00
TOTAL	\$4,031,809.00
EXPENDITURES	
Salaries	1,896,446.00
Employee Benefits	791,634.00
Equipment (Purchase and Maintenance)	40,100.00
Office & Employee Related Expenses	126,500.00
Commission & Peer Review	112,552.00
Court Reporters - Transcripts	23,000.00
Investigative Costs & Employee Travel & Mileage	105,000.00
Training Seminar	10,000.00
Audit	9,600.00
Contribution - Lawyer Assistance Program	111,613.00
Subsidiary Location - Executive Secretary - Office Expenses	18,100.00
TOTAL	\$3,244,545.00
Anticipated Revenues in Excess of Expenses for FY 2008	\$787,264.00
Anticipated Surplus Carried Over from FY 2007	\$3,724,912.00
Anticipated Surplus Carried Over from FY 2008	\$4,512,176.00

*** EXHIBIT 'D' ***